

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-62-04
Rule Type: Amendment
Rule Title/Tagline: Do-not-resuscitate identification.
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?** 1/14/2019
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?** 2133.25
5. **What statute(s) does the rule implement or amplify?** 2133.21, 2133.23, 2133.24, 2133.26
6. **What are the reasons for proposing the rule?**

The five-year review of Chapter 3701-62 is due May 14, 2019. The rule is being filed with amendments.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

3701-62-04 - sets forth lists of various items that are approved as DNR identification(such as a DNR Order, hospital-type bracelets, necklaces bearing the DNR logo, and wallet cards); establishes when a person is eligible to obtain DNR

identification; and states how a person can obtain DNR identification. The rule is being revised to update language to reflect the use of the terms "authorized health care provider" and "living will declaration," clarify that the DNR logo and individual's identifying information must be contained on identification items, and clarify that the DNR Order form shall not be modified in any way or include additional medical instructions that will not be provided immunities under the Chapter. Appendix A to this rule is the State of Ohio DNR Order form. The form is being revised to: Streamline the form in Appendix A for easier recognition by individuals and healthcare providers, revise the Protocol to reflect current industry language and standards, include language clarifying immunities granted under Chapter 2133 of the Revised Code, and clarify that a copy of the DNR Order Form or authorized identification must accompany the individual during transfers between facilities.

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.**

Ohio Administrative Code and Ohio Revised Code exempted

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The wrong version of the Appendix was posted - the DNR Order Form needed to be replaced with the correct version

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?**

Not Applicable.

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? No
 - 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
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No