

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Sydney King, Regulatory Policy Advocate

DATE: August 19, 2014

RE: **CSI Review – Residential Care Facilities (OAC 3701-17-55, 3701-17-58, and 3701-17-62)**

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

This rule package consists of three amended rules being proposed by the Ohio Department of Health (ODH) related to residential facilities. Because the rule package was not filed as a five-year rule review, the CSI Office is only reviewing the amendments to the rules. The rule package was filed with the CSI Office on June 12, 2014, and the CSI public comment period for the rules closed on July 12, 2014.

The rules regulate qualifications for personnel working in residential care facilities, requirements for resident medical assessments, and infection control procedures. According to ODH, the amendments to the rules were a result of stakeholder discussions regarding the tuberculin skin test shortage. The amendments will “decrease costs to the facility, and relieve the administrative burden of record-keeping for health care workers in counties where tuberculosis morbidity is low and annual testing has not identified previously unknown diseases.”

According to ODH, the tuberculin skin test shortage is a result of the manufacturer's break in production, and testing orders are given preference. As a result of discussions with stakeholders,

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

ODH modified the rules to require “testing in accordance with the facility’s assessment under CDC guidelines.” The amendments address stakeholder concerns. One comment from the Ohio Assisted Living Association (OALA) suggesting amendments to the requirements was received during the CSI public comment period. ODH responded and declined to make the changes. However, OALA provided its support to the draft rules at the most recent Ohio Public Health Advisory Board.

There are 615 licensed residential care facilities in Ohio identified as the impacted business community. ODH identifies those adverse impacts as the costs associated with developing a tuberculosis control plan assessment for the residential facility. The estimated staff time to develop the tuberculosis control plan is four hours.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the amendments is justified.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department 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