

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

Agency Name

Division

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3701-3-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Diseases to be reported.**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: **3701.23**
5. Statute(s) the rule, as filed, amplifies or implements: **3701.23**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ODH is recommending that several diseases be added to the reportable disease list. All of these diseases are currently reportable under broad categories of diseases. However, specifically listing these diseases as reportable diseases removes any potential confusion about whether these are reportable diseases.
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:

The rule lists those reportable diseases that physicians, laboratories, and hospitals must report to public health. The proposal specifically adds some diseases that are reportable under certain categories (e.g. "other arthropod-borne disease," "viral hemorrhagic fevers").

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 refers to the Ohio Administrative Code; the O.A.C. 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:

The reference is exempt from R.C. 121.71 to 121.74 pursuant to R.C. 121.76.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

Not Applicable.

12. Five Year Review (FYR) Date: **2/4/2015**

(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 applicalbe

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 costs of compliance include time for reporting and adjustments to electronic health records systems. The time to report the diseases is minimal since hospitals now utilize electronic records systems which allow reports to be made instantly. Conversations with providers and provider representatives indicate that adjustments to the electronic records systems are negligible.

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? **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? **Yes**

R.C. 3701.571 and O.A.C. 3701-73-02 sets out a graduated fine system for not complying with a public health reporting requirement. The fines are based on a matrix involving the public health impact of the non-reporting and the history of the provider's prior compliance. The potential fine ranges from one hundred to seven hundred fifty dollars per incident of non-reporting.

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

The rule refines the Revised Code's mandatory reporting of certain infectious diseases to public health authorities. The proposed changes to this rule specifically list diseases but the actions that individuals have to take regarding the diseases stay the same as they currently are. Listing of the disease removes any potential confusion about whether the diseases are reportable (as the diseases are reportable even though they are not specifically mentioned).