

**MEMORANDUM**

TO: Tom Simmons, Ohio Department of Aging

FROM: Emily Kaylor, Director of Regulatory Policy

DATE: May 3, 2018

RE: **CSI Review – Long-Term Care Consultation Program (OAC 173-43-01 through 173-43-05)**

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 consists of five amended rules submitted by the Ohio Department of Aging (ODA) for the statutorily-required five-year review. The rule package was submitted to the CSI Office on November 14, 2017 and the public comment period was held open through November 26. No comments were received during this time.

These rules define terms, regulate nursing facilities, establish processes and standards for long-term care consultations, and explain consultant staff certification. The amendments are non-substantive changes to the rules in order to standardize language, delete unnecessary sections, and update titles.

For early stakeholder outreach, the Department emailed relevant stakeholders and received two comments. Both comments were supportive of the Department's rule amendments, so no rule changes were necessary. Additionally, no comments were received during the CSI public comment period.

The rule impacts all Ohio nursing facilities, which is currently 1,000 entities. ODA notes that only one rule in the package directly impacts business and appropriately details the impact in the BIA. There are administrative costs in the form of time and reporting information to the program administrator, an ODA-designee. Consultations are necessary to comply with ORC 173.42 and ensure that individuals are properly identified for consultations in nursing facilities.

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 Ohio Department of Aging should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.