

**MEMORANDUM**

**TO:** Kaye Norton, Ohio Department of Health

**FROM:** Whitney Sullinger, Regulatory Policy Advocate

**DATE:** September 12, 2012

**RE:** **CSI Review – ODH 3701-17-50 to 3701-17-68 “Licensing of Residential Care Facilities”**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis. This memo represents the CSI Office’s comments to the Agency as provided for in ORC 107.54.

**Analysis**

The rules submitted (Ohio Administrative Code Chapter 3701-17-50 to 3701-17-68) were reviewed as required by the five-year rule review process. The package consists of two no-change rules, sixteen amended rules and one rule that is being rescinded and replaced. The rules regulate residential care facilities and ensure that residents of these facilities are being protected. These facilities provide care and services to adults who elect to receive or require such care.

The Ohio Department of Health (ODH) submitted the rule package to the CSI Office April 11, 2012. Various comments were received during the process and as a result ODH decided to further amend seven of the rules to alleviate some of the concerns expressed by commenters. The revised rule package was sent to the CSI Office July 23, 2012. According to ODH, the agency has had an open dialogue with many of the commenters and the stakeholders are anxious to get the rules amended.

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

After reviewing the BIA, the CSI Office has determined not to suggest any changes with respect to the rule or the BIA for the following reasons:

- Comments received from the public during the public comment period have been addressed by ODH.
- The BIA submitted by ODH was accurate and complete and did not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.

### **Recommendations**

For the reasons explained above this office does not have any recommendations regarding this rule change.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office