

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

Agency Name

Division

**Carol L. Ray**

Contact

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**3701-61-06**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Complaint investigations; adjudications; penalties.****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? **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: **3721.11**

5. Statute(s) the rule, as filed, amplifies or implements: **3721.17**

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

The five year rule review of Ohio Administrative Code 3701-61-01 through 3701-61-07 is due on March 3, 2010. ODH is not seeking amendment of the rule at this time.

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 forth the requirements pertaining to the receipt and processing of complaints, complaint investigations, hearings and penalties associated with

violations of resident's rights granted under sections 3721.10 to 3721.17 of the Revised Code. The department may investigate complaints, refer the complaint to the home's grievance committee, or refer them to the attorney general for investigation based upon the nature of the complaint. Investigations must occur within 30 days of the complaint; the home has the right to an appeal within 30 days of a citation for a violation; and fines may be imposed as a penalty. The rule is being filed without changes.

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, and the Code of Federal Regulations. The O.R.C., O.A.C., and C.F.R. are generally available in libraries and 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:

Exempted as per Ohio Revised Code 121.75.

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: **12/7/2009** and **12/01/2014**

(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-

This rule is proposed without changes.

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:

There are no new costs of compliance.

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**