

Rule Summary and Fiscal Analysis (Part A)**Department of Health**

Agency Name

Division

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3701-63-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Plan of correction; informal review process for deficiency citations.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **3721.022**5. Statute(s) the rule, as filed, amplifies or implements: **3721.022**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule has been reviewed to satisfy five-year review requirements, and is being proposed with amendments.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

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 is amended to replace the term "mental retardation" with "individuals with intellectual disabilities" and to update cross citations in accordance with rule-drafting standards.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

The cited material is exempted from inclusion in this filing pursuant to R.C. 121.75.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

9/26/2016 - This rule is revise filed to correct the authorizing statute.

12. Five Year Review (FYR) Date: **9/9/2016**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to

R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

While this rule does not require a license, all long-term care facilities participating in the Medicaid program are required to be licensed.

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**

This rule sets forth procedures for submitting plan of correction and review of that plan. This could result in denial, termination, or non-renewal of a facility's participation in the Medicaid program.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

When a facility receives a statement of deficiencies from ODH, the facility must submit a plan of correction for each deficiency cited describing the actions taken to correct the deficiency and the date it was corrected. If the facility elects informal reconsideration of a deficiency, it must provide documentation supporting its position.