

Rule Summary and Fiscal Analysis (Part A)**Department of Health**

Agency Name

Division

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3701-12-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Definitions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB66**General Assembly: **126**Sponsor: **Calvert**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3702.51, 3702.57**

5. Statute(s) the rule, as filed, amplifies or implements: **3702.51, 3702.511, 3702.52, 3702.5210, 3702.5211, 3752.13, 3702.522, 3702.523, 3702.524, 3702.525, 3702.526, 3702.527, 3702.528, 3702.529, 3702.5212, 3702.53, 3702.531, 3702.532, 3702.54, 3702.541, 3702.542. 3702.544, 3702.55, 3702.56, 3702.57, 3702.58, 3702.60, 3702.68**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The Ohio Department of Health is seeking amendment of this rule to ensure

consistency with recent revisions to the Ohio Revised Code, and to change several definitions used throughout Ohio Administrative Code Chapter 3701-12.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule provides definitions of numerous terms used throughout Ohio Administrative Code Chapter 3701-12, such as "affected person," "certificate of need," "commencement of construction" and "existing healthcare facility." The rule is amended to change the definition of "existing healthcare facility" and add a definition for "commencement of construction." The rule is further amended to correct several cross-citations.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references the state laws and regulations in the Ohio Revised and Administrative Codes. Also referenced is Title XVIII or XIX of the Social Security Act, 49 Stat. found in the United States Code. The ORC, OAC, and the USC are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Pursuant to Revised Code 121.71 to 121.74, the ORC, OAC, and U.S.C. are exempt.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously

filed version of this rule; if none, please state so:

5/21/07 - An incorrect version of the rule was attached in error; consequently, this rule is being revise filed.

8/13/07 - ODH TBRed this rule to review and consider public coment, but is re-filing it with no additional changes.

1/14/08 - ODH TBRed this rule a second time to reconsider the proposal to define "commencement of construction." After due consideration, ODH, with approval of the Public Health Council, is re-filing the rule without the definition.

12. 119.032 Rule Review Date: **5/21/2007**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost associated with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**