

Rule Summary and Fiscal Analysis (Part A)**Board of Examiners of Nursing Home Administrators**

Agency Name

Division

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4751-1-04

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Board meetings.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Amstutz**

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**

5. Statute(s) the rule, as filed, amplifies or implements: **4751.03**

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

This rule proposal is part of a larger proposal of the Board to give a thorough five-year review to various rules in Chapter 4751-1 of the Administrative Code. Please see the business impact analysis associated with this rule package for more information.

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:

HB59 uses gender-neutral language.

Compared to the current rule, The new rule that the Board is proposing would:

1. Organize topics under sub-headings.
 2. Remove the requirement for interested parties to prove a self-addressed, stamped envelope to obtain information.
 3. Add "(2011 edition)" to comply with the incorporation by reference requirements in section 121.75 of the Revised Code.
 4. Replace the passive-voice language regarding special meetings and minutes with active-voice language that clearly identifies the subject who is responsible to comply with the actions. Using the active voice complies with Chapter 5 of the Rule Drafting Manual.
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 Board did not file "Roberts Rules of Order" (2011 edition) along with this rule proposal because the book is generally available to the public at (1) www.robertsrules.com, (2) The State Library of Ohio through OhioLink, and (3) Ohio's many other public libraries. Its Dewey decimal system number is 060.42 R641rb 2011.

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 did not file "Roberts Rules of Order" (2011 edition) along with this rule proposal because the book is generally available to the public at (1) www.robertsrules.com, (2) The State Library of Ohio through OhioLink, and (3) Ohio's many other public libraries. Its Dewey decimal system number is 060.42 R641rb 2011.

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. 119.032 Rule Review Date:

(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 estimates that the adoption of this proposed new rule would have no impact upon the biennial budget that the General Assembly established for the Board.

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

5MT0-490-627 Board of Executives of LTSS.

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:

The Board estimates that there is no cost of compliance to any party associated with the adoption of this proposed new rule.

Instead of regulating nursing home administrators, the rule primarily rule regulates how the Board conducts meetings.

However, this proposed new rule does not contain a requirement found in the rule of the same number that ODA is proposing to rescind. The current rule that ODA is proposing to rescind required interested parties to mail self-addressed, stamped envelopes to the Board in order to receive notification of Board meetings. For interested parties, this change will reduce the cost of compliance. Specifically, it would reduce the costs of postage and office supplies for interested parties who monitor Board meeting activity.

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? **No**

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

The Board is proposing to rescind the current version of this rule and replace it with a rule of the same number. The current rule has been requiring interested parties to submit self-addressed, stamped envelopes to the Board to obtain information about meetings. This proposed new rule would no longer retain this requirement.

