

CSI - Ohio

The Common Sense Initiative

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Whitney Sullinger, Regulatory Policy Advocate

DATE: June 14, 2012

RE: **CSI Review – ODA House Bill 487: Residential Facilities**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The Ohio Department of Aging (ODA) submitted two rules to the CSI Office for review. Rule 173-14-01 of the Ohio Administrative Code (OAC) defines terms used in Chapter 173-14, one of which is "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 Ohio Revised Code, as recently amended by House Bill 487.

Rule 173-45-02 lists the requirements for the Long-Term Care Consumer Guide Advisory Council. ODA reviewed the rule as part of the five-year rule review process and determined to rescind the rule. There is no statute that requires the rule and ODA may continue to convene an advisory council on its own without the rule in place if it chooses to do so.

After reviewing the initial BIA, the CSI Office suggested one clarifying change to clarify that this rule was being amended due to state law, rather than federal law (Question 3 of the BIA). CSI also asked ODA correct a few minor spelling errors that existed in the draft rule language. ODA sent a revised BIA and agreed to change the draft rule language to directly reflect the language of the statute.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117
CSIOhio@governor.ohio.gov

The CSI Office is not suggesting any further changes with respect to the rule or the BIA for the following reasons:

- No comments were received from the public during the public comment period that expressed any issues with the draft rule package.
 - ODA contacted the Ohio Assisted Living Association, which indicated that it had no concerns with the rule package.
- The revised BIA submitted by ODA is accurate and complete and does not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.

Recommendation

As discussed above, ODA has either addressed the following recommendations or agreed to do so prior to filing the rules with the Joint Committee on Agency Rule Review (JCARR).

1. Revise BIA answer to question 3 part II.
2. Modify draft rule language to accurately reflect the relevant statutory language.

The CSI Office does not have any further recommendations regarding these proposed rule changes.

Conclusion

Based on the above comments, the CSI Office concludes that the Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office