



## Department of Aging

**John Kasich**, Governor  
**Bonnie Kantor-Burman**, Director

### NOTICE

H.B. No. 153's amendments to section 173.14 of the Revised Code take effect on September 29, 2011. One amendment will change the definition of "long-term care facility" to include, under certain conditions, a **long-term care acute hospital**. This amendment will allow representatives of the offices of the state and regional long-term care ombudsmans to investigate and resolve complains about long-term care services in long-term care acute hospitals. This amendment, along with H.B. No. 153's amendment to section 173.26 of the Revised Code, will also require long-term acute care hospitals to pay an annual fee of \$6.00 per bed to fund the regional long-term care ombudsman program. (*Cf.*, Rule 173-14-27 of the Administrative Code.) Another amendment will change the Ohio Revised Code citations regarding adult care facilities and adult foster homes. ODA must now amend rule 173-14-01 of the Administrative Code to incorporate the amendments into the Administrative Code. ODA proposes to adopt the amended rule on September 29, 2011, which is the same day that H.B. No. 153's amendments take effect.

As required by section 119.03 of the Revised Code, ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendment to the rule. ODA will conduct the hearing on **August 15, 2011** in Conference Rooms **10A & 10B** of the ODA's offices at 50 W. Broad Street, **10th floor**; Columbus, OH 43215. The hearing will begin at **1:30PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

ODA will consolidate this public hearing with at least seven other public hearings on August 15, 2011 to reduce the state's administrative expenses and to reduce the general public's costs associated with traveling to Columbus to participate in public hearings.

Any person may direct written comments or requests for information concerning the proposed rule amendments to Tom Simmons, ODA's rules manager, on or before the date of the hearing by writing to [rules@age.state.oh.us](mailto:rules@age.state.oh.us).

#### INTRODUCTION

ODA is proposing to amend rule 173-14-01 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To incorporate H.B. No. 153's amendments into the rule. H.B. No. 153's amendments to section 173.14 of the Revised Code take effect on September 29, 2011. One amendment will change the definition of "long-term care facility" to include, under certain conditions, a long-term care acute hospital. This amendment will allow representatives of the offices of the state and regional long-term care ombudsmans to investigate and resolve complains about long-term care services in long-term care acute hospitals. This amendment, along with H.B. No. 153's amendment to section 173.26 of the Revised Code, will also require long-term acute care hospitals to pay an annual fee of \$6.00 per bed to fund the regional long-term care ombudsman program. (*Cf.*, Rule 173-14-

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27 of the Administrative Code.) Another amendment will change the Ohio Revised Code citations regarding adult care facilities and adult foster homes. ODA must now amend rule 173-14-01 of the Administrative Code to incorporate the amendments into the Administrative Code. ODA proposes to adopt the amended rule on September 29, 2011, which is the same day that H.B. No. 153's amendments take effect.

2. To comply with section 119.032 of the Revised Code, which requires each state agency to review each rule on or before the rule's designated review date.
3. To comply with Governor Kasich's Executive Order 2011-01K "Implementing Common Sense Business Regulation" and S.B. No. 2 (129<sup>th</sup> G.A.) which require each state agency to eliminate unnecessary regulations and to write easier-to-read and easier-to-comprehend rules to promote transparency in the agency's regulations. After reviewing the rule, ODA has determined that the rule largely written in a manner that is as easy to understand as the subject matter permits. Nevertheless, ODA made some simple improvements to increase readability.

ODA is also proposing to amend this rule after providing interested parties and the general public an opportunity to provide input on the proposed amendments to the rule. From June 30, 2011 to July 11, 2011, ODA posted the proposed amended rule on <http://aging.ohio.gov/information/rules/proposed.aspx> for a public-comment period.

#### **173-14-01 Definitions.**

Specifically, ODA is proposing to amend this rule to:

1. Place the words in the definition of "advocacy" in a more-chronological order.
2. Clarify that "affiliation" means being or having a sibling or household member on a board of, as a consultant to, or in a similar relationship with a provider.
3. Place the words in the definition of "complaint handling" in a more-chronological order.
4. Insert "Long-term care facility" into paragraph (R), so the paragraph doesn't remain empty. All the sub-paragraphs to paragraph (R) of the rule define "long-term care facility."
5. Incorporate language from H.B. No. 153 that says that "long-term care facility" will soon include certain long-term acute care hospitals after H.B. No. 153's amendments to the definition take effect on September 29, 2011.
6. Update the reference numbers in paragraphs (R)(1)(d) and (R)(1)(e) of the rule to reflect the changes made by H.B. No. 153 which transferred the RSS program and the related adult care facility program and adult foster home programs to the Ohio Department of Mental Health.
7. Insert "Personal care services" into paragraph (Y) of the rule, so the paragraph doesn't remain empty. All the sub-paragraphs to paragraph (Y) of the rule define "personal care services."
8. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code gives ODA authority to adopt this rule.