

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

Division

Mark B. Levy

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4779-3-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Definition of terms.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08, 4779.09, 4779.15, 4779.16, 4779.17, 4779.18**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.01, 4779.04, 4779.09, 4779.10, 4779.11, 4779.12, 4779.16, 4779.17, 4779.26, 4779.27**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five-year rule review; typographical and other formatting errors in original rule; clarify language regarding supervision of unlicensed persons; provide more detailed definitions of "custom fabricated" and "custom fitted" that are in conformity to the CMS Quality Standards for Suppliers of DMEPOS and Other Items and Services

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

Typographical and formatting errors: correct capitalization usage per LSC drafting rules; correct spellings and nomenclature for referenced orthotic device types; specify that supervision of an unlicensed person performing certain protected services can occur when the supervisor is present at the same building, facility or location; provide definitions of "custom fabricated or fitted medical device" that are in conformity to the language of the Center for Medicare and Medicaid Services Quality Standards for Suppliers of DMEPOS and Other Items and Services, but still limited in compliance with the language of Revised Code Section 4779.01 (D).

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Conform to LSC drafting requirements per correction memo; style changes to clarify language listing numerous items

12. 119.032 Rule Review Date: 1/2/2007

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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No fees, fines, revenue or expenses directly related to this language.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

973-609

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No cost for compliance expected. By bringing language more in compliance with national standards, may result in a decreased cost to licensees, consumers, and third-party payers.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**