

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-12-11

Rule Type: Amendment

Rule Title/Tagline: Opportunity to submit written comments during the course of a certificate of need review.

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? 8/9/2021
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? 3702.52; 3702.57
5. What statute(s) does the rule implement or amplify? 3702.57; 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 3701-12-11 OAC is being filed with an amendment.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule establishes the time frame in which affected persons may submit written comments during the course of a CON at forty-five days. A citation in paragraph

(A)(1)(b) in rule 3701-12-11 OAC, is being corrected to cite paragraph (D)(6) in rule 3701-12-08 OAC.

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 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. 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

Not Applicable.

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

No new costs. Affected parties have been allowed to submit comments, objections, and request hearings during the CON process since the initial development of these rules. This no-change rule does not result in any increase or decrease in costs associated with an affected party's time to prepare and submit written comments.

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? 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 the submission of written comments by established deadlines in order have comments considered as part of a CON application review.

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

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable