

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Sydney King, Regulatory Policy Advocate

DATE: May 11, 2015

RE: **CSI Review – Expedited Initial Licensure Inspections (OAC 3701-17-52.1)**

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.) § 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 one new rule being proposed by the Ohio Department of Health (ODH). The rule package was submitted to the CSI Office on February 19, 2015, and the comment period for the rules closed on March 21, 2015.

The rule package regulates expedited initial licensure applications for residential care facilities. Newly-drafted rule 3701-17-03.1 is created as a result of recent statutory changes that created the option for a new residential care facility to submit an expedited initial licensure application. Once a facility submits a complete application, licensure fee, expedited initial licensure survey fee, and other necessary documents, ODH is required to survey the facility within ten days of the expedited initial licensure request.

ODH identifies residential care facilities as the impacted industry. The BIA indicates that ODH performed stakeholder outreach with the Ohio Assisted Living Association (OALA), Ohio Council on Assisted Living, LeadingAge, and the Academy of Senior Health Sciences. Stakeholders asked for assurances that the expedited initial licensure surveys would not interfere with regular licensure inspection schedules. ODH states that the survey inspections will be

performed during overtime hours so as not to impact the regularly-scheduled inspections. Stakeholders participated in this decision and the fee of \$2,250 reflects the overtime costs. OALA submitted one comment during the CSI public comment period, requesting the expedited inspections also be allowed for license capacity increases. ODH indicated that this was discussed during the legislative process but the stakeholders wanted to focus on the initial licensing period because the costs to the facilities are higher. OALA communicated to the CSI Office that its comment was secondary to the need for the expedited initial licensure inspection rule to become effective.

After reviewing the proposed rule and the BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule 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