

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?** 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, 173.48, 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?**

In 2000, House Bill 403 (123rd G.A.) required ODA to adopt rules to implement and administer the Long-Term Care Consumer Guide (Guide). Today, those rules comprise Chapter 173-45 of the Administrative Code.

ODA now proposes to amend this rule to remove words that imply requirements for outdated modes of communication.

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

Rule 173-45-09 of the Administrative Code regulate fees, invoices, and penalties related to the Guide.

In this rule, ODA proposes to replace "mailing date on the invoice" with "date of the invoice."

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 amendment to this rule will not impact 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?**

Rule 173-45-09 of the Administrative Code implements the fees and penalties established by R.C. §173.48.

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 fee pays for the publication of the Guide.

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

Rule 173-45-09 of the Administrative Code also includes the penalties established under R.C. §§ 131.02 and 173.48 for failure to pay the fee if 90 or more days after the payment deadline.

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

The adverse impact of rule 173-45-09 of the Administrative Code upon a facility is one of the following fees, which are established under R.C. §173.48: \$650/yr. for each Ohio nursing home and \$350/yr. for each Ohio 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? Yes

The fees in rule 173-45-09 of the Administrative Code will increase the expenses of a nursing home or residential care facility by the amount of each fee.

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