

**MEMORANDUM**

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

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** January 27, 2015

**RE:** **CSI Review – Infectious Diseases (OAC 3701-3-02, 3701-3-11, 3701-3-15, 3701-73-01, 3701-73-02)**

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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**

This rule package consists of five rules being reviewed by the Ohio Department of Health (ODH) pursuant to the five-year review requirement in statute. One of the rules is being proposed with amendments and the remaining four are being proposed without changes. The rule package was submitted to the CSI Office on December 1, 2014 and the comment period was held open through December 31, 2014. No comments were received during this time. The CSI Office requested a revised BIA to address the adverse impacts due to the five-year rule review; it was submitted on January 20, 2015.

This package pertains to infectious disease reporting requirements for hospitals and pharmacists. Ohio Administrative Code (OAC) 3701-3-02 is being amended to specify new reportable diseases such as the Middle East Respiratory Syndrome (MERS) and provide examples of the viral hemorrhagic fever such as the Ebola virus, Lassa fever, Marburg hemorrhagic fever, and Crimean-Congo hemorrhagic fever. The proposed rules also outline the procedures for human immunodeficiency virus (HIV) testing.

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The adverse impacts described in the revised BIA submitted by the Department, include time for reporting and the potential fines for non-compliance. The time to report the diseases is minimal since hospitals now utilize electronic records systems which allow reports to be made instantly. The fines range from \$100-\$750 depending on the severity of the violation and the history of non-compliance. No comments were received that the proposed rules are overly burdensome. After reviewing the revised BIA and associated rules, the CSI Office has determined that the purpose of the rules is justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

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