

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

Agency Name

Division

**Tom Simmons**

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**173-45-10**

Rule Number

**NEW**

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? **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: **173.02, 173.46**

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 response to Am. Sub. H. B. No. 66 (126th G. A.), this proposed new rule is being filed to specify certain calculations that ODA or its designee shall derive from an annual customer satisfaction survey, then publish in the long-term care consumer guide.

After implementation of the 2006 Family Satisfaction Survey, ODA received feedback from both the Ohio Department of Job and Family Services and the Scripps Gerontology Center that a rule addressing consumer satisfaction survey

calculation decisions would be recommended for consistency in future surveying activities. On October 19, 2006, a draft document on calculation decisions was discussed at the Consumer Guide Advisory Council meeting. A refined version of that draft document has been posted on the Long-Term Care Consumer Guide as background to the 2006 Family Satisfaction Survey results and a hard copy was sent to each nursing facility that participated in the 2006 survey.

Based on that document and further refinement of the calculations by Scripps Gerontology Center, a draft of the survey rule was posted for a two-week-long public comment period beginning on March 7, 2007. An announcement of the posting was sent to all Advisory Council members. After considering the public comment received, ODA revised the rule and posted for another period of public comment on April 9, 2007. ODA is now proceeding with the filing of this proposed new rule with JCARR.

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 proposed new rule would:

[1] Specify certain calculations ("scores") that ODA or its designee shall publish in the Long-Term Care Consumer Guide;

[2] Describe the methods used to calculate scores, including the exclusion of some surveys from a calculation; and,

[3] Prohibit 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.

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:

"Consumer" was defined to have the same meaning as "customer" as that term is used in section 173.47 of the Revised Code.

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

ODA does not anticipate an increase or decrease in expenditures appropriated through this line-item as a result of this proposed new rule.

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

5K9-490-613 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:

**COST OF COMPLIANCE TO AN INDIVIDUAL WHO COMPLETES A SURVEY:** ODA does not anticipate any cost of compliance to an individual who completes a survey because this rule merely outlines how ODA will calculate the scores from the data obtained from the customer satisfaction surveys.

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**COST OF COMPLIANCE TO A NURSING FACILITY (NF) OR A RESIDENTIAL CARE FACILITY (RCF):** ODA does not anticipate any cost of compliance to a NF or RCF a result of this rule, because this rule merely outlines how ODA will calculate the scores from data obtained from the customer satisfaction survey.

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**