

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** April 22, 2016

**RE:** **CSI Review – Long-Term Care Consumer Guide (OAC 1173-45-09)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C) 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**

The Ohio Department of Aging (ODA) submitted to the CSI Office one amended rule being reviewed under the five-year review process required by statute. The rule package was submitted to the CSI Office on March 31, 2016, and the comment period for the rules closed on April 10, 2016.

ODA administers an online long-term care consumer guide that allows visitors to search long-term care providers by area and services. The consumer guide provides details about the facility's services, the staff-consumer ratio, information on regulatory compliance, and consumer satisfaction survey results. Members of the long-term care industry, specifically nursing homes and residential care facilities, are required to submit information to ODA and pay fees associated with the maintenance of the consumer guide. The consumer guide acts as a resource to individuals seeking specialized care for their special health care needs. The rule is amended to delete previous references that are no longer applicable.

The BIA states that ODA provided the draft language to stakeholders via email, seeking

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comments and suggestions. No comments were provided during the early stakeholder outreach or the CSI public comment period.

The BIA identifies nursing facilities and residential care facilities as the impacted industry. ODA provided a description of the fees for the impacted industry. Additional adverse impacts include the cost associated with reporting and billing requirements. ODA states the rule is necessary to comply with statutory requirements but also to provide consumers with an objective resource for long-term care services.

After reviewing the proposed rule and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

### **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