

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3701-62-14  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Prohibitions.  
**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 prohibitions pertaining to a DNR Order and DNR identification. The rule prohibits a physician, CNP, or CNS from delaying the transfer of a patient in violation of division (B) of Section 2133 of the Revised Code. Additional prohibitions include: falsification and forgery of a DNR for another individual as well as the

falsification or forgery of a revocation; defacement, concealment, cancelation or obliteration of another individuals DNR Order without permission; and concealment or withholding knowledge of a DNR revocation with the intent to cause the use, withholding, or withdrawal of CPR for the other person. Pursuant to Section 2133.26 of the Revised Code, whoever violates paragraph (A) or (E) of this rule is guilty of a misdemeanor of the third degree. Whoever violates paragraph (B), (C), or (D) of this rule is guilty of a misdemeanor of the first degree. The rule is being revised to replace the use of CNP and CNS with APRN and to incorporate the use of the term "authorized healthcare provider."

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.**

*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