

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Human Services, Public Health Division

Chapter 333

Agency and Division

Administrative Rules Chapter Number

Certificate of Need Program to Impose Civil Penalties for Violations.

Rule Caption

In the Matter of: The adoption of OAR 333-565-0010

Statutory Authority: ORS 431.120(6), ORS 431.262 & ORS 442.315

Other Authority:

Stats. Implemented: ORS 431.120(6), ORS 431.262 & ORS 442.315

Need for the Rule(s): This rule is needed in order to enable the Certificate of Need Program to impose civil penalties for violations of ORS 442.315 to 442.347, any rule promulgated thereunder, or any order issued by the Division under this authority, including the violation of any condition set forth in an order granting a certificate of need. Without this authority, the program must look to the courts to enforce compliance. Please see ORS 442.315(10). This process can be both costly and unwieldy. The ability to impose civil penalties for violations will give the program a needed additional tool for enforcement of its statutes, administrative rules and orders.

Documents Relied Upon, and where they are available: Oregon Revised Statutes -
<http://www.leg.state.or.us/ors/>

Fiscal and Economic Impact: Adoption of this rule will allow the Certificate of Need Program to impose civil penalties for violations of its statutes, administrative rules and orders. Without this authority, the program must look to the courts to enforce compliance. Civil penalties provide an additional tool to ensure compliance. Use of this remedy may, in many circumstances, be potentially less costly, more efficient and more practical. Given that persons are expected to comply with lawful authority, no new fiscal or economic impact is expected.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
As noted above, no new fiscal or economic impact is expected.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

As noted above, no new fiscal or economic impact is expected.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

As noted above, no new fiscal or economic impact is expected.

c. Equipment, supplies, labor and increased administration required for compliance:

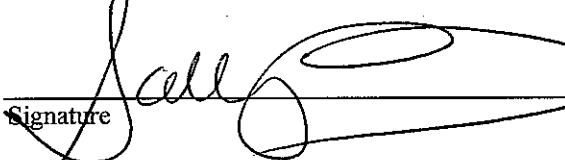
As noted above, no new fiscal or economic impact is expected.

How were small businesses involved in the development of this rule?

Representatives of the hospital and nursing facility industries were a part of the development of the proposed rule by means of their participation in the associated administrative rule advisory committee.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

 _____
Signature Printed name Date

Sally Peters, Public Health Division Rules Coordinator

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer -Street NE, Salem, Oregon 97310. ARC 925-2007