

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-45-06.1

Rule Type: Amendment

Rule Title/Tagline: Long-term care consumer guide: information on services provided by facilities.

Agency Name: Department of Aging

Division:

Address: 30 E Broad St. 22nd Floor Columbus OH 43215-3414

Contact: Tom Simmons

Phone: 614-202-7971

Email: tsimmons@age.ohio.gov

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, 173.49; 42 U.S.C. 1396a

5. What statute(s) does the rule implement or amplify? 173.46; 42 U.S.C. 1396a

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 allow any facility to provide information in the guide on specialized services that it offers.

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

This rule allows any facility to provide information in the guide on specialized services that it offers.

AGE proposes to amend this rule to achieve the following:

1. Use "electronic portal" terminology, which includes removing many references to checkboxes.
2. Replace the use of "Alzheimer's disease/dementia care" with "memory care." This amendment will align this rule's terminology with industry-standard terminology and with recent amendments to rule 173-39-02.16 of the Administrative Code. The guide may continue to publish this as "Alzheimer's disease/dementia care" for a time due to development limitations for state-operated data systems.
3. Make it possible for a facility to indicate that it offers (a) secured memory care, (b) unsecured memory care, or (c) both (a) and (b). This amendment is in response to a comment received during the public comment period. The guide may continue to publish these as combined together for a time due to development limitations for state-operated data systems.
4. Explain that formalized wellness programs are structured initiatives or programs that a provider offers to targets an area of wellness such as memory care, activity programming, or environmental approaches to address healthier living. This amendment is in response to a comment received during the public comment period.
5. Replace the use of "ODA" with "AGE."
6. Make additional non-substantive improvements.

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.

Not Applicable

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 budget that the Ohio General Assembly established for AGE in HB96 (136th GA).

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

This rule requires a facility that indicates that it provides specialized services to (1) attest that it provides the indicated specialized services and (2) demonstrate how it does so on request from a consumer, ombudsman, or surveyor. If a facility does not comply with (2), then AGE may remove the indication in the guide that the facility offers the specialized service. Please review ODA's response to questions #15, #16, and #17 of the BIA for additional details.

- 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.**

Not Applicable

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? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule requires a facility that indicates that it provides specialized services to (1) attest that it provides the indicated specialized services and (2) demonstrate how it does so on request from a consumer, ombudsman, or surveyor. If a facility does not comply with (2), then AGE may remove the indication in the guide that the facility offers the specialized service. Please review ODA's response to questions #15, #16, and #17 of the BIA for additional details.

- 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? No

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