

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

Agency Name

Division

**Jodi Govern**

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**3701-61-04**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Written decision, impartial hearing and appeal.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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, 3721.162**

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 requires the department of health to employ or contract with an attorney to serve as hearing examiner to preside over impartial hearings in the facility and to issue an order regarding the proposed transfer or discharge. The decision must be issued within five days after the hearing concludes, unless otherwise agreed upon. Also, the rule provides for the ability to appeal a decision rendered in an impartial hearing to the Court of Common Pleas in the county where the facility is located.

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:

The rule references the Ohio Revised and the Administrative Codes which are the accepted law of the State of Ohio and are generally available in law libraries, state and federal agencies, and on the internet. The rule also references 42 C.F.R. 431, subpart E, which is generally accepted industry standards that are readily available in law libraries, federal agencies, federal government printing offices, 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, the material mentioned in #8 is exempt.

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:

*Not Applicable.*

12. 119.032 Rule Review Date:

(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**