

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-62-13

Rule Type: Amendment

Rule Title/Tagline: Individual rights not abrogated.

Agency Name: Department of Health

Division:

Address: 246 North High St Columbus OH 43215

Contact: Alicyn Carrel

Email: alicyn.carrel@odh.ohio.gov **Phone:** 614-752-8451

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? 2133.24**
6. **What are the reasons for proposing the rule?**

The five-year review of Chapter 3701-62 of the Administrative Code 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.**

The rule sets forth the rights of an individual with a DNR as they pertain to informed consent and declarations pursuant to Sections 2133.01 to 2133.15 of the Revised Code. The rule grants an individual the right to make decisions regarding the withholding, or withdrawal of CPR as long as the person is mentally able to make

those decisions. Finally, the rule establishes the fact that a failure to include a specific authorization for the withholding or withdrawal of CPR in a declaration does not preclude the withholding or withdrawal of CPR. The rule is being revised to include the term "living will" with declaration for clarity.

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 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.**

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?**

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**