

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-17-06

Rule Type: Amendment

Rule Title/Tagline: Responsibility of operator and nursing home administrator; quality assurance and performance improvement.

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?** 4/25/2025
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
- Rob McColley, Kristina D Roegner
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3721.04
5. **What statute(s) does the rule implement or amplify?** 3721.01, 3721.04, 3721.072
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?**

Five Year Rule Review of Chapter 3701-17 is due 11/01/2023 and rule 3701-17-06 is being filed with amendments.

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

This rule outlines the responsibilities of the nursing home administrator and the operator, as well as requirements for quality assurance and performance improvement (QAPI).

Amendments include removing regulatory restrictions in accordance with SB 9 of the 134th General Assembly and add additional criteria to the existing reporting requirements. These include resident elopements, cash on delivery requirements from vendors for past non-payment, non-payment of taxes, and inadequate supplies. The rule has been further amended to require the administrator to notify the director of interruptions to services, lack of staff, and a known change to the owner or operator of the home. Finally, the rule has been amended to clarify who should be involved in the QAPI.

Changes made in first posting:

- Updated language to match current ORC 3721.07 in paragraph (F).
- Modified the use of the term elopement to track the CMS language and deleted other references to reporting elopement after 3701-17-06.
- Added "exploitation of a resident" to (A)(3)(a).
- Updated language in (C)(1)(j) pertaining to resident council president or their designee in the involvement of the QAPI program per stakeholder request.

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.

OAC and ORC exempted.

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? No

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

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

3701-17-06 Details the conditions for reporting regarding real, alleged, or suspected abuse, neglect, or exploitation of a resident, or misappropriation of the property of a resident, as well as elopement of a resident defined in 3701-17-01, and other instances involving non-payment of insufficient food and supplies.

- 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?**
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- B. How many existing regulatory restrictions do you propose removing from this rule? 5**

-06(A) remove "required"

-06(B) remove "shall"

-06(C) remove "shall" x2

-06(C)(3) remove "shall"

-06(D) remove "required", "shall" x2

- 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