

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-63-02

Rule Type: Amendment

Rule Title/Tagline: Plan of correction; informal review process for deficiency citations.

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? 3/29/2023
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 - McColley, Roegner
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3721.022
5. What statute(s) does the rule implement or amplify? 3721.022
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 3701-63 was due November 10, 2022. Rule 3701-63-01 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 sets forth the procedure under which a nursing facility submits a plan of correction for findings and deficiencies cited as the result of a survey by the Department of Health. The rule also sets forth the procedure for a facility to obtain informal review of deficiencies that were included on a statement of deficiencies and for the facility to request an independent dispute review by a hearing officer if the facility is not satisfied with an informal review by ODH. The rule has been amended to remove twenty-seven regulatory restrictions in accordance with SB9.

- 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.**

This rule references the Code of Federal Regulations and the Social Security Act. These regulations are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

- 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? 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? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 27

B – shall

C – shall

C – shall

C – shall

D – shall

D – shall

D – may not

D(1) - shall

D(2) - shall

D(2) - shall

E - shall

E(1) - shall

E(1) - shall

E(1) - shall

E(2) - shall

E(2) - shall

E(2) - shall

E(3) – shall

E(3)(a) - shall

E(3)(a)(ii) - shall

E(3)(b) - shall

E(3)(c) - shall

E(3)(d) - shall

F - shall

F(1) - shall

F(2) - shall

G - shall

- 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