

## **Rule Summary and Fiscal Analysis**

### **Part A - General Questions**

**Rule Number:** 3701-62-09

**Rule Type:** Amendment

**Rule Title/Tagline:** Transfer of person between health care facilities: forwarding of DNR order.

**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? 6/10/2025**

**2. Is this rule the result of recent legislation? No**

**3. What statute is this rule being promulgated under? 119.03**

**4. What statute(s) grant rule writing authority? 2133.25**

**5. What statute(s) does the rule implement or amplify? 2133.23**

**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 3701-62 of the Administrative Code is due February 28, 2025, and this is with a first extension. The rule 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 requirement that a transferring health care facility must notify a receiving health care facility of the existence of a person's DNR Order prior to transfer requires an existing oral DNR Order to be written and accompany the person upon discharge. Amendments include removing regulatory restrictions in accordance with SB 9 of the 134th General Assembly.

- Changes made to (C)(2)(b) and (c) per stakeholder request:

(b) A transparent hospital-type bracelet with an insert containing the logo and identifying information as depicted in appendix B to rule 3701-63-04 of the Administrative Code. If the person is a "DNR Comfort Care - Arrest" patient as specified in rule 3701-62-05 of the Administrative Code, the bracelet will also include the word "arrest";

(c) A wallet card bearing the logo and identifying information as depicted in appendix D to rule 3701-62-04 of the Administrative Code. If the person is a "DNR Comfort Care - Arrest" patient as specified in rule 3701-62-05 of the Administrative Code, the bracelet will also include the word "arrest"; or

**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.

Information is readily 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.**

Had to reissue public hearing date and notice

## **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? No**

**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? No**

**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? No**

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable