



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Michael Bender, Business Advocate

DATE: August 29, 2025

RE: **CSI Review – Long-Term Care Ombudsman Program: Bed Fee Collection (OAC 173-14-28)**

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Aging (Department) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on July 17, 2025, and the public comment period was held open through July 30, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on July 17, 2025.

Ohio Administrative Code (OAC) 173-14-28 requires the Department to collect an annual bed fee of \$6 for each bed maintained for resident use by nursing homes and residential care facilities (RCFs). The Department must provide an invoice to such facilities requesting payment of the bed fee. A facility that fails to pay the bed fee within ninety days after the deadline is subsequently assessed at twice the original invoiced amount. The Department is required to certify any payment to the Ohio Attorney General (AG) that is not received within 120 days after the mailing date that is specified on

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the invoice, thereby allowing the Ohio AG to commence collections activities and charge interest upon the unpaid fee. The rule is amended to update the link to the online invoice portal.

During early stakeholder outreach, the Department emailed interested parties on July 2, 2025, to request recommendations for improving the rule. Stakeholders who were contacted include the Ohio Academy of Senior Health Sciences, Inc., LeadingAge Ohio, the Ohio Assisted Living Association, and the Ohio Health Care Association (OHCA). The OHCA requested clarification on the deadline for collection of the bed fee, specifically whether it relates to the date a check or money order is mailed or the date that the Department receives the payment. The Department replied that the rule establishes the deadline as the date that it receives the payment. No comments were received during the CSI public comment period.

The business community impacted by the rule includes every Ohio nursing home and RCF. The adverse impacts created by the rule include the requirement to pay an annual \$6 fee for each bed that is maintained for residential use. If the facility does not pay the fee before the 90th day after the deadline, Ohio law requires that the fee be doubled. Any payment not received by the Department within 120 days after the mailing date indicated on the invoice will lead to collections activities by the Ohio AG. The Department states that the adverse impacts to business are justified to comply with statutory requirements and fund the ability for Ohio's regional long-term care ombudsman programs to investigate and resolve resident complaints about long-term care in the regulated facilities.

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 rule with the Joint Committee on Agency Rule Review.