

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

Agency Name

Division

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**4751-1-09**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Administrator-in-training program.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**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 1902(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707 (October 1, 2014 edition)**5. Statute(s) the rule, as filed, amplifies or implements: **4751.04; Section 1902(c)(2) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707 (October 1, 2014 edition)**

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

The Board is proposing to rescind 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.

Instead of amending a rule, the Board is proposing to rescind the rule and replace it with a new rule of the same number. This complies with section 4.3.1 of the Legislative Service Commission's Rule Drafting Manual.

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:

The proposed new rule would regulate the AIT Program.

Compared to the rule of the same number that the Board is simultaneously proposing to rescind, the proposed new rule would:

1. Be gender neutral.
2. Contain consistent language with other rules.
3. Increase the amount of time that applicants have to turn in their applications before board meetings.
4. Contain clarified language on the acceptable/unacceptable relationship status between AITs and preceptors.
5. Contain clarified language regarding the penalty for falsification or misrepresentation.

Please review the crosswalk that the Board filed with this RSFA for more information.

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 rule requires 5 forms, which the Board has included in this rule filing.

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 rule requires 5 forms, which the Board has included in this rule filing.

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. Five Year Review (FYR) 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 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:

Compared to the rule that the Board is simultaneously proposing to rescind, the proposed new rule would not make any new requirements for becoming a licensed nursing home administrator or on remaining a licensed nursing home administrator.

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 rule establishes the Administrator-In-Training Program. Participation in the program is a requirement for becoming a licensed nursing home administrator.

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 rule requires completing 5 forms.

## CROSSWALK

CURRENT RULE LANGUAGE	PROPOSED NEW RULE LANGUAGE
<p><b>4751-1-02 Definitions.</b></p> <p>"Administrator/preceptor" means the licensed nursing home administrator approved by the board to supervise the practical training and experience of the administrator-in-training during the period of internship.</p> <p>(1) A preceptor may not train his or her employer or supervisor.</p> <p>(2) A preceptor may not train a relative of the following degree: spouse, son or daughter, parent, stepparent, stepchild, brother or sister, cousin, niece or nephew, uncle or aunt.</p> <p><b>4751-1-09 Administrator-in-training program; practical training and experience.</b></p> <p>The board has established the administrator-in-training program as the way whereby a person seeking initial licensure as a nursing home administrator may obtain practical training and experience in nursing home administration under direct supervision of a licensed nursing home administrator (administrator/preceptor) who is in full-time practice in the nursing home approved by the board as the applicant's internship training site.</p>	<p><b>4751-1-09 Administrator-in-training program.</b></p> <p>(A) Introduction: The board has established the administrator-in-training ("AIT") program as the way for a person who seeks initial licensure as a nursing home administrator to obtain a period of practical training and experience ("internship") in nursing home administration under direct supervision of a licensed nursing home administrator ("preceptor") who is in full-time practice in a nursing home that the board approved as the AIT's training agency ("internship site").</p> <p>(G) Preceptors:</p> <p>(1) No preceptor shall be related by blood or marriage to the AIT.</p> <p>(2) No preceptor shall have a personal financial interest in the licensure of an AIT.</p> <p>(3) The AIT program is not responsible for any financial arrangements between an AIT and the preceptor.</p>
<p>(A) Applying for registration in the AIT Program:</p>	<p>(C) Registration:</p>
<p>(1) An applicant for registration in the nursing home administrator-in-training program shall submit such application in the manner and on the forms prescribed by the board, which consists of:</p>	<p>(1) How to register: To register for internship in the AIT program, an applicant shall submit all of the following items to the board:</p>
<p>(a) The application form having complete and accurate entries of information;</p>	<p>(a) The fee transmittal sheet, preliminary data for AIT program, the AIT application, the employment status form, and the facility survey form having complete and accurate entries of information.</p>

