

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

Agency Name

Division

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3701-12-19

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Monitoring of activities for which nonreviewability rulings have been issued and for certain approved projects.**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: **HBAm. Sub. 1** General Assembly: **128**Sponsor: **Rep. Sykes**

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: **3702.52**

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

The Public Health Council has approved amending this rule to reflect previous statutory changes.

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 describes the Certificate of Need ("CON") monitoring of activities requirements for projects granted a nonreviewability determination. The Public Health Council has approved amending the rule to 1) incorporate the use of the new statutory term "nonreviewability determination" throughout the rule; 2) correct a citation to paragraph (S) of section 3702. 51 of the Revised Code, pertaining to excluded items of construction or renovation projects; and 3) remove from required monitoring consideration, medical equipment that would be reviewable if it is not used to conduct research required by the United States food and drug administration (FDA) or clinical trials.

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 sections of the Ohio Revised and Administrative Codes, and the Code of Federal Regulations. The O.R.C., O.A.C., and C.F.R. 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:

Exempted as per O.R.C. 121.75.

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:

Not Applicable.

12. 119.032 Rule Review Date: **12/10/2009**

(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

The proposed amendments will not impact the agency's budget.

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 are no new costs.

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**