

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

Agency Name

Division

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Customer satisfaction surveys.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

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: **173.02, 173.49**

5. Statute(s) the rule, as filed, amplifies or implements: **173.47**

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

In the proposed amended rule, ODA is proposing to add language to describe invalid surveys and how ODA may respond to them. The proposed amended language gives examples of what would constitute an invalid survey, such as one that was completed by a person other than a consumer (e.g., completed by a member of the facility's staff) or one that involves the wrong population (e.g., the resident instead of the family or vice versa). The proposed language authorizes ODA to take the following actions if it receives an invalid survey: (1) Remove fraudulent scores from the calculation of the overall satisfaction scores; (2) Remove the facility's scores from the long-term care consumer guide and any published reports of the survey results; or, (3) Refer the facility to the appropriate

investigatory agency.

In the proposed amended rule, ODA is also proposing to make the following non-substantive changes:

1. For consistency, ODA is changing the title of the rule from "Customer satisfaction surveys" to "Consumer satisfaction surveys," because "consumer" is the word that we use throughout the rules, not "customer."
2. In response to Governor Strickland's Executive Order 2008-04S, which requires state agencies to make rules more readable for the general public, ODA is moving the definitions to the end of the rule so that the main point of the rule is the first thing the general public reads, not the definitions. ODA is also highlighting the topic of high-level paragraphs (i.e., paragraphs (A), (B), (C), or (D) of the rule) as short paragraph headings. That way, the general public can thumb through a rule to find the topic of interest. The headings are as follows: "survey information," "confidentiality," "non-compliance," and "definitions."
3. ODA is proposing to replace "survey respondents" in paragraph (B) of the rule with "survey's respondents."
4. ODA is proposing to correct the punctuation at the end of paragraph (A)(11) of the rule.

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:

In this proposed amended rule, ODA:

1. Defines terms used in the rule.
2. Specifies certain calculations ("scores") that ODA or its designee shall publish in the Long-Term Care Consumer Guide.
3. Describes the methods used to calculate the scores, including the exclusion of some surveys from a calculation.
4. Prohibits scores from being published in the Long-Term Care Consumer Guide for any facility from which no more than two surveys were returned so that the privacy of the survey respondents is protected.
5. States how ODA may respond to the receipt of an invalid survey.

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: **9/28/2009**

(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

ODA anticipates that the adoption of this proposed amended rule will have in impact upon the biennial budget established for ODA by the Ohio General Assembly.

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

5K90-490-613 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:

ODA does not anticipate that the adoption of is proposed amended rule will increase the cost of compliance to any individual who completes the survey. ODA also does not anticipate any cost of compliance to a nursing facility or an residential care facility as a result of this rule proposal, unless the nursing facility or residential care facility has a practice of submitting invalid surveys that boost its score in the Long-Term Care Consumer Guide. If ODA finds that a facility has such a practice, ODA may no remove invalid surveys from the calculation of the facility's score, which, as a result, might lower the facility's score in the Guide, which, in turn, may result in fewer potential consumers for the facility.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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