

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: August 7, 2007
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5111.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

The following rules are being proposed for adoption pursuant to section 119.032 of the Revised Code.

Rule 5101:3-3-16.5 Personal needs allowance (PNA) accounts and other resident funds for nursing facilities (NFs) is a new rule being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-60, which is being proposed for rescission. This rule contains the provisions for the management of PNA accounts and other resident funds for nursing facilities. Paragraph (G)(2) contains a new provision that prohibits using PNA funds to pay an outstanding balance owed to a NF at the time of discharge. Paragraph (J)(3) contains a new provision that prohibits using PNA funds for costs associated with guardianship proceedings. The content is being restructured and section headings are being added for improved comprehension.

Rule 5101:3-3-16.9 Personal needs allowance (PNA) accounts and other resident funds for intermediate care facilities for the mentally retarded (ICFs-MR) is a new rule being proposed for adoption as a result of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-93, which is being proposed for rescission. This new rule contains the provisions for the management of PNA accounts and other resident funds for ICFs-MR. The content is being restructured and sections headings are being added for improved comprehension. In paragraph (D), the amount of resident funds requiring deposit in an interest-bearing account is being corrected from fifty dollars to one hundred dollars in accordance with section 3721.15 of the Revised Code.

The following rules are being proposed for rescission pursuant to section 119.032 of the Revised Code.

Rule 5101:3-3-60 Protection of nursing facility (NF) residents' funds and management of personal needs allowance (PNA) accounts is being proposed for rescission as a result of the five-year rule review and as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. This rule contains the provisions for the management of PNA accounts and other resident funds for nursing facilities. It is being replaced by new rule 5101:3-3-16.5.

Rule 5101:3-3-93 Personal needs allowance (PNA) and other resident funds for intermediate care facilities for the mentally retarded (ICFs-MR) is being proposed for rescission as a result of the five-year rule review and a reorganization of rules administered by the Bureau of Long Term Care Facilities. This rule contains the provisions for the management of PNA accounts and other resident funds for ICFs-MR. It is being replaced by new rule 5101:3-3-16.9.

Copies of the proposed rules are available, without charge, to any person affected by the rules, at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@odjfs.state.oh.us.