

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

Agency Name

Division

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**3701-84-34.2**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Order to cease operations of an adult cardiac catheterization service.****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: **3702.11, 3702.13**5. Statute(s) the rule, as filed, amplifies or implements: **3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20**

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

The five-year review of Chapter 3701-84 of the Ohio Administrative Code is due to be completed by May 1, 2017. The Ohio Department of Health is proposing amendment to rule 3701-84-34.2.

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 establishes the conditions for termination of a cardiac catheterization service. A service's operations may be terminated for failure to comply with the Administrative code, failure of the service to meet designated quality outcomes, or if a determination of serious or life threatening harm is made regarding the facility's clinical outcomes and operations. The rule has been revised to insert a punctuation mark and an article.

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 Revised Code. The R.C. is generally available in libraries and on the internet to persons who reasonably can be expected to 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:

Pursuant to R.C. 121.76, copies of the cited material are exempt from inclusion in this filing.

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:

*Not Applicable.*

12. Five Year Review (FYR) Date: 2/27/2017

(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:

There are no changes to the costs associated with this rule as a result of the requested revisions. The rule authorizes the termination of a service for failure to meet established quality and safety standards which could result in the loss of operating revenue for the cardiac catheterization service. Cardiac catheterization services are subject to regulation and standards from multiple organizations (e.g., CMS, ACC) which also have the authority to require a service to cease operations and it is as likely as it is not that these other regulating entities would determine the need for such enforcement actions resulting in the same loss of operating revenues. Opportunities for corrective actions are built in to these rules to enable services to meet the standards of these rules.

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**

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? **Yes**

In addition to rule 3701-84-05, which establishes the compliance actions that the Ohio Department of Health may take to enforce standards, this rule authorizes the termination of a service by the Director for failure to meet established criteria.

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