

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-84-03

Rule Type: Amendment

Rule Title/Tagline: General provisions and prohibitions.

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?** 2/27/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 9 - 134 - McColley, Roegner
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3702.11; 3702.13
5. **What statute(s) does the rule implement or amplify?** 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The five-year review of Chapter 3701-84 is due February 24, 2023. Rule 3701-84-03 is being filed with amendments.

- 8. Summarize the rule’s content, and if this is an amended rule, also summarize the rule’s changes.**

The rule sets forth the general provisions and prohibitions for all HCSs and has been revised to remove an outdated reference to smoking prohibitions. Two restrictive words have been removed in accordance with SB9.

- 9. Does the rule incorporate material by reference? Yes**
- 10. 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 Administrative Code and Ohio Revised Code – exempted; available online

- 11. 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

- 12. 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

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. 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

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

- 18. 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? Yes**

The rule requires compliance with the general and specific HCS standards, including rule 3701-84-04 which requires service notification. Although there is no formal licensing or permit issuance for Health Care Services (HCS), HCS providers must submit notification to the Director at least thirty (30) days prior to initiating a new HCS or reactivating a discontinued or temporarily suspended HCS. Additionally, an HCS must submit an accreditation award letter, prepared by an entity that the Director has determined as having standards and a process for assessing compliance for a particular type of HCS that documents compliance with the entity's standard.

- 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? Yes**

The rule requires compliance with the general and specific HCS standards, including rule 3701-84-05 which authorizes the imposition of civil penalties.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires submission of notification to the Director and documents for compliance.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 2

D - shall

D - shall

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable