



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Jacob Ritzenthaler, Business Advocate

DATE: October 5, 2021

RE: **CSI Review – Long-Term Care Consultation Program (OAC 173-43-02 and 173-43-03)**

On behalf of Lt. Governor Jon Husted, 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 two amended rules proposed by the Ohio Department of Aging (Department). This rule package was submitted to the CSI Office on August 26, 2021, and the public comment period was held open through September 8, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 26, 2021.

Ohio Administrative Code (OAC) 173-43-02 establishes requirements for providing long-term care consultations and is amended to allow for electronic means of communication, change provider agreement requirements to reflect that they are made with Ohio Department of Medicaid, and other terminology updates. OAC 173-43-03 concerns required consultations and is amended to update referenced rules and definitions. Some of these changes were made as a result of research conducted for the CSI regulatory reform project using an artificial intelligence software tool.

During early stakeholder outreach, the Department sent the proposed rules to industry stakeholders for feedback. No comments were received during that time or during the CSI public comment

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

period.

The business community impacted by these rules includes nursing homes operating in Ohio. The adverse impact created by the rules is primarily the requirements for nursing home facilities to conduct consultations for individuals entering nursing homes. Consultation information must be reported by program administrators and records must be maintained. The Department states that the rules are necessary to ensure that nursing facilities comply with state statute regarding the Long-Term Care Consultation Program and to allow individuals to make sure that a nursing home fits their specific needs.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.