

**MEMORANDUM**

TO: Tom Simmons, Policy Manager and Regulatory Ombudsman, Ohio Department of Aging

FROM: Sydney King, Regulatory Policy Advocate

DATE: November 14, 2013

RE: **CSI Review - Senior Facilities Program (Rules 173-11-01, 173-11-02, 173-11-03, 173-11-04, 173-11-05, and 173-11-06)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package filed with the CSI Office initially consisted of six amended rules submitted by the Ohio Department of Aging (ODA). During the review, the rules were further amended and combined into Rule 173-11-03 "Multi-Purpose Senior Center Program." The remaining five rules are now being rescinded. The amended rule establishes a framework for potential regulations on Senior Facilities and also provides the process for applying for funding. The rule package was filed with the CSI office on August 14, 2013 and the comment period for the rule closed on September 1, 2013. No comments were received during the public comment period.

According to the BIA, the Agency reached out to stakeholders to discuss the changes and to gather information about how the change will impact the industry. ODA did not receive any

feedback from stakeholders. During the public comment period, ODA received no comments from providers or any other members of the public.

The rule package regulates Senior Facilities Program. The Ohio General Assembly has not appropriated revenue to the Senior Facilities Program since 2001, which has ushered this program into a period of dormancy although the program still exists in the Ohio Revised Code, and the Department is still required to adopt rules for the program. In reviewing the rules, the CSI Office suggested consolidating the rules into a single rule due to the dormancy and focusing only on those elements required by statute. ODA worked with CSI Office to draft Rule 173-11-03 in order to ensure statutory compliance and predictability if funding is again appropriated. Rule 173-11-03 does not create additional potential adverse impacts on the industry but simplifies the regulations. If funding should become available, Rule 173-11-03 provides a framework for applications and informs industry members that ODA will create additional rules for the regulation of the Senior Facilities Program.

Due to the program's dormancy status, there are currently no adverse impacts on industry members. However, if program funding should become available, the potential adverse impact is the administrative costs incurred during the funding application process.

The CSI Office is not suggesting any changes with respect to the rules or the BIA for the following reasons:

- There are currently no adverse impacts on industry members.
- The amendments and consolidation of the rules do not create additional potential adverse impacts.
- No comments were received from the public during the public comment period.
- The BIA submitted by ODA is accurate and complete and does not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office