

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? 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, 173.48, 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. 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 the fees and penalties under RC§173.48.

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

This rule implements the fees and penalties under RC§173.48.

AGE proposes to amend this rule to achieve the following:

1. Indicate that fees pay for the conduct of satisfaction surveys under RC§173.47 rather than the operation of the guide under RC§173.49.
2. Replace the use of "ODA" with "AGE."
3. 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 operating 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?

RC§173.48 requires depositing fees and penalties collected under that section into the Long-Term Care Consumer Guide Fund and reserves those funds for costs associated

with publishing the guide, including, but not limited to, costs incurred in conducting or providing for the conduct of customer satisfaction surveys.

- 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.**

This rule establishes the annual fee and penalty fee established under RC §§ 131.02 and 173.48. Please review AGE's responses to questions #15, #16, and #17 of the business impact analysis (BIA) for details.

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**

This rule includes the penalty fees established under RC §§ 131.02 and 173.48 for failure to pay the annual fee required under RC§173.48 ninety or more days after the payment deadline.

Please review AGE's responses to BIA questions #15, #16, and #17 for details.

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

This rule implements the following annual fees, which are established by RC§173.48:

1. \$650 for each nursing facility.

2. \$350 for each RCF.

Please review AGE's responses to BIA questions #15, #16, and #17 for 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? Yes

Yes, to the extent that paying a fee reduces revenue.

Please review AGE's responses to BIA questions #15, #16, and #17 for details.

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