

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

Agency Name

Division

Jodi Govern

Contact

**246 North High St. P.O. Box 118 Columbus OH
43216-118**

Agency Mailing Address (Plus Zip)

614-466-4882

Phone

614-728-7813

Fax

3701-61-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Notice requirements; impartial hearing by the department of health.**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: **HBAmSub 94** General Assembly: **125**Sponsor: **Rep. Carey**

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: **3721.11**

5. Statute(s) the rule, as filed, amplifies or implements: **3721.13, 3721.16, 3721.161**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed due to both statutory changes and R.C. 119.032 (five-year rule review).

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 sets notice and hearing request requirements for resident discharges. Changes require the administrator to send copies of discharge or transfer notices to the Department of Health; clarify the circumstances that allow notice to be given in fewer than the otherwise required thirty days prior to a proposed transfer; and requires that additional information be provided in the notice,

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 Revised and Administrative Codes which are the accepted law of the State of Ohio and are generally available to affected persons in law libraries and on the internet.

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:

Pursuant to R.C. 121.71 to 121.75, this material is exempt (See #8).

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:

The proposed revision to 3701-61-03(B)(4)(d) requires nursing homes to place the deadline for submitting a written request for a transfer or discharge hearing (i.e., "not later than ten days") in bold face type within the notice of proposed transfer or discharge. The revised version of the rule was not uploaded, and we are correcting that mistake with this refiling.

12. 119.032 Rule Review Date: **9/30/2004**

(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.

Not applicable

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:

Not applicable

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**