

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-43-02

Rule Type: Amendment

Rule Title/Tagline: Long-term care consultation program: process and general standards for providing consultations.

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?** 10/5/2021
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, 173.42
5. **What statute(s) does the rule implement or amplify?** 173.42; 42 U.S.C. 3002, 3012, 3025, 3032
6. **What are the reasons for proposing the rule?**

The rules of Chapter 173-43 of the Administrative Code implement the requirements for the Long-Term Care Consultation Program created under R.C. Â§Â§ 173.42 to 173.424.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Rule 173-43-02 of the Administrative Code establishes the process and general standards for providing long-term care consultations through the Long-Term Care Consultation Program.

ODA proposes to amend this rule to accomplish the following:

1. Update a cross-reference to a rule recently-renumbered Ohio Department of Developmental Disabilities (ODODD) rule.
2. Give the program administrator flexibility to provide the summary of options to the individual in writing or electronically.
3. Update a reference to the Ohio Department of Job and Family Services with a reference to the Ohio Department of Medicaid.

ODA also proposes to make non-substantive amendments to this rule.

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 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?

This rule requires nursing facilities to do the following:

1. Only admit as a resident an individual who has been offered a consultation, as required by R.C. Â§173.42(K).

2. For individuals who have entered the nursing facility, but who have not yet been admitted as residents, the nursing facility shall determine if the individual is required to be offered a consultation, then, do either of the following: (A) Report information to the program administrator of residents who must be offered a consultation, or (B) retain records when determining a resident is exempt from the requirement to be offered a consultation.

3. Allow consultants to enter the nursing facility to provide consultations, as required to do by R.C. Â§173.42(M). ODA's proposed amendments to the rules in Chapter 173-43 of the Administrative Code will not increase the direct impact upon nursing facilities.

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.

Not Applicable

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? No

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

An adverse impact of this rule is the administrative time necessary to report information to the program administrator about residents who must be offered consultations and retaining records to show those who are not required to be offered consultations.

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

A potential adverse impact of this rule is the loss of a potential resident who may decide that another long-term care option would be better for them than a particular nursing facility.

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