

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-64-02

Rule Type: Amendment

Rule Title/Tagline: Investigations of abuse and neglect of residents or misappropriation of property; notice of hearing rights.

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?** 4/15/2021
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?** 3721.23
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 requirements for ODH to conduct investigations of allegations of abuse or neglect, requirements for the content of a notice, and the hearing rights of an accused. The term "exploitation" is being added to this rule.

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
Ohio Administrative Code
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 was still a PDF not an XML

10/31/2018 I used the PDF version instead of the XML version.

10/31/2018 The PDFs that were attached for the Rule Body still had - DRAFT - NOT FOR FILING on the top.

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?**

This rule requires the reporting of allegations of the abuse, neglect, exploitation of a resident or the misappropriation of a resident's property by both long-term care facilities and residential care facilities.

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**

While this rule does not require a license, all-long-term care facilities and residential care facilities required to report allegations of abuse, neglect or misappropriation are required to be licensed in accordance with Chapter 3721. of the Revised Code.

- 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 3702-64 of the Administrative Code may bring about both criminal and civil penalties. This rule requires ODH to provide an accused with notice of potential penalties.

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