

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3701-64-01  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Definitions.  
**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?** No
  - A. **What is the rule's five year review date?** 4/1/2021
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 49 - 132 - Smith
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3721.26
5. **What statute(s) does the rule implement or amplify?** 3721.21, 3721.22, 3721.23, 3721.24, 3721.25
6. **What are the reasons for proposing the rule?**

This rule is being filed to incorporate provision of HB 49 of the 132nd General Assembly.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the definitions used in Chapter 3701-64 of the Administrative Code. Amendments have been made to include revised definitions of "abuse" and "sexual contact," and to add new definitions of "exploitation," "physical abuse," "psychological abuse," "sexual abuse," and "sexual conduct." Minor changes have been made to conform with Legislative Services Commission rule drafting requirements.

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.**

United States Code

Ohio Revised Code

Ohio Administrative Code

American Hospital Formulary Service

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

Rule 05 still was not correct - PDF?

*10/31/2018 Needed to use the XML version not the PDF version.*

*10/31/2018 I uploaded the wrong PDF - the PDF still said "Draft - not for filing" at the top of them.*

## **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?**

0.00

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? Yes**

- 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**

While this rule does not set forth any sanctions for non-compliance, violations of some requirements of Chapter 3701-64 of the Administrative Code may bring about both criminal and civil penalties.

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

While this rule does not require a report of information to ODH, some requirements of Chapter 3701-63 of the Administrative Code do require long-term care facilities and residential care facilities to report information, including allegations of the abuse, neglect, exploitation of a resident or the misappropriation of a resident's property.