

**MEMORANDUM**

**TO:** Tom Simmons, Policy Manager and Regulatory Ombudsman, Ohio Department of Aging

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** April 29, 2015

**RE:** **CSI Review – State Long-Term Care Ombudsman Program (Chapter 173-14)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C) 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 to the CSI Office twenty-seven no-change rules being reviewed under the five-year review process required by statute. The rule package was submitted to the CSI Office on April 1, 2015, and the comment period for the rules closed on April 26, 2015.

The Ohio Revised Code provides ODA the authority to govern Ohio's State Long-Term Care Ombudsman (SLTCO) Program. The program provides assistance to individuals receiving home care, assisted living care, and nursing home care in resolving complaints about the services. The program includes both regional volunteer and paid ombudsman representatives. These representatives assist in the investigation of complaints and resolving issues but do not have the ability to investigate criminal matters. The rule package provides ombudsmen qualification requirements and continuing education requirements. ODA states that most of the regulations are internal and regulate the program. However, ODA identified that Rule 173-14-16 and Rule 173-14-2 include adverse impacts for nursing home facilities, residential care facilities, and other long-term care providers. The BIA's analysis focuses on the impact to these industry members.

The BIA describes a comprehensive stakeholder outreach process that included the Ohio Assisted Living Association, the Academy of Senior Health Sciences, Inc., National Church Residences, LeadingAge Ohio and the Ohio Health Care Association. During the outreach no comments were provided addressing the adverse impacts and the stakeholders indicated that they had no objection to the no-change rule package moving forward.

The BIA identifies nursing home facilities, residential care facilities, and other long-term care providers as the impacted industry. Rule 173-14-16 authorizes ombudsman representatives to enter facilities to investigate complaints. Therefore, the impact to the facilities is the administrative time required to allow ombudsman representatives to investigate. Rule 173-14-27 requires facilities to pay an annual bed fee of \$6.00 per bed. The bed fee is established by O.R.C. § 173.26. ODA states the rules are necessary to ensure the health and safety of individuals utilizing assisted living and nursing home care.

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 rules 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