

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-45-09

Rule Type: Amendment

Rule Title/Tagline: Long-term care consumer guide: fees, invoices, and penalties.

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?** 9/1/2020
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, 173.48, 173.49; 42 U.S.C. 1396a
5. **What statute(s) does the rule implement or amplify?** 173.48; 42 U.S.C. 1396a
6. **What are the reasons for proposing the rule?**

ODA proposes to amend this rule as part of its 5-year review of all rules in Chapter 173-45 of the Administrative Code.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

R.C. §173.48 establishes annual fees to Ohio's long-term care facilities for the publication of the Long-Term Care Consumer Guide and authorizes ODA to establish

late penalties in rules. This rule implements those fees and late penalties. It also establishes requirements for invoicing facilities.

ODA proposes to amend this rule to add a reference to the invoice portal on ODA's website.

- 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

ODA's proposed amendment to this rule will not impact the biennial budget that the Ohio General Assembly established for ODA.

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

Technically, this rule's requirements are upon ODA. It is R.C. §173.48 that establishes the annual fees that long-term care facilities must pay. Those fees are \$600 for each long-term care facility that is a nursing facility and \$350 for each long-term facility that is a residential care facility. This rule establishes late penalties as doubling the original fees.

- 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.

R.C. §173.48(B) requires ODA to deposit the funds into the Long-Term Care Consumer Guide Funds and to use those funds for costs associated with publishing the Long-Term Care Consumer Guide, including conducting annual customer satisfaction surveys.

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 establishes late penalties as doubling the original fees. For more information, please review the BIA.

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

Technically, this rule's requirements are upon ODA. It is R.C. §173.48 that establishes the annual fees that long-term care facilities must pay. Those fees are \$600 for each long-term care facility that is a nursing facility and \$350 for each long-term facility that is a residential care facility.

- 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 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