

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

Agency Name

Division

Lance D. Himes

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3701-17-21

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Dining and recreation rooms; utility rooms; toilet rooms.**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? **Yes**

Bill Number: **HB253**General Assembly: **129**Sponsor: **Rep. Amstutz**

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**

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 the space requirements for nursing home dining and activity areas. This rule also details the requirements for toilet rooms in nursing homes. ODH proposes to amend this rule to clarify the timeframes for compliance with the dining and activity room requirements. Buildings occupied as nursing homes: (1) prior to December 22, 1964; between December 22, 1964 and July 17, 2002; and (3) after July 17, 2002. ODH also proposes to amend this rule to require rooms to have direct and exclusive access to a room with a toilet and wash basin, and to have a common toilet room on the unit or wing for residents who do not have a tub or shower in their room.

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 Building 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:

Including these industry standards with this filing is exempted pursuant to R.C. 121.75.

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: ODH proposes to amend this rule further to add language requiring buildings occupied as nursing homes prior to December 22, 1964 (the initial date of licensure of nursing homes by Ohio) to meet -- if such operation is ceased and the building is subsequently reused as a nursing home -- current square footage requirements for dining and activity space. Additionally, the term "bathroom" has been defined and is utilized where appropriate. "Bathroom" differs from "toilet room" as a bathroom includes a tub or shower. This change will align the rule requirements with the new Ohio Building Code that became effective November 1, 2011. Finally, new language has been added to require bathrooms and fixtures therein to ensure resident dignity and privacy. See paragraph (F).

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 cost of compliance for directly affected persons will possibly be less than under the current rule since the proposed rule does not require people building new facilities, or new editions to facilities to fit residents' rooms with individual bath rooms. The cost of a bathroom is up to \$200.00 per square feet. [Source: Reed Construction Data, a provider of data to the construction industry.]

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**