

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-09

Rule Type: Amendment

Rule Title/Tagline: Administrator-in-training program.

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

Division:

Address: 30 E Broad St. 22nd Floor Columbus OH 43215-3414

Contact: Tom Simmons **Phone:** 614-202-7971

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 7/12/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 509 - 134
- John, Arthur
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; 42 C.F.R. 431.707, 431.708
5. **What statute(s) does the rule implement or amplify?** 4751.20, 4751.38; 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule exists to establish requirements for the Administrator-in-Training (AIT) Program.

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

This rule establishes the AIT Program.

The Board proposes to amend this rule to achieve the following:

1. Replace "fee transmittal sheet" with "fee invoice" in paragraph (C)(1)(a) of this rule.
2. Insert "form" after "AIT program" in paragraph (C)(1)(a) of this rule.
3. Replace "training plan" throughout this rule with "professional development plan."
4. Extend the application deadline in paragraph (C)(2) of this rule from 14 to 21 days.
5. Insert "and be deemed by the board to provide quality care in a safe environment" at the end of the first sentence in paragraph (D)(1)(c) of this rule.
6. Replace "asked" in paragraph (D)(1)(c) of this rule with "required."
7. Insert a new paragraph (D)(1)(d) of this rule on the requirements of out-of-state training sites.
8. Insert a new requirement to use the NAB professional development plan form into paragraph (E)(2) of this rule and indicate the website on which an applicant may find the form.
9. Insert new paragraph (E)(4) of this rule to require an AIT assessment form.
10. Insert new paragraph (F) of this rule on waivers against (flexibilities regarding) this rule's requirements. This new paragraph replaces paragraph (F)(5) in the current version of this rule.
11. Insert new paragraphs (G)(5) to (G)(12) of this rule to establish requirements (e.g., reporting) and parameters (e.g., vacation) for the AIT Program.
12. Insert a new second sentence to paragraph (H)(2)(b) of this rule that says, "If the AIT fails to file reports promptly, such trainee may be deemed to have abandoned the administrator-in-training program."

13. Insert a new paragraph (H)(2)(d) of this rule to require the AIT to maintain a daily log of training hours.

14. Insert a new paragraph (J)(5) of this rule after paragraph (J)(4) of this rule to indicate that an AIT cannot also serve as a nursing home's director of nursing.

15. Insert a new paragraph (J)(8) of this rule after paragraph (J)(7) of this rule to require AIT preceptors to participate in the Board's online training course for preceptors.

16. Remove occurrences of "or not" occurring after "whether" in paragraphs (J)(9)(a) to (J)(9)(c) of this rule.

17. Insert a new second sentence to paragraph (J)(10) of this rule to establish that a person may qualify to be an out-of-state preceptor only if the person has been a full-time LNHA for at least two years and currently has an active certificate of registration.

18. Insert new paragraphs (J)(11) to (J)(13) of this rule after paragraph (J)(10) of this rule to establish new requirements for preceptors to provide orientation, a list of requirements, and equipment to AITs.

19. Insert a new paragraph (K)(1) of this rule to establish the order of entities to which an AIT must file a grievance from facility supervisor, then to preceptor if not resolved by the supervisor, and then to the Board if necessary.

20. Insert a new paragraph (M) on the Core of Knowledge course.

21. To update the revision date for forms under paragraph (N) of this rule.

9. Does the rule incorporate material by reference? Yes

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule refers to a NAB application form, which is readily available to the general public free of charge on <https://www.nabweb.org>.

11. 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

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Amending this rule will not impact the biennial budget that the Ohio General Assembly established for the Board.

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

The cost to a person wanting to become an LNHA is applying for the AIT Program.

The cost to an administrator in training (AIT) is successfully completing the AIT Program.

If a nursing home voluntarily chooses to participate in the AIT Program, the cost is facilitating the AIT's professional development through the AIT program.

If an LNHA voluntarily chooses to become a preceptor for the AIT Program, the cost is monitoring the progress of an AIT's professional development through the AIT Program.

Please review the BIA for more information.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The fees in this rule go to the BELTSS fund under R.C. Â§4751.03 and relate to the cost to administer the Board's duties under R.C. Chapter 4751 and Chapter 4751-1 of the Administrative Code.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. 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 preceptors to be LNHAs.

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

Not attending every day of the Core of Knowledge Course may result in additional fees.

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

The cost to a person wanting to become an LNHA is applying for the AIT Program.

The cost to an administrator in training (AIT) is successfully completing the AIT Program.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable