

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3701-12-11

**Rule Type:** New

**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? 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, 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?

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 establishes the timeframes in which affected persons can file written comments during the course of a CON review. The rule has been revised to require written comments on an application that is under an expedited review, to be submitted within 21 days after the application has been accepted for processing by the director. This revision will allow for the consideration of comments and meet the expedited review timelines set in statute.

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 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?**

The decreased timeframe from ninety to fourteen days for an applicant to respond to a request for additional information for an application under expedited review is necessary for the CON program to make a timely decision and can be avoided by the applicant if the applicant provides an application with the appropriate documentation and information necessary for CON staff to make a determination. The applicant may

also choose to file a regular (non-expedited) application, which includes a longer response time (ninety days).

- 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 anyone wishing to submit written comments to do so within established time frames.