

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-28

Rule Type: Amendment

Rule Title/Tagline: Bed fee collection guidelines.

Agency Name: Department of Aging

Division:

Address: 246 N. High St. 1st floor Columbus OH 43215-2046

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/23/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.26; 42 U.S.C. 3025; 45 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15
5. **What statute(s) does the rule implement or amplify?** 173.26
6. **What are the reasons for proposing the rule?**

ODA adopted this rule to comply with section 173.26 of the Revised Code, which requires ODA to adopt a rule to establish deadlines for nursing homes and residential care facilities to pay an annual \$6 per bed fee.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule implements section 173.26 of the Revised Code, which requires ODA to adopt a rule to establish deadlines for nursing homes and residential care facilities to pay an

annual \$6 per bed fee. The state treasurer deposits bed fees into the State Long-Term Care Ombudsman Program Fund which section 173.26 of the Revised Code earmarks for the operating costs for Ohio's regional long-term care ombudsman programs.

ODA proposes to amend this rule to give facilities flexibility to pay the bed fee (1) through ODA's online payment portal or (2) by mailing a check or money order to ODA.

ODA also proposes to delete an unnecessary use of the word "written."

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Adopting the proposed amendments to this rule will not amend the fees created under section 173.26 of the Revised Code and will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Adopting the proposed amendments to this rule will not increase the cost of compliance to any directly-affected person or organization. In fact, allowing use of online payments may reduce costs. For more information, please review the BIA.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The state treasurer deposits bed fees into the State Long-Term Care Ombudsman Program Fund which section 173.26 of the Revised Code earmarks for the operating costs for Ohio's regional long-term care ombudsman programs.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

This rule implements a statutory penalty for late payments of the annual bed fee that are authorized by section 173.26 of the Revised Code.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule implements a statutory fee requirement pursuant to section 173.26 of the Revised Code. For more information, please review section 173.26 of the Revised Code and this rule's BIA.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

This rule's implementation of section 173.26 of the Revised Code will directly reduce the revenue of each Ohio nursing home and assisted living facility (residential care facility) by \$6 per bed. For more information, please review section 173.26 of the Revised Code and this rule's BIA.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable