



Department of
Aging

John Kasich, Governor
Bonnie Kantor-Burman, Director

NOTICE

House Bill No. 487 (129th General Assembly) changed a number of statutes to consolidate the classification of three types of facilities that the Ohio Department of Mental Health (ODMH) regulates into one type of facility. H.B. No. 487 consolidated adult care facilities, adult foster homes, and residential facilities into residential facilities. This involved collateral changes to statutes that mentioned such facilities, including sections 173.14, 173.45, and 173.46 of the Revised Code. These three statutes regulate the Ohio Department of Aging's (ODA's) Office of the Office of the State-Long-Term Care Ombudsman and Ohio Long-Term Care Consumer Guide. H.B. No. 487's collateral changes to sections 173.14, 173.45, and 173.46 of the Revised Code require ODA to take action on two rules to keep the rules in compliance with statute.

- Rule 173-14-01 of the Administrative Code defines terms used in Chapter 173-14 of the Ohio Administrative Code, one of which is "long-term care facility." The ombudsman has the authority to investigate complaints and advocate for long-term care consumers, including those residing in facilities defined as "long-term care facilities." The rule defines a residential facility as a long-term care facility. ODA is proposing to amend the rule to make the definition of "long-term care facility" match that in section 173.14 of the Revised Code, as H.B. No. 487 amended that section.
- Rule 173-45-02 of the Administrative Code lists the requirements for the Ohio Long-Term Care Consumer Guide Advisory Council, one of which is a requirement to consider the feasibility of listing residential facilities in the guide. (Section 173.46 of the Administrative Code gives ODA permissive authority to consider listing residential facilities in the guide.) Instead of amending rule 173-45-02 of the Administrative Code to make the language match H.B. No. 487's new "residential facility" language, ODA is proposing to rescind the rule. ODA's review of the rule before the passage of H.B. No. 487 indicated that the rule is no longer necessary.

ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendments to rule 173-14-01 of the Administrative Code and proposed rescission of rule 173-45-02 of the Administrative Code. ODA will conduct the hearing on **July 16, 2012** at 50 W. Broad Street, 10th floor; **Conference Room 10A**; Columbus, OH 43215. The hearing will begin at **11:30AM** 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 other public hearings on the same day 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.

50 W. Broad Street / 9th Floor
Columbus, OH 43215-3363 U.S.A.
www.aging.ohio.gov

614-466-5500 (Main)
614-466-5741 (Fax)
DIAL 711 (TTY)

Any person may direct written comments or requests for information concerning the rule proposals to Tom Simmons, ODA's rules manager, on or before the date of the hearing by writing to rules@age.state.oh.us.