

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

Agency Name

Division

Tom Simmons

Contact

50 West Broad Street Columbus OH 00000-0000

Agency Mailing Address (Plus Zip)

715-728-2548

Phone

Fax

tsimmons@age.ohio.gov

Email

4751-1-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Examination and passing grade.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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**

5. Statute(s) the rule, as filed, amplifies or implements: **4751.04, 4751.06**

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:

This rule that the Board is proposing to amend requires applicants to become nursing home administrators to take and pass an examination for licensure.

The Board's proposed amendments to the rule would:

1. Update language to reflect current examination practices regarding revised requirements for applicants who failed the exam to retake the exam and not just retake sections of the exam.
2. Revise language for consistency and clarity by consistently using "applicant" (not "candidate").
3. Replace "must" with "shall" to comply 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:

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. 119.032 Rule Review Date: **2/7/2014**

(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 proposed amendments to this 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 the adverse impacts created by rules 4751-1-05, 4751-1-06, 4751-1-07, 4751-1-10, 4751-1-10.1, 4751-1-14, 4751-1-16 of the Administrative Code are primarily the fee amounts associated with licensure, examination, and renewal of certificates of registration. Sections 4751.05, 4751.06, 4751.07, and 4751.08 of the Revised Code authorize the Board to require specific fee amounts. The Board has done so in rule 4751-1-16 of the Revised Code.

In addition to fees, rules 4751-1-05, 4751-1-06, 4751-1-07, 4751-1-10, 4751-1-10.1, 4751-1-14, 4751-1-16 of the Administrative Code require passing an examination to become licensed, completing at least 20 hours of continuing-education coursework each year (some of which involve free classes), renewing a certificate of registration each year (which involves completing BELTSS Form RA2013 (Rev., 2013)), and possible continuing-education penalty hours or loss of licensure for failure to annually renew certificates of registration.

Please review the business impact analysis associated with this rule package for more 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? **Yes**

The Board licenses nursing home administrators. The rule requires every applicant for a license to pass an examination.

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**

Failure to pass the examination means failure to obtain a license, unless the applicant subsequently takes and passes the examination. If the applicant fails the examination three times, the Board may require additional education or experience before the applicant may retake the examination.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**