

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

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173-45-06.1

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Information on services provided by facilities.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB66**General Assembly: **126**Sponsor: **Calvert**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **RC 173.02, 173.49**

5. Statute(s) the rule, as filed, amplifies or implements: **RC 173.46**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed in an effort to implement sections 173.45 to 173.49 of the Revised Code, which require the Ohio Department of Aging to develop and publish a guide to long-term care facilities for use by individuals considering long-term care facility admission and their families, friends and advisors.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

This rule requires the Department of Aging to include a number of checklists describing certain specific services provided by, or in affiliation with, each facility identified in response to any search of the Ohio long-term care consumer guide; mandates the content of certain lists; and requires the Department to obtain certain information from the facilities listed in the Guide and to allow facilities to supplement the information provided in order to ensure an accurate description of the services provided through special care units within the facilities.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this

rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

It is anticipated that the adoption of the proposed rule will have no impact upon the Department of Aging's budget in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

All of the Department's expenses related to developing and maintaining the Long-Term Care Consumer Guide are paid for with funds appropriated to the Department in Fund 3M4 490-612 (Federal Independence Services) and Fund 5K9 490-413 (Long-Term Care Consumer Guide).

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The Department believes that a facility's cost of compliance with this rule will be minimal. Facilities are not required to provide the Department of Aging with the information described in this rule, nor are they required to maintain their facility website. Those that choose to do so will incur minimal costs to do so given that the information required to be included on the facility pages described in rules (specifically this rule and rule 173-45-06) is information easily available to the facilities. The Department estimates that the only costs the facilities will incur as a result of this rule, therefore, are the costs a facility would incur to pay one of its staff people to provide the information in question.

16. Does this rule have a fiscal effect on school districts, counties, townships, or

municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

| | | | |
|-------------------------|--------------|---------------|-------------------------------|
| (a) School Districts | (b) Counties | (c) Townships | (d) Municipal Corporations |
| No | Yes | No | No |

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The Department believes that the cost of compliance for counties that own and/or operate nursing facilities and/or residential care facilities rule will be minimal. Facilities, regardless of whether or not they are owned/operated by a county, are not required to provide the Department of Aging with the information described in this rule, nor are they required to maintain their facility website. Those that choose to do so will incur minimal costs to do so given that the information required to be included on the facility pages described in rules is information easily available to the facilities. The Department estimates that the only costs the counties will incur as a result of this rule, therefore, are the costs a county-owned and/or county-operated facility would incur to pay one of its staff people to provide the information in question.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b)

new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The Department is aware that several counties in Ohio own and/or operate nursing and/or residential care facilities. The Department also recognizes that counties may incur staff time and/or other administrative costs to provide the requested information about their long-term care facilities on the Consumer Guide. The Department has informally surveyed facility staff involved in providing information to the Guide and is confident that only minimal staff time would be necessary to participate. The rule, moreover, does not obligate the counties to provide the information if the facility administration decided against participation; no fiscal effect would occur for county facilities opting against participation.

(a) Personnel Costs

Unknown

(b) New Equipment or Other Capital Costs

Unknown

(c) Operating Costs

Unknown

(d) Any Indirect Central Service Costs

Unknown

(e) Other Costs

Unknown

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

Staff time and effort required to voluntarily provide information to the Long-Term Care Consumer Guide will be minimal. Therefore, the Department expects that the counties that own and/or operate nursing and/or residential care facilities would not find it difficult to participate.

7. Please provide a statement on the proposed rule's impact on economic development.

The Department does not anticipate that this rule will have any measurable economic impact on any county that owns and/or operates a nursing and/or residential care facility.