

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

Agency Name

Division

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173-60-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Quality improvement projects: approval and rescission processes.**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 173-60-03 of the Administrative Code would establish the approval and rescission processes for quality-improvement projects.

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 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 of the public hearing notice remained the same.

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 this proposed new rule would create a cost of compliance for sponsoring entities that would ask ODA to approve their quality-improvement projects. The entities would need to spend administrative time to email details about their projects to ODA.

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? **Yes**

SPONSORS' QI PROJECTS: Although a sponsoring entity's quality-improvement project may already be in operation in nursing homes, the project may not be part of the NHQI unless ODA approves the project. This proposed new rule establishes the process for approval and rescission of those projects.

NURSING HOMES: This proposed new rule does not require a license, permit, or any other prior authorization for a nursing home to operate a line of business.

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. ODA would not sanction a sponsoring entity whose project doesn't quality. ODA would simply not add the project to the list of approved projects.

NURSING HOMES: Although the NHQI addresses nursing homes, this proposed new rule wouldn't impose penalties for non-compliance to nursing homes, because it only addresses the approval and rescission processes for deciding which quality-improvement projects ODA will approve and list on the Ohio Long-Term Quality Initiative website (<http://aging.ohio.gov/ltcquality/>).

The Ohio Department of Health, as the state survey agency, has the authority to take action against a nursing home that doesn'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? **Yes**

SPONSORS' QI PROJECTS: An entity that sponsors a quality-improvement project may propose that ODA approve its project by sending a description of the project to the email inbox that ODA provides on the Ohio Long-Term Care Quality Initiative website (<http://aging.ohio.gov/ltcquality/>). There would be no fee to seek ODA's approval. The only expenditure would be the administrative time it would take to email information to ODA.

NURSING HOMES: The proposed new rule would not require nursing homes to make specific expenditures or to report information.