

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

Mike Laubert

Contact

**50 West Broad St. 9th Floor Columbus OH
43215-3363**

Agency Mailing Address (Plus Zip)

614-752-9677

Phone

614-466-5741

Fax

173-45-10

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Clinical quality indicators.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **R.C. 173.02, R.C. 173.57 (R.C. 173.57 was rescinded in Am. Sub. H.B. 95 of the 125th G.A.)**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 173.45, R.C. 173.50, R.C. 173.51, R.C. 173.52, R.C. 173.56 (These statutes were rescinded in Am. Sub. H.B. 95 of the 125th G.A.)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for rescission because the Long-Term Care Consumer Guide for which the rule was written lost its funding in 2003. In addition, the statutes authorizing the Department of Aging to establish and administer the Long-Term Care Consumer Guide were rescinded (See Am. Sub. H.B. 95 of the 125th General Assembly).

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule requires the Department of Aging to incorporate into the Consumer Guide a nursing facility's scores on clinical quality indicators calculated by the U.S. Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) in order to facilitate comparison between facilities; requires the Department to define the quality indicators used in the Guide and to indicate which are risk adjusted and those that constitute sentinel health events; requires the Department to include the scores together with the statewide average score for each indicator; requires the Department to include a disclaimer indicating that lower scores do not necessarily indicate that a facility provides inadequate care; requires the Department to provide users with a link to the facility's related survey findings and a list of issues to consider when choosing a nursing facility; requires the Department to update the indicator data four times a year using the most recent data available; and defines the term "clinical quality indicator" for purposes of the rule.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **9/21/2005**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

It is estimated that the rescission of this rule will have no impact upon the Department of Aging's budget in the current biennium. The statutes upon which this rule was originally adopted were rescinded in Am. Sub. H.B. 95 of the 125th G.A., and the General Assembly terminated funding for the Long-Term Care Consumer Guide at that time. While a new Long-Term Care Consumer Guide was authorized and funded in Am. Sub. H.B. 66 of the 126th G.A., the rescission of this rule does not affect the new program and should have no impact for the Department of Aging's budget in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

There are no expenditures necessitated by this proposed rule rescission.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no costs of compliance with this rule - the rule is being rescinded and the program for which it was adopted no longer exists.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**