

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-12-23

Rule Type: New

Rule Title/Tagline: Long-term care facilities and beds and bed review criteria; state and county bed need.

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 166 - 133
- Representative Oelslager
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?** 3702.51, 3702.52, 3702.524, 3702.526, 3702.527, 3702.54, 3702.58, 3702.59, 3702.592, 3702.593, 3702.594
6. **What are the reasons for proposing the rule?**

This new rule replaces existing rule 3701-12-23 due to Legislative Service Commission rule drafting requirements due to changes to greater than fifty percent of the original rule. New rule 3701-12-23 incorporates changes specific to the Certificate of Need program included as revisions to Chapter 3702. of the Ohio Revised Code in the budget bill, HB 166.

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

This rule establishes the long-term care facilities and beds review criteria and the state and county bed need calculation formula as authorized by ORC section 3702.593. Additionally, the rule sets forth the requirements for comparative review of certain applications and the requirements for CON applications involving movement of beds within contiguous counties. Revisions have been made to replace the term "nursing home" with the term "long-term care facility" throughout the rule and to remove the term "skilled nursing beds" from the rule. Additional revisions remove restriction on the Director from granting CON applications involving facilities with more than 150 beds, remove requirements related to community resources associated with inter county transfer of beds, and remove requirements previously associated with the second phase of a four-year comparative review process. Finally, the detailed listing of conditions for denial of a CON application has been replaced with a citation to division (B) of section 3702.59 ORC and the bed need formula has been moved to the end of the rule to improve continuity and flow of information.

- 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, Ohio Revised Code, Title XVIII or XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended (1981) exempted; information is available online.

- 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?

Not Applicable.

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? No

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? No

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