

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-17-03.1

Rule Type: New

Rule Title/Tagline: Expedited inspections.

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 110 - 134
- Representative Oelslager
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3721.02
5. **What statute(s) does the rule implement or amplify?** 3721.02, 3721.04
6. **What are the reasons for proposing the rule?**

To comply with recent revision to ORC 3721.02 that allow for expedited inspection of long-term care facilities other than the initial inspection.

This is a new rule that replaces a rescinded rule to comply with LSC rule-drafting requirements.

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

This rule sets forth the procedure for requesting both an expedited initial licensure inspection for a new nursing home, and an expedited licensure inspection when is increasing or decreasing capacity, or the director determines an inspection is necessary (usually when the facility constructs an addition to the existing building) for an existing nursing home.

The rule further allows for inspections to be either in-person or virtual using a videoconferencing platform (e.g., Microsoft Teams, Zoom, etc.).

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 Revised Code and Ohio Administrative Code are exempted

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?**

This rule sets a fee of \$2,250.00 for a facility that elects to have an expedited licensure survey. In accordance with statute (RC 3721.02), the fee is sufficient to cover ODH's expenses related to this survey.

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.

The fee is only the amount to cover the department's expenses in conducting an inspection outside of ordinary timeframes.

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