

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: **HB1**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: **3702.57**

5. Statute(s) the rule, as filed, amplifies or implements: **3702.51, 3702.52, 3702.525, 3702.532, 3702.54, 3702.58, 3702.59, 3702.592, 3702.593, 3702.594, 3702.61**

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 sets forth the requirements for the replacement of long-term care facilities and the relocation of long-term care beds. For example, the requirements include that applicants 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. With the approval of the Public Health Council, ODH proposes to amend the rule to require facilities seeking to relocate beds or to replace the facility to: 1) submit an application indicating whether residents have been offered admission to the new beds; 2) to remove the relocation of beds as a component of the cost-effectiveness assessment for a facility replacement request; and 3) to add the requirement that a facility seeking replacement have been providing services in all or part of the long-term beds at that facility for at least three hundred sixty-five (365) consecutive days within the twenty-four (24) months preceding the date of the application.

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. The O.R.C. and O.A.C. 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 pursuant to 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:

2/3/2010 - Revise filed to delete repealed statute from authorizing section following the text of the rule.

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 changes 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**