

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

Agency Name

Division

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**3701-15-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Tuberculosis standards for the purposes of section 3701.14 of the Revised Code.****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? **No**

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: **3701.146**

5. Statute(s) the rule, as filed, amplifies or implements: **339.71, 339.72, 3701.14**

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

ODH has reviewed this rule pursuant to five-year review requirements, and is proposing to amend it to include language for updated treatment guidelines.

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:

O.A.C. Rule 3701-15-02 adopts standards for the treatment of tuberculosis in the form of guidelines. The guidelines include diagnostic, treatment, laboratory, and reporting standards in published by the Centers for Disease Control and Prevention, the American Thoracic Society, and the American Public Health Laboratory Association. ODH is proposing to modify paragraph (A)(3) of this rule to include language for updated treatment guidelines.

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:

In addition to including Ohio Revised Code references, this rule cites publications from the Centers for Disease Control and Prevention, the American Thoracic Society, and the American Public Health Laboratory Association. The O.R.C. is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule. Also, information is provided in the rule so that affected parties may access the industry standards cited in 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:

R.C. 121.75 and 121.76 exempts these texts from inclusion in this filing.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date: **8/16/2013**

(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:

County TB programs in Ohio are not funded in a consistent manner and rely on sources of revenue unique to their respective counties. While some counties fund services through TB levies, other counties integrate TB prevention and control into a larger communicable disease program. Currently, ODH receives an average of \$1.2 million federal dollars through the Centers for Disease Control and Prevention (CDC) TB Cooperative Agreement. These funds support 4.8 FTE responsible for statewide surveillance, technical support, training, case management and laboratory testing at ODH. Four counties (Cuyahoga, Franklin, Hamilton and Montgomery) receive an average combined total of \$500,000 annually.

During 2007 through 2011, Ohio reported an annual average of 195 new TB cases and identified approximately 3,000 associated close contacts with an increased risk of TB infection. In any given year, approximately half of these individuals reside in metropolitan areas, with the remainder distributed randomly in rural counties. As such, Ohio's TB program costs are disparate and difficult to calculate.

Additionally, this information is not included when reporting required data.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Under Ohio Revised Code (ORC) 339.73 oversight for the investigation and medical treatment of TB is the primary responsibility of 88 TB control units, each designated by their respective county boards of commissioners.

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**

In Ohio, oversight for the investigation and medical treatment of TB is the primary responsibility of 88 TB control units, each designated by their respective county boards of commissioners. Services vary by county and are largely driven by the average number of TB cases reported, insurance and/or Medicaid coverage of individual TB patients and local resources for TB prevention and control. County commissioners are defined as the payor of last resort under Ohio Revised Code (ORC) 339.73. Also, this rule requires TB information is required to be reported to ODH.

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

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3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

County TB programs in Ohio are not funded in a consistent manner and rely on sources of revenue unique to their respective counties. While some counties fund

services through TB levies, other counties integrate TB prevention and control into a larger communicable disease program. Currently, ODH receives an average of \$1.2 million federal dollars through the Centers for Disease Control and Prevention (CDC) TB Cooperative Agreement. These funds support 4.8 FTE responsible for statewide surveillance, technical support, training, case management and laboratory testing at ODH. Four counties (Cuyahoga, Franklin, Hamilton and Montgomery) receive an average combined total of \$500,000 annually.

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(a) Personnel Costs

Not applicable

(b) New Equipment or Other Capital Costs

Not applicable

(c) Operating Costs

Not applicable

(d) Any Indirect Central Service Costs

Not applicable

(e) Other Costs

Not applicable

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

This rule does not include new or additional responsibility

7. Please provide a statement on the proposed rule's impact on economic development.

Not applicable