



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: November 22, 2021

RE: **CSI Review – Bed Fee (OAC 173-14-28)**

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 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 September 3, 2021, and the public comment period was held open through September 16, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 3, 2021.

Ohio Administrative Code 173-14-28 establishes requirements for the collection of an annual fee for nursing homes and other residential facilities that is determined through the number of resident beds. The fee is \$6 per resident bed and is assessed at two times the original amount if not paid within 90 days. The rule is amended to update the method of fee payment to include an online invoice portal, as well as mailing a check or money order.

During early stakeholder outreach, the Department reviewed the proposed changes to the rule with industry stakeholders, including Academy of Senior Health Services, Inc., LeadingAge Ohio, Ohio Assisted Living Association, and Ohio Health Care Association. No comments were received during that time or during the CSI public comment period.

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

The business community impacted by the rule includes all nursing homes and residential facilities subject to the bed fee. The adverse impact created by the rule is the annual fee of \$6 per facility bed. Failure to submit payment within 90 days of the date on the invoice will result in a fee of double the invoiced amount. The Department states that the rule is necessary to ensure the funding of the Long-Term Care Ombudsman program.

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