



Department of
Aging

John Kasich, Governor
Stephanie M. Loucka, Director

PUBLIC HEARING NOTICE

BED FEES

ODA will conduct a public hearing at the following place and time:

Ohio Department of Aging
246 N. High St., 1st Floor
Room 1149 (Training Room)
Columbus, OH 43215

Monday, Jun 12, 2017
11:00AM

The purpose of the hearing is to give interested parties an opportunity to comment upon ODA's proposed rescission of OAC173-14-27 and proposed adoption of OAC173-14-28, which which will replace the former rule.

OVERVIEW

The rule implements the bed fee requirements of ORC§173.26. In doing so, it establishes deadlines for nursing homes and residential care facilities (RCFs) to pay an annual \$6 per bed fee ("bed fee"). The state treasurer deposits bed fees into the State Long-Term Care Ombudsman Program Fund which ORC§173.26 dedicates to paying the operating costs for Ohio's regional long-term care ombudsman programs.

SPECIFIC AMENDMENTS

ODA proposes to change the rule number from 173-14-27 to 173-14-28. Because the electronic rule filing (ERF) system does not presently allow state agencies to amend rule numbers, ODA must rescind the current rule and adopt a new rule under the new number. (ODA has attached to this BIA an amended version of the rule to make it easier to see proposed changes. ODA has also attached the rule to rescind and the proposed new rule.)

ODA proposes for the new rule (OAC173-14-28), in comparison to the current rule it would replace (OAC173-14-27), to have the following differences:

- The new rule would no longer require nursing homes and RCFs to pay the long-term care ombudsman because such facilities must pay the state treasurer.
- ORC§173.26 requires ODA to establish the deadlines for nursing homes and RCFs to pay the annual \$6 per bed fee ("bed fee"). The section requires ODA to establish a deadline for paying the bed fee on time. The section requires ODA to double the fee if not paid before 90 days after deadline.

Part of establishing the deadline is determining when to certify (i.e., report) to the Ohio Attorney General that his office must collect an overdue bed fee obligation. The current rule requires ODA to certify for collection from the Ohio Attorney General bed-fee obligations unpaid 45 days after the invoice date. In the new rule, ODA proposes to extend the time between the invoice date and the day it certifies from 45 after the deadline (i.e., 75 days after the invoice date) to 120 days after the invoice date.

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- The new rule would have basic language improvements such as the following:
 - Consistently use *invoice*, not *invoice* and *billing statement*.
 - In (C), replace *a required payment* with *the bed fee*. Also, at the end of the sentence, replace *payment* with *amount*.
 - In (D), replace *payment* with *bed fee*.
 - Delete last 3 paragraphs of (D) for redundancy. ORC§[131.02](#) covers these topics.

Any person may participate in the public hearing. To submit written testimony to ODA regarding the rule projects in lieu of presenting written testimony in person, please email the written testimony to ODA's policy development manager, Tom Simmons, at tsimmons@age.ohio.gov **before** Monday, June 12, 2017.

Participants may find area parking at street meters and area parking garages. The parking meters on Chestnut St. accept debit and credit cards and cost \$1.50 per 2 hours. The [Chestnut Street Garage](#) at 44 E. Chestnut St. is across the street from the side of 246 N. High St.