

Rule Summary and Fiscal Analysis (Part A)**Department Of Aging**

Agency Name

Division

Mike Laubert

Contact

50 West Broad St. 9th Floor Columbus OH 43215 - 614-752-9677 614-466-5741
3363

Agency Mailing Address (Plus Zip)

Phone

Fax

173-14-27

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Bed fee collection guidelines.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB95**General Assembly: **125**Sponsor: **Rep. John Calvert**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.02, 173.26, 119.03**

5. Statute(s) the rule, as filed, amplifies or implements: **173.26**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment: 1)to reflect recent changes to state statutory law; 2) to allow the Department of Aging flexibility to adjust the final due date for payment of the bed fee to a date beyond the deadline currently provided for in the rule; 3) to make the language in the rule more consistent with the statutory language upon which the rule is based; 4) to delete any unnecessary or redundant language; and 5) to make other minor, nonsubstantive word changes to the wording of the rule and to correct a spelling error.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

In paragraph (A), the rule is being amended to reflect that the bed fee charged to certain facilities has been increased by statute from three dollars per bed to six dollars per bed. In that same paragraph, the rule is being amended to exempt adult foster homes from payment of the bed fee by requiring the fee to be paid by "the facilities listed in division (A) of section 173.26 of the Revised Code" specifically instead of by "long-term care facilit(ies)" in general.

In paragraph (B), the rule is being amended to delete unnecessary, redundant, or confusing language, to make the wording of the rule more consistent with the wording of the statute upon which the rule is based (RC 173.26), and to make other nonsubstantive changes to the wording of the rule.

In paragraph (C), the rule is being amended to delete any unnecessary or redundant language, to allow the Department of Aging flexibility to adjust the final due date for payment of bed fee to a date beyond the deadline currently provided for in the rule, and to make other nonsubstantive changes to the wording of the rule.

In paragraph (D), the rule is being amended to delete any unnecessary or redundant language, to allow the Department of Aging flexibility to adjust the due date for payment of bed fee beyond the deadline currently provided for in the rule, and to make the wording of the rule more consistent with the wording of the statute upon which the rule is based.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **10/15/2006**

(If you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: At time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

The actions of the General Assembly in the last budget had the net effect of reducing funding for the Long-Term Care Ombudsman program by approximately \$10,000 per year of the biennium. The proposed rule amendment is not expected to have any impact upon that funding; the amendment merely reflects the changes implementd by the General Assembly. As an aside, though, it should be noted that the amount the General Assembly appropriated to the Department of Aging for the State Long-Term care Ombudsman Program Fund into which bed fees are deposited is less than the amount the Department expects to collect from those fees. Recognizing this, the Department intends to seek, from the Controlling Board or in the upcoming budget correction bill, an increase in the amount of the appropriations so as to allow the Department to use all of the fees that it expects to collect.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure

necessitated by the proposed rule:

While the proposed rule amendment does not in and of itself necessitate any additional expenditures by the Department. The costs associated with the act of collecting and distributing the bed-fees are paid for with funds from GRF 490-410 (LTC Ombudsman) and 3M4 490-612 (Federal Supportive Services).

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The bed-fee required to be paid to the State Long-Term Ombudsman Program Fund has been increased by the general Assembly from three dollars per bed to six dollars per bed. Therefore, persons required to pay the bed-fee will see a one hundred percent increase in their liability. Last year, the Department of Aging billed obligated facilities a total of \$421,986 in bed fees. Because the bed fee has doubled, the Department is expected to invoice approximately \$843,972 dollars in each year of the current biennium. The number is approximate because: 1) Adult Foster Homes are no longer required to pay the bed-fee and 2) the amount invoiced by the Department is dependent upon the number of beds available for resident use in any given year, which fluctuates from one year to the next. The Attorney General's Office, to which unpaid fees are certified for collection, may incur costs as a result of any increase in nonpayments as a result of the higher fee required by statute, but the Department expects that these costs will be offset by the charges the Attorney General's Office receives when it collects unpaid fees.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**