

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

Agency Name

Division

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**173-60-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Introduction and definition.****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: **HB59**General Assembly: **130**Sponsor: **Amstutz**

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: **173.01, 173.02, 173.60**

5. Statute(s) the rule, as filed, amplifies or implements: **173.60**

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

H.B.59 (130th G.A.) enacted section 173.60 of the Revised Code to create the Nursing Home Quality Initiative (NHQI). As a result, ODA proposes to adopt this rule and the rest of Chapter 173-60 of the Administrative Code to implement regulations on quality-improvement projects for the NHQI.

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:

Proposed new rule 173-60-01 of the Administrative Code would introduce Chapter 173-60 of the Administrative Code and define "nursing home."

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:

The Ohio Long-Term Care Quality Initiative website (<http://aging.ohio.gov/ltcquality/>) is readily available to the general public free of charge.

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:

ODA did not file the website as part of the proposed new rule because ODA publishes the website and makes it readily available to the general public free of charge.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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. If applicable, indicate each specific paragraph of the rule that has been modified:

On August 25, 2014, ODA made a revised filing to upload a revised public hearing notice. ODA revised the public hearing location from Conference Room 10A to Conference Room 10C. Other details on the public hearing notice remained the same.

On August 28, 2014, ODA made a revised filing to remove the reference in

paragraph (A) of the rule to "ODA's electronic system for submitting evidence of project participation." ODA is not proposing to require use of such a system in the rules. Additionally, ODA added a period to the end of paragraph (B) of the rule. During ODA's public hearing on August 28, 2014, ODA announced that it would make these revisions. No one present objected, so ODA proceeded with the revised filing.

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 estimates that the adoption of this proposed new rule would have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B.59 (130th G.A.). H.B.59 not only established ODA's biennial budget, it also authorized the NHQI. Therefore, the General Assembly factored NHQI expenses into ODA's budget. No requirements in the proposed new rule would cause ODA to exceed that budget.

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

5BA0-490-620 Ombudsman Support.

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 estimates that the adoption of the proposed new rule would not create a cost of compliance for any directly-affected person because the rule would merely introduce the chapter and define a term that the chapter would use.

Please see the BIA for more information on the rule project as a whole.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

SPONSORS' QI PROJECTS: The proposed new rule would not require sponsoring entities of quality-improvement projects to obtain licenses, permits, or any other prior authorizations to engage in or operate in a line of business, especially because the rule would merely introduce the chapter and define a term that the chapter would use.

NURSING HOMES: The proposed new rule would not require nursing homes to obtain licenses, permits, or any other prior authorizations to engage in or operate in a line of business, especially because the rule would merely introduce the chapter and define a term that the chapter would use.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

SPONSORS' QI PROJECTS: The proposed new rule wouldn't impose penalties for non-compliance on sponsoring entities of quality-improvement projects, especially because the rule would merely introduce the chapter and define a term that the chapter would use.

NURSING HOMES: The proposed new rule wouldn't impose penalties for non-compliance to nursing homes, especially because the rule would merely

introduce the chapter and define a term that the chapter would use.

The Ohio Department of Health, as the state survey agency, has the authority to take action against a nursing home that wouldn't comply with section 3721.072 of the Revised Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

**SPONSORS' QI PROJECTS:** The proposed new rule wouldn't require sponsoring entities of quality-improvement projects to make specific expenditures or to report information, especially because the rule would merely introduce the chapter and define a term that the chapter would use.

**NURSING HOMES:** The proposed new rule wouldn't require nursing homes to make specific expenditures or to report information, especially because the rule would merely introduce the chapter and define a term that the chapter would use.