



Department of
Aging

Ted Strickland, Governor
Barbara E. Riley, Director

NOTICE

ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendment of a rule regarding the **Long-Term Care Consumer Guide**, as required by section 119.03 of the Revised Code. ODA will conduct the hearing on **Thursday, November 5, 2009** in Conference Room A of the Department's offices at 50 W. Broad Street, 9th floor; 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.

In the proposed amended rule, ODA is proposing to add language to describe invalid surveys and how ODA may respond to them. The proposed amended language gives examples of what would constitute an invalid survey, such as one that was completed by a person other than a consumer (e.g., completed by a member of the facility's staff) or one that involves the wrong population (e.g., the resident instead of the family or vice versa). The proposed language authorizes ODA to take the following actions if it receives an invalid survey: (1) Remove fraudulent scores from the calculation of the overall satisfaction scores; (2) Remove the facility's scores from the long-term care consumer guide and any published reports of the survey results; or, (3) Refer the facility to the appropriate investigatory agency.

In the proposed amended rule, ODA is also proposing to make the following non-substantive changes:

- For consistency, ODA is changing the title of the rule from "Customer satisfaction surveys" to "Consumer satisfaction surveys," because "consumer" is the word that we use throughout the rules, not "customer."
- In response to Governor Strickland's Executive Order 2008-04S, which requires state agencies to make rules more readable for the general public, ODA is moving the definitions to the end of the rule so that the main point of the rule is the first thing the general public reads, not the definitions. ODA is also highlighting the topic of high-level paragraphs (i.e., paragraphs (A), (B), (C), or (D) of the rule) as short paragraph headings. That way, the general public can thumb through a rule to find the topic of interest. The headings are as follows: "survey information," "confidentiality," "non-compliance," and "definitions."
- ODA is proposing to replace "survey respondents" in paragraph (B) of the rule with "survey's respondents."
- ODA is proposing to correct the punctuation at the end of paragraph (A)(11) of the rule.

Written comments or requests for information concerning the proposed actions may be directed to Tom Simmons at the Department on or before the date of the hearing by writing to tsimmons@age.state.oh.us.

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