

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3701-18-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Designation of others to act for the director.

**Agency Name:** Department of Health

**Division:**

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 9/9/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3721.28, 3721.29, 3721.30
5. What statute(s) does the rule implement or amplify? 3721.28, 3721.31, 3721.34
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

ODH is proposing this rule as part of the five-year rule review required by section 119.04 of the Revised Code.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes with whom the director may enter into agreement with for (1) approval of NATCEPs and TTT programs, and (2) administration of the state test.

The rule has been amended for clarity.

9. Does the rule incorporate material by reference? Yes
10. 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  
Ohio Administrative Code

-exempted-

11. 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

12. 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.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

### **III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 1  
none
- B. How many existing regulatory restrictions do you propose removing from this rule? 6

If the director enters into an agreement under division (C) of section 3721.31 or section 3721.34 of the Revised Code which provides that for a government entity will ...

Removed "will" from lead-in paragraph in rule 3701-18-02

... service will serve as the director's designee to conduct the test under rule 3701-18-22 of the Administrative Code, all of the following shall apply:

Removed "shall" from lead-in paragraph in rule 3701-18-02

All items required by this chapter to be filed with or submitted to the director or the director's designee shall...

Removed "shall" from paragraph (A) in rule 3701-18-02.

The designee shall perform performs all acts that this chapter specifies may be performed by a designee consistent with section 3721.31 or 3721.34 of the Revised Code.

Removed "shall" from paragraph (B) in rule 3701-18-02.

The director shall continues to perform only those acts that this chapter does not specify may be performed by a designee, or that the agreement does not provide for the designee to perform.

Removed "shall" from paragraph (B) in rule 3701-18-02.

The designee conducting the state administered test under rule 3701-18-22 of the Administrative Code shall is to be a national standardized testing service.

Removed "shall" from paragraph (C) in rule 3701-18-02.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**  
None are being added only removed.