

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-08

Rule Type: Amendment

Rule Title/Tagline: Registration of educational institutions and continuing education training agencies; approval of courses of study and programs of instruction.

Agency Name: Board of Executives of Long-Term Services and Supports

Division:

Address: 246 N. High St. 1st floor Columbus OH 43215-2406

Contact: Tom Simmons

Email: tsimmons@age.ohio.gov **Phone:** 614-728-2548

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/18/2018
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 49 - 132 - Smith
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4751.04; 42 U.S.C. 1396g(c)(1); 42 C.F.R. 431.707
5. What statute(s) does the rule implement or amplify? 4751.04, 4751.043, 4751.044; 42 U.S.C. 1396g(c); 42 C.F.R. 431.707, 431.708, 431.714
6. What are the reasons for proposing the rule?

HB49 enacted ORC §§ 4751.043 and 4751.044, which authorized the Board to contract with other entities to establish training programs and to charge those entities with fees to compensate the Board for its work to review proposed courses in the Board's

approval process. Implementing these new sections require the Board to amend this rule.

Additionally, the Board has reviewed this rule top to bottom, and proposes to update the rule in other ways, which ORC§106.03 requires the Board to do no less often than every 5 years.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule regulates institutions and training agencies that apply to the Board to provide continuing education courses to licensed nursing home administrators.

The Board proposes to amend this in the following ways:

1. The Board proposes to add a fee structure for the institutions/agencies to pay to the Board for reviewing their courses to seek the Board's approval.
2. The Board proposes to more clearly define categories of continuing education training agencies. This includes deleting the "limited" provider status from this rule and increasing the years of experience an agency must have in offering continuing education courses before qualifying to be a preferred continuing education training agency from 1 year to 3 years.

Please review the BIA for more information.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
- The rule requires completing forms which the Board makes readily available to the general public, free of charge, by publishing on <https://www.beltss.ohio.gov/forms/default.html>.
- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

The Board estimates its proposed amendments to this rule would not impact the biennial budget the Ohio General Assembly established for the Board. HB49 established the budget and HB49 also enacted ORC §§ 4751.043 and 4751.044. Thus, the Board's proposal to implement those sections into this rule was factored into the Board's biennial budget. For more information, please review the analysis of the budget for the Board on pp. 11-12 of "LSC Analysis of Enacted Budget: Department of Aging," which is available on <https://www.lsc.ohio.gov/documents/budget/132/MainOperating/greenbook/AGE.PDF>.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

If a training agency voluntarily decides it wants to become a Board-approved continuing education training agency for licensed nursing home administrators in Ohio, the training agency shall apply to the Board to become so and pay fees identified in this rule.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**
- 16. Does this rule have an adverse impact on business? Yes**
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule requires the Board's approval before being authorized to provide Board-approved continuing education courses for licensed nursing home administrators in Ohio.

- 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**

In this rule, the Board proposes to establish late fees.

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

This rule regulates institutions and training agencies that apply to the Board to provide continuing education courses to licensed nursing home administrators. It contains a fee structure for the institutions/agencies for the Board to review their courses for approval.