

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-12-04

Rule Type: New

Rule Title/Tagline: Reviewability determinations; appeals.

Agency Name: Department of Health

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 49 - 132 - Representative Smith
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3702.52
5. **What statute(s) does the rule implement or amplify?** 3702.52, 3702.57, 3702.59, 3702.592, 3702.593, 3702.594, 3701.60
6. **What are the reasons for proposing the rule?**

Revisions have been made to the rules to incorporate 2017 changes to Section 3702.52 of the Ohio Revised Code that were included in House Bill 49 as well as a change to Section 3702.511 from House Bill 470.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This new rule replaces the existing rule in accordance with Legislative Service Commission rule drafting requirements due to changes to greater than fifty percent of the existing rule. The rule sets forth the requirements pertaining to reviewability determinations. These requirements include, but are not limited to, the director issuing a reviewability determination within specified timeframes and any affected person may appeal a reviewability determination. The rule has been revised to incorporate the statutory changes to section 3702.52 of the Revised Code that were included in HB 49. These revisions include the allowance for an expedited reviewability determination to be issued within thirty days of receipt by the director and that the date the director signs the reviewability ruling shall be the date of issuance.

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. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Ohio Administrative Code and Ohio Revised Code exempted

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. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

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

No new costs. The time necessary to prepare, submit, and provide any necessary follow-up information to the Certificate of Need Program to provide a reviewability ruling is dependent upon the size and complexity of the project.

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**

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office? Yes**
16. **Does this rule have an adverse impact on business? Yes**
 - 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? Yes**

The rule requires that all necessary information to make a reviewability determination regarding an activity involving a long-term care facility or long-term care beds be submitted with a reviewability request. The information requirements are set forth in rules 3701-12-08 and 3701-12-09