



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Tom Simmons, Ohio Department of Aging

**FROM:** Emily Groseclose, Senior Policy and Business Advocate

**DATE:** October 11, 2019

**RE:** **CSI Review – Nursing Home Quality Initiative (OAC 173-60-01, 173-60-02, 173-60-03 and 173-60-04)**

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On behalf of Lt. Governor Jon Husted, 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 contains two amended rules and two rescind/new rules submitted by the Ohio Department of Aging (Department). The rule package was submitted to the CSI Office on August 21, 2019 as part of the statutorily required five-year review process, and the public comment period was held open through September 4, 2019. No comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on August 21, 2019.

The rules establish the requirements for nursing home quality improvement projects, the approval and rescission process, and the requirement for publication of the projects. The proposed changes include grammatical and language preference modifications that are not substantive, and an update that reflects the Department's use of a webform for applications instead of the previous email process.

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As part of early stakeholder outreach, the Department solicited input from the Ohio Academy of Senior Health Sciences, the Ohio Health Care Association, LeadingAge Ohio, the Ohio Person-Centered Care Coalition, and the Ohio Department of Health. Comments received during that process were regarding the program overall, including the need for more approved projects, and less about the substance of the rules. The Department responded to stakeholders that they are actively encouraging sponsoring entities to submit proposals for projects for approval. No comments were received during the CSI public comment period.

The rules impact nursing homes and entities that sponsor Nursing Home Quality Initiative improvement projects. Potential adverse impacts include expenditures of time and money. For entities that wish to propose a project, they will spend administrative resources on completing the project proposal webform on the Department's website. For entities that sponsor projects that might include services such as training, technical assistance and/or monitoring, expenditures of time and money may be required. Depending on the project chosen, nursing homes may be charged fees for participation that can vary from free to several thousand dollars, and may also be required to have staff attend training, revise internal policies, report data to a sponsoring entity, and submit a certification of completion to the Ohio Department of Health.

The Department noted that participation for sponsoring entities is voluntary, and that the sponsor may choose to charge fees to nursing homes participating in their projects, allowing them to recoup expenses. Additionally, the Department asserted that the Nursing Home Quality Initiative, which is required by statute, helps facilitate the Department's mission to improve the conditions for consumers in nursing homes, and that nursing homes see a return on their investment of participating, including increased occupancy rates and reduced operating margins. The Department also stated that participating in quality-improvement projects may satisfy continuing education requirements for nursing home administrators, and count toward meeting certain federal requirements for nursing homes.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends that the Ohio Department of Aging should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.