

## **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:**

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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? 8/29/2025**

**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, 3058g; 45 C.F.R. 1321.9, 1324.11, 1324.13, 1324.15**

**5. What statute(s) does the rule implement or amplify? 173.26**

**6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No**

**A. If so, what is the citation to the federal law or rule? Not Applicable**

**7. What are the reasons for proposing the rule?**

This rule exists to implement RC§173.26, which requires AGE to adopt a rule to establish deadlines for nursing homes and residential care facilities to pay an annual \$6 per bed fee.

**8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule implements RC§173.26, which requires AGE 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 §173.26 earmarks for the operating costs for Ohio's regional long-term care ombudsman programs. This rule gives facilities flexibility to pay the bed fee (1) through AGE's online payment portal or (2) by mailing a check or money order to AGE.

AGE proposes to amend this rule to achieve the following:

1. Update the URL for the invoice portal.
2. Delete "guidelines" from the title.

**9. Does the rule incorporate material by reference? No**

**10. 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*

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

AGE made a revised filing of this rule to achieve the following:

1. Replace the use of "ODA" in this rule with the department's new abbreviation/acronym, "AGE."
2. Replace "payment not received by the department" in paragraph (D) of this rule with "nonpayment."
3. Delete "indicated" from paragraph (D) of this rule.

## **II. Fiscal Analysis**

**12. 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

Amending this rule will not impact the biennial operating budget that the Ohio General Assembly established for ODA.

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

For details, please review AGE's responses to questions #15 and #17 of the business impact analysis (BIA).

**14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

RC§173.26 establishes the bed fee at \$6 per bed per facility. The section requires the bed fee to be used "solely to pay the cost of operating the regional long-term care ombudsman programs."

### **III. Common Sense Initiative (CSI) Questions**

**17. Was this rule filed with the Common Sense Initiative Office? Yes**

**18. 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**

For details, please review AGE's responses to questions #15 and #17 of the BIA.

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

For details, please review AGE's responses to questions #15 and #17 of the 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**

For details, please review AGE's responses to questions #15 and #17 of the BIA.

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. 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 to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable