

Rule Summary and Fiscal Analysis (Part A)**Board of Executives of Long-Term Services and Supports**

Agency Name

Division

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4751-1-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Definitions for this chapter.**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: **4751.04; Section 1902(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707(a) (October, 2015 edition)**5. Statute(s) the rule, as filed, amplifies or implements: **Chapter 4751. of the Revised Code; Section 1902(e)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.701 (October, 2015 edition)**

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

The Board proposes to make four amendments to this rule as part of larger rule package that includes OAC4751-1-06. Two of the amendments would define terms

used in the proposed new version of OAC4751-1-06. The Board also proposes two other 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:

The rule defines terms used in OAC Chapter 4751-1.

In the rule, the Board proposes to amend the definition of "certificate of registration" to clarify that the certificate may be either printed or electronic. This would implement cost savings and expedite the delivery of certificates from the Board to health services executives/nursing home administrators.

The Board proposes to amend the definition of "health services executive" to indicate that a health services executive is a person who "meets the requirements established by national association of long-term care administrator boards [NAB]." OAC4751-1-06 contains the subjects for the NAB examinations.

The Board also proposes to define 2 terms used in the new language in OAC4751-1-06: "service provider" and "support network."

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:

The rule's definition for "internship site" references the Social Security Act. The United States Code contains the Act and is available to the general public, free of charge, on uscode.house.gov which features a "popular name tool" for searching for "Social Security Act."

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 Board determined ORC§121.75 allows the Board to reference the Social Security Act without repeating the Act in the rule primarily because the Social Security Act is available to the general public, free of charge on www.uscode.house.gov.

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:

On March 30, 2016, the Board made a refilled filing of the rule. In doing so, the Board removed any proposed amendments to the "health services executive" definition.

12. Five Year Review (FYR) Date: **2/10/2016**

(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

The Board's proposed amendment to the definition of "certificate of registration" would allow a certificate to be either printed or electronic. For every certificate that is electronically delivered, the Board would experience the reduced expense of 1 printed certificate, 1 envelope, and postage.

The Board intends to utilize any administrative funds saved from electronic certificates to pay for its remaining administrative duties. Therefore, the Board anticipates that the proposed amendment would have no impact upon the biennial budget that the Ohio General Assembly established for the Board.

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

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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:

In general, rules that merely define terms don't create costs of compliance. However, the definition of "supervision of a nursing home" refer to requirements for nursing home administrators in a rule adopted by the Ohio Dept. of Health. That rule would have an adverse impact. Additionally, the Board is proposing to amend the definition of "health service executive" to include requirements established by a national board. Those requirements are the examination to qualify as a nursing home administrator in OAC4751-1-07, which includes the subjects for examination in OAC4751-1-06.

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? **Yes**

For the most part, the rule merely defines terms used in OAC Chapter 4751-1, but the proposed definition for "health services executive", "license," etc. includes language that requires meeting the requirements for licensure in OAC Chapter 4751-1.

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**