

**Rule Summary and Fiscal Analysis (Part A)****State Racing Commission**

Agency Name

Division

**Abigail Miller**

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**3769-14-18**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Temporary hospital.****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: **3769.03**5. Statute(s) the rule, as filed, amplifies or implements: **3769.03**

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

This regulation was voted on at a monthly meeting. The rule relaxes the standards required for providing medical care at the race tracks.

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:

The rule changes the "temporary hospital," which permit holders were required to provide, into "first aid rooms." Rather than staffing the first aid room with a doctor and a nurse, the room must now be staffed with paramedics or EMTs.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **7/10/2015**

(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 increase revenues.

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Under OAC 3769-14-99, any violation of this rule could result in a fine. Fines bring in revenue for the Racing Commission. However, this amount is not determinable because the revenue depends on how many permit holders violate the rule and the severity of the violation. The amendment does not increase the potential revenue.

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

N/A

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:

Internal agency experts determined that the cost of compliance includes supplies and staffing for the first aid room. The cost of supplying a physician or paramedic and a nurse under the original rule was over \$500 per race day. The amendment will likely cost hundreds of dollars less. The cost of supplies for the first aid room is around \$200. Defibrillators are provided by the Commission. In the event a permit holder violates the rule, the permit holder could be subjected to fines.

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**

This rule regulates the activity of permit holders who are required to have a license to operate horse racing facilities. This rule does not address the licensing requirement.

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**

The commission may impose civil administrative penalties for failure to comply with the rule requirements.

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

In order to comply with this rule, permit holders must continue to provide medical care at their facilities with qualified staff.