

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

Agency Name

Division

Lance D. Himes

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3701-17-13

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Medical supervision.**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: **3721.04**

5. Statute(s) the rule, as filed, amplifies or implements: **3721.02, 3701.03, 3721.041, 3721.05, 3721.07**

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

With the approval of the Public Health Council, ODH is proposing to amend this rule as part of the five year review process.

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 requires each nursing home to have a medical director and establishes the medical directors' duties, including periodic evaluation of residents. The rule also

requires each home to ensure that every resident is under the supervision of a physician. Proposed amendments reorganize the rule for ease of reading and to reflect current standards. Specifically, both "medication" and "treatment" have been given their own paragraphs that reflect current professional standards. Additionally, the rule now recognizes "other licensed health professional[s] acting within the applicable scope of practice." Finally, the pneumonia and influenza vaccination requirements are inserted (they are moved from rule 3701-17-10).

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 the Ohio Revised and Administrative Codes, and Drug Enforcement Administration regulations. The R.C. and O.A.C. and the DEA regulations are generally available in libraries and on the internet 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:

Inclusion of the cited rules and regulations are exempted pursuant to R.C. 171.25 and 171.26.

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:

2/3/2012: No changes were made to this rule subsequent to the original filing; the rule was TBRed following the December 1, 2011 Public Health Council meeting to keep it on the same filing schedule as a few of the rules Council thought needed further consideration.

2/7/2012: At the request of JCARR, ODH TBRed this rule and is re-filing it today

to put it on the March 8th JCARR agenda.

12. 119.032 Rule Review Date: **10/27/2011**

(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:

The proposed changes to not affect the cost of compliance.

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**

