

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

Agency Name

Division

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3701-12-23.2

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Replacement of long-term care facilities and relocation of
long-term care beds.****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: **3702.528, 3702.57**

5. Statute(s) the rule, as filed, amplifies or implements: **3702.51, 3702.511, 3702.52, 3702.522, 3702.524, 3702.525, 3702.526, 3702.5212, 3702.53, 3702.531, 3702.532, 3702.54, 3702.56, 3702.57, 3702.58, 3702.60, 3702.61, 3702.63, 3702.68**

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

The Ohio Department of Health is seeking to amend this rule in order to ensure consistency with recent revisions to the Ohio Revised Code.

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 sets forth the requirements for the replacement of long-term care facilities and relocation of long-term care beds. For example, one of the requirements is that the applicant must: 1) own the operating rights of the facility being replaced or from which the beds are being relocated, and must be the licensed operator of the facility; 2) have entered into a contract to acquire the right to operate the facility that is being replaced, or to acquire the beds that are being relocated; and 3) in the case of an application to relocate approved beds, be the holder of the certificate of need for the beds. ODH is proposing to amend the rule to ensure consistency with the new definition of a "health care facility" provided in paragraph (L) of rule 3701-12-01 of the Administrative Code.

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 a section of the Ohio Administrative Code. The OAC is generally available in libraries and on the internet to persons who generally 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 OAC is 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:

Not Applicable.

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 new cost associated 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**

