

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

Agency Name

**Kaye Norton**

Contact

Division

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**3701-17-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**License fee; application; issuance; revocation.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **3721.04**
5. Statute(s) the rule, as filed, amplifies or implements: **3721.02, 3721.03, 3721.07, 3721.08**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ODH is proposing Chapter 3701-17 rules as part of the five-year rule review required by section 119.04 of the 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 states what the license fee if for nursing homes, the application process, conditions for issuance of a license, and circumstances in which a license can be revoked. The rule has been amended to allow only one licensed nursing home on a "lot" of land.

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 cites 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:

Pursuant to R.C. 121.76, the cited material is exempt 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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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:

8/21/2017 - At JCARRs recommendation, the CSI questions (B) and (C) are revised in the RS/FA to identify the adverse impacts.

12. Five Year Review (FYR) Date: **8/8/2017**

(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:

License application/renewal fee of \$320.00 for every 50 beds or part thereof.

Potential late fee of \$100 per week for non-payment of renewal fee in a timely manner.

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**

**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**

This rule requires a nursing home to have a license to operate license in accordance with Chapter 3721. of the Revised Code.

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? **Yes**

This rule sets forth provisions for denial of a license or revocation of a license if problems are found in the home.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

License application/renewal fee of \$320.00 for every 50 beds or part thereof.  
Potential late fee of \$100/week for non-payment of renewal fee in a timely manner.  
Completion and submission of an application to operate a nursing home and notice of changes to the information contained in the application.\*  
Completion and submission of a renewal application.\*  
Provision of additional information if requested.\*  
Notification of closure of a home to ODH, residents/sponsors, and regional ombudsman.\*

\*Cost for administrator time, \$40.60 per hour. Source: Bureau of Labor Statistics occupation code 11-9111 for Medical and Health Services Managers