

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

Agency Name

Division

Lance D. Himes

Contact

246 North High St. Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-466-4882

Phone

Fax

3701-17-19

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Records and reports.**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: **3721.01, 3721.011, 3721.012, 3721.02, 3721.021, 3721.022, 3721.023, 3721.024, 3721.026, 3721.027, 3721.03, 3721.031, 3721.032, 3721.04, 3721.041, 3721.05, 3721.051, 3721.06, 3721.07, 3721.071, 3721.08, 3721.09, 3721.10, 3721.11, 3721.12, 3721.121, 3721.13, 3721.14, 3721.15, 3721.16, 3721.161, 3721.162, 3721.17, 3721.18, 3721.19, 3721.21, 3721.22, 3721.23, 3721.24, 3721.25, 3721.26, 3721.28, 3721.29, 3721.30, 3721.31, 3721.32, 3721.33**

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 outlines what records are to be kept by a nursing home and for how long. ODH is amending this rule to require the home to note the resident's Medicare Part D plan, if any, in the resident's admission record; to recognize "other licensed health professional acting within the applicable scope of practice;" and to require a photograph of residents identified as an elopement risk. Further, ODH proposes to require homes to notify ODH where records will be stored after closure of the home.

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 sections of the Ohio Administrative Code, which is 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:

Ohio Revised Code 121.76 exempts agencies from filing copies of Ohio law and regulations cited in the text of a rule.

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:

2/7/2012: 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.

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:

There is a possible increase in cost of compliance for facilities that do not already own a camera of between \$200 and \$500, depending on the cost of the camera purchased and the cost of photo processing. The cost processing would be reduced

should the facility opt for a digital camera.

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**