

**Department of  
Aging**

**John Kasich**, Governor  
**Bonnie Kantor-Burman**, Director

## NOTICE

H.B. No. 153's amendments to sections 173.47 and 173.48 of the Revised Code take effect on September 29, 2011. The amendments will authorize ODA to increase the annual fee Ohio's nursing homes pay from \$400 to \$650—a \$150 increase. ODA must now amend rule 173-45-09 of the Administrative Code to implement the \$150 fee increase. ODA will use the fee increase to pay for the increasing costs associated with publishing the **Ohio Long-Term Care Consumer Guide**, especially to cover the cost of the customer satisfaction surveys. The results of the surveys provide statistics for the guide that help consumers and their families choose among Ohio's nursing homes. ODA proposes to adopt the amendments to the rule on September 29, 2011, the same day that H.B. No. 153's amendments take effect.

As required by section 119.03 of the Revised Code, ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendments to rule 173-45-09 of the Administrative Code. ODA will conduct the hearing on **August 15, 2011** in Conference Rooms **10A & 10B** of ODA's offices at 50 W. Broad Street, **10th floor**; Columbus, OH 43215. The hearing will begin at **1:30PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

ODA will consolidate this public hearing with at least seven other public hearings on August 15, 2011 to reduce the state's administrative expenses and to reduce the general public's costs associated with traveling to Columbus to participate in public hearings.

Any person may direct written comments or requests for information concerning the proposed actions to Tom Simmons, ODA's rules manager, on or before the date of the hearing by writing to [rules@age.state.oh.us](mailto:rules@age.state.oh.us).

### INTRODUCTION

ODA is proposing to amend rule 173-45-09 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To amend rule 173-45-09 of the Administrative Code to implement an increase in the annual fee ODA charges nursing homes. H.B. No. 153's amendments to sections 173.47 and 173.48 of the Revised Code take effect on September 29, 2011. The amendments will authorize ODA to increase the annual fee Ohio's nursing homes pay from \$400 to \$650—a \$150 increase. ODA must now amend rule 173-45-09 of the Administrative Code to implement the \$150 fee increase. ODA will use the fee increase to pay for the increasing costs associated with publishing the Ohio Long-Term Care Consumer Guide, especially to cover the cost of the customer satisfaction surveys. The results of the surveys provide statistics for the guide that help consumers and their families choose among Ohio's nursing homes. ODA proposes to adopt the amendments to the rule on September 29, 2011, the same day that H.B. No. 153's amendments take effect.
2. To comply with section 119.032 of the Revised Code, which requires each state agency to review each rule on or before the rule's designated review date.

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3. To comply with Governor Kasich's Executive Order 2011-01K "Implementing Common Sense Business Regulation" and S.B. No. 2 (129<sup>th</sup> G.A.) which require each state agency to eliminate unnecessary regulations and to write easier-to-read and easier-to-comprehend rules to promote transparency in the agency's regulations. In 2010, ODA adopted the most-recent versions of rule 173-45-09 of the Administrative Code after undergoing a similar review process. After reviewing this rule again, ODA has determined that:

- a. The rule and the proposed amendment to the rule do not burden any Ohio business beyond the authorization H.B. No. 153 will give to increase the annual fee for nursing homes by \$150 beginning on September 29, 2011.
- b. ODA wrote the rule and the proposed amendment to the rule in a manner that is as easy to understand as the subject matter permits.

ODA is also proposing to amend this rule after providing interested parties and the general public an opportunity to provide input on the proposed amendments to the rule. From June 30, 2011 to July 11, 2011, ODA posted the proposed amended rule on <http://aging.ohio.gov/information/rules/proposed.aspx> for a public-comment period.

#### **173-45-09 Facility fee.**

Specifically, ODA is proposing to:

1. Change the title of the rule from "Facility fees" to "Fees."
2. Replace "ODA shall collect...four hundred dollars from each nursing facility" in paragraph (A)(1) of the rule with "ODA shall collect...six hundred fifty dollars from each nursing facility."
3. Insert ", for the publication of the guide" to the end of the sentence in paragraph (A)(1) of the rule to indicate the purpose for collecting the fee is for the publication of the Ohio Long-Term Care Consumer Guide. (ODA only needs to use "guide" to convey "Ohio Long-Term Care Consumer Guide" because rule 173-45-01 defines "guide" as "Ohio Long-Term Care Consumer Guide.")
4. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code gives ODA authority to adopt this rule.
5. Replace "173.46, 173.47" in the rule amplifies section with "173.48" because, after the enactment of H.B. No. 153, only section 173.48 of the Revised Code will regard the fee.