

**NOTICE**

Notice is hereby given that the Ohio Department of Aging will conduct a public hearing in accordance with Chapter 119. of the Revised Code to obtain comments concerning the Department's proposed rescission of the rules appearing in Chapter 173-45 of the Administrative Code. The following rules are being proposed for recession:

- 173-45-01 This rule serves as an introduction to the rules in Chapter 173-45 of the Administrative Code governing the Ohio Long-Term Care Consumer Guide, and provides definitions to a number of terms found in that chapter.
- 173-45-02 This rule summarizes the duties of the Long-Term Care Consumer Guide Advisory Council; provides for notice of meetings; and provides for meeting minutes to be taken and made available to the public.
- 173-45-03 This rule lists the type of information that was required to appear in the Long-Term Care Consumer Guide prior to its loss of funding in Am. Sub. H.B. 95 of the 125th G.A.
- 173-45-04 This rule summarizes the content of the opening page of the internet web site that was developed for the Consumer Guide prior to the loss of funding and termination of the program.
- 173-45-05 This rule describes the manner in which individuals may search for information on the Consumer Guide's internet web site.
- 173-45-06 This rule summarizes the information that would be generated in response to a search on the Consumer Guide's internet website, and some of the data sources from which those responses would be generated.
- 173-45-07 This rule describes the content of the facility-specific pages appearing in the Consumer Guide, and explains how facility-specific comparative information will be obtained and updated.
- 173-45-071 This rule requires the Department of Aging to include a list describing specific services provided by, or in affiliation with, each nursing facility listed in the Consumer Guide; and describes how specific service information will be obtained and displayed in the Consumer Guide.
- 173-45-072 This rule required the Department of Aging to include certain specific information concerning facility staffing at each nursing facility listed in the Consumer Guide; describes how staffing information would be obtained and displayed in the Consumer Guide.
- 173-45-10 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.

- 173-45-11 This rule requires the Department of Aging to incorporate into the Consumer Guide data derived from the most recent standard survey for each nursing facility in Ohio; indicates which data to incorporate; requires the Department to include a link in the Guide that allows consumers to view each facility's current standard survey report and any plan of correction filed with the Department of Health; requires health survey data to be updated weekly under certain circumstances; requires that a specific disclaimer accompany the data; requires the Department to include a link in the Guide to facility visitation guidelines and suggestions; requires the Department to include a link in the Guide that allows consumers to review the recent licensure inspection conducted by the Department of Health for certain facilities; requires licensure inspection reports to be updated weekly to the extent they are available to the Department of Aging; requires information derived from surveys to be grouped by Department of Health District, and to be displayed by group average and state-wide average; and defines certain terms used in the rule.
- 173-45-12 This rule describes the content of the executive summary that was to be published by the Department of Aging in accordance with section 173.45 of the Revised Code prior to that statute's rescission in Am. Sub. H.B. 95 of the 125<sup>th</sup> G.A.
- 173-45-13 This rule provides for the Department to charge each nursing facility in Ohio a \$400 fee for the customer satisfaction survey conducted by the Department each year, and describes how the fee will be collected.

These rules are being proposed for rescission because the program for which they were drafted was terminated in 2003 when the General Assembly withdrew the program's state funding and rescinded most of the statutes upon which the program was based in Am. Sub. H.B. 95 of the 125<sup>th</sup> G.A. **Note:** the General Assembly authorized and funded a new Long-Term Care Consumer Guide in Am. Sub. H.B. 66 of the 126<sup>th</sup> G.A. The rules proposed for rescission through this notice do not apply to that guide. Rules for the new Long-Term Care Consumer Guide will be proposed sometime in the near future.

The hearing to which this notice applies will be conducted on October, 27, 2005, in Conference Room A of the Department's offices at 50 W. Broad Street, 9<sup>th</sup> floor, Columbus, Ohio, 43215. The hearing will begin at 10:00 a.m. and will continue until all parties in attendance at that time have had an opportunity to provide comment. Written comments to the proposed actions may be mailed or faxed to the Department (FAX: 614-466-5741) on or before the date of the hearing. All requests for copies of the proposed rule revision and adoption, as well as any written comments, should be directed to the attention of Mike Laubert (614-466-1055, or [Mlaubert@age.state.oh.us](mailto:Mlaubert@age.state.oh.us)) at the Ohio Department of Aging.