

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

Agency Name

Division

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4751-1-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Pre-examination requirements; conditions precedent to
application for admission to examination.****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 1908(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707 (October, 2014 edition)**
5. Statute(s) the rule, as filed, amplifies or implements: **4751.05; Section 1908(c) of the Social Security Act; 42 C.F.R. 431.707 (October, 2014 edition)**

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

The Board is proposing to amend this rule as part of a larger rule package that gives a five-year rule review to rules 4751-1-02, 4751-1-03, 4751-1-05, 4751-1-09, and

4751-1-13 of the Administrative Code. The Board appreciates feedback on this rule.

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 that the Board is proposing to amend regulates the pre-examination requirements.

The board's proposed changes to the rule would:

1. Clarify the amount of time an applicant has to complete the licensure process.
2. Clarify the method by which an applicant can be permitted to take the exam for a fourth time. As stated in the business impact analysis (BIA), the "Board wants to give applicants every opportunity to succeed and feels that after three failed attempts to pass the exam(s), additional training will help the applicant in gaining the knowledge required to pass the exam(s)."

For further information, please review the BIA.

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 is filing with this rule an application form for licensure examination.

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 is filing the application form with this proposed amended rule.

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 17, 2015, the Board revise-filed the rule to provide a better response to #6 of this RSFA.

12. Five Year Review (FYR) Date: **3/11/2015**

(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 have no impact on revenues or expenditures.

\$0.00

The rule proposal 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:

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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:

The Board's proposed amended rule would not make any new requirements for remaining a licensed nursing home administrator.

For an individual the seeks to become a licensed nursing home administrator, the Board's proposed amended rule would not make any new requirements for an individual who seeks to become a licensed nursing home administrator unless the individual has failed the state and/or national exam 3 times. The proposed new rule would require the individual to undergo an additional training period before he or she attempts to take the exam a final time.

The Board's proposed amended rule would also not make any new requirements for educational institutions or training agencies.

Please see the business impact analysis for further information.

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**

Chapter 4751-1 of the Administrative Code requires licensure to become a nursing home administrator in Ohio. To become a licensed administrator, an individual must pass the examination. To take the examination, the individual must meet the conditions in this rule.

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**

Completing the forms required by the rule.