

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-3-02

Rule Type: Amendment

Rule Title/Tagline: Diseases to be reported.

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? 1/5/2018**
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? 3701.23**
5. **What statute(s) does the rule implement or amplify? 3701.23**
6. **What are the reasons for proposing the rule?**

This rule is proposed to satisfy five-year review requirements and to require reporting of carbapenemase producing carbapenem-resistant Enterobacteriaceae (CP-CRE): Enterobacter species, Escherichia coli, Klebsiella species. Carbapenemase-producing carbapenem-resistant Enterobacteriaceae (CP-CRE). These diseases are an emerging public health problem and will be nationally notifiable in January 2018.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule lists those reportable diseases that physicians, laboratories, hospitals, and other healthcare providers must report to public health. The proposal specifically adds a disease that is reportable (carbapenemase producing carbapenem-resistant Enterobacteriaceae) and subcategorizes an already reportable disease, hepatitis C, into hepatitis C (non-perinatal) and hepatitis C (perinatal).

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
This rule cites the Ohio Administrative Code. The O.A.C. is generally available in libraries and on the internet to persons who reasonably can be affected by the rule. Pursuant to R.C. 121.76(A)(3), the cited material is exempt from inclusion in this filing.
10. **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

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

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

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.

- 13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
- 14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

III. Common Sense Initiative (CSI) Questions

- 15. **Was this rule filed with the Common Sense Initiative Office?** Yes
- 16. **Does this rule have an adverse impact on business?** Yes

- 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

This rule does not. Pursuant to R.C. 3701.23 and 3701.571, a healthcare provider is subject to a civil money penalty as set forth in Ohio Adm. Code 3701-73-02.

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

The rule requires the report of specific information necessary for the control of potentially significant infectious or communicable diseases. This information is necessary for public health to accomplish its public health mission.