

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3701-64-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Hearing procedure.

**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?** 1/31/2022
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?** 3721.26
5. **What statute(s) does the rule implement or amplify?** 3721.23
6. **What are the reasons for proposing the rule?**

Five-year rule review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

3701-64-04 – This rule sets forth the procedures to be used in a hearing.

The hearing recording requirement has been clarified and a citation has been updated.
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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Ohio Rules of Evidence\*

\*States generally accepted codes or standards that are readily available to or ascertainable by the persons the standards are likely to affect, in this case, the hearing officer.

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. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

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**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

## **III. Common Sense Initiative (CSI) Questions**

**16. Was this rule filed with the Common Sense Initiative Office? Yes**

**17. 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**

The Chapter 3701-64 do not require a nursing home or residential care facility to be licensed; however, other provision of both the Revised Code and Administrative Code do require licensure.

**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**

Sets forth the procedures for administrative hearings, after which the director may make a finding of abuse, neglect, exploitation, or misappropriation.

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

Collectively, the Chapter 3701-64 rule require notification to the Department of allegation of abuse, neglect or misappropriation by an individual associated with the facility and for the reporting facility to maintain records related to its investigation, including audio/visual records.

**D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

**A. How many new regulatory restrictions do you propose adding?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing?**

Not Applicable