

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-12-01

Rule Type: No Change

Rule Title/Tagline: Definitions.

Agency Name: Department of Health

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 3/26/2021 and 05/23/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3702.51, 3702.57
5. **What statute(s) does the rule implement or amplify?** 3702.51, 3702.511, 3702.52, 3702.521, 3702.522, 3702.523, 3702.524, 3702.525, 3702.526, 3702.527, 3702.57, 3702.59, 3702.592, 3702.593, 3702.594, 3702.60
6. **What are the reasons for proposing the rule?**

The five-year review of Chapter 3701-12 was due 8/1/2020, however, due to the Ohio Department of Health's response efforts to COVID 19, extensions were granted until 1/28/2021 and 7/27/2021. Rule 3701-12-01 OAC is being filed without change.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule sets forth the definitions utilized throughout the Chapter. Revisions have been made throughout to incorporate dates for citations to federal code in compliance with Legislative Service Commission rule drafting requirements. Additionally, the definition of "affiliated person" has been revised to replace the term 'person transferring a certificate of need' to 'holder of a certificate of need'.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Ohio Administrative Code and Ohio Revised Code exempted.

42 Code of Federal Regulations 488.404;

Title XVIII or Title XIX of the

Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301

1310(d) of Title

XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. section 300e-9.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

There are no costs associated with this definition rule.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No