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<p>(b) Certified transcript(s) of college credits and proof of degree(s), in accordance with division (A)(4) of rule 4751-1-05; said transcripts to be sent by the institution directly to the office of the board;</p> <p>(c) Certificate or other specific and adequate documentation of completion of approved course of study or program of instruction meeting the special academic requirements in the subject areas specific to health care administration in accordance with division (A)(5) of rule 4751-1-05;</p> <p>(d) Any additional or supplemental documentation to support data entries on the application form and to establish any qualifying administrative experience;</p> <p>(e) The training plan, with its supporting documentation;</p>	<p>(b) Certified transcript(s) of college credits and proof of degree(s), in accordance with paragraph (A)(4) of rule 4751-1-05 of the Administrative Code; said transcripts to be sent by the institution directly to the office of the board.</p> <p>(c) Certificate or other specific and adequate documentation of completion of approved course of study or program of instruction meeting the special academic requirements in the subject areas specific to health care administration in accordance with paragraph (A)(5) of rule 4751-1-05 of the Administrative Code.</p> <p>(d) Any additional or supplemental documentation to support data entries on the application form and to establish any qualifying administrative experience.</p> <p>(e) The training plan, with its supporting documentation.</p>
<p>(2) All parts of the application shall be on file with the board at least thirty days prior to the regular meeting of the board preceding the requested beginning date of the AIT Program;</p>	<p>(2) Deadline: The applicant shall submit all parts of the application to the board so that the application is on file with the board at least fourteen days before the regular board meeting that precedes the requested beginning date of and internship with the AIT program.</p>
<p>(3) AIT Program shall begin only on the first day of the first month of the calendar quarter, namely: January 1, April 1, July 1, October 1.</p>	<p>(B) Dates: All internships in the AIT program shall begin on the first day of the first month of the calendar quarter, namely: January 1, April 1, July 1, or October 1.</p>
<p>(B) The applicant-before approving the registration of an applicant for internship in the administrator-in-training program, the board must be satisfied that the applicant meets or will meet the following requirements. The applicant:</p>	<p>(3) Board approval: The board shall only approve an applicant's registration for internship in the AIT program if the board is satisfied that the applicant meets, or has arranged to meet, each of the following eight requirements:</p>
<p>(1) Is at least eighteen years of age; and</p>	<p>(a) The applicant is at least eighteen years of age.</p>
<p>(2) Is of good character; and</p>	<p>(b) The applicant has good character.</p>
<p>(3) Is in good health and is otherwise suitable to the practice of nursing home administration under the criteria set forth in division (A)(3) of rule 4751-1-05; and</p>	<p>(c) The applicant has good health and is otherwise suitable to the practice of nursing home administration according to paragraph (A)(3) of rule 4751-1-05 of the Administrative Code.</p>
<p>(4) Has attained the general education qualifications as prescribed in division (A)(4) of rule 4751-1-05; and</p>	<p>(d) The applicant meets general education requirements of paragraph (A)(4) of rule 4751-1-05 of the Administrative Code.</p>

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(5) Has completed, or has arranged for completing, the special academic requirements prescribed in division (A)(5) of rule 4751-1-05, and has submitted documentation of such to the board; and	(e) The applicant has submitted records to the board to verify that he or she meets, or has arranged to meet, the special academic requirements of paragraph (A)(5) of rule 4751-1-05 of the Administrative Code.
(6) Has arranged for a period of practical training and experience (internship), pursuant to rule 4751-1-05(A)(6), in a training agency (internship site) approved by the board; and	(f) The applicant has arranged for an internship at an internship site(s) of which the board approves, pursuant to paragraph (A)(6) of rule 4751-1-05 of the Administrative Code.
(7) Shall not be employed in the internship site in any capacity other than that of administrative trainee during the period of practical training and experience; and	(g) The internship site(s) will not employ the applicant in any capacity other than that of an AIT during the internship hours.
(8) Does not have a substantial financial interest in the nursing home which is to be the site wherein the major portion of the training time will be served.	(h) The applicant does not have a substantial financial interest in any nursing home that will be the internship site at which he or she would serve a major portion of his or her internship.
(C) The training plan for practical training and experience (internship) for the AIT Program must provide documentation that the following requirements have been or will be met;	(D) Training plan: The training plan for internship in the AIT program shall provide documentation that the following requirements have been, or will be, met.
(1) A pre-training assessment of the applicant's background in terms of educational level, pertinent experience, maturity, motivation, initiative has been made jointly by the applicant and his preceptor, the supervisor of this practical training experience.	(1) A pre-training assessment of the applicant's background in terms of educational level, pertinent experience, maturity, motivation, and initiative has been made jointly by the applicant and the preceptor.
(2) Based on the assessment, the applicant and his preceptor jointly have developed a detailed goal-oriented training plan with adequate supporting documentation which relates educational objectives, subject areas of the core of knowledge-nursing home administration, training sites and/or agencies involved, estimated number of hours needed for mastering each objective, and total of hours in training plan.	(2) Based on the pre-training assessment, the applicant and the preceptor have jointly developed a detailed goal-oriented training plan with adequate supporting documentation that relates educational objectives, subject areas of the core of knowledge in nursing home administration, training sites and/or agencies involved, estimated number of hours needed for mastering each objective, and total number of hours in the training plan.
(3) Supporting documentation for the training plan shall include qualifications of the preceptor and of the director of nursing in the training sites, and such descriptive information for each training site and staff as is necessary to determine its adequacy for the specific educational objective(s) for which it is designated.	(3) Supporting documentation for the training plan shall include preceptor's qualifications, the qualifications of the nursing director at the internship site(s), and a description of each internship site and the staff that is necessary to determine the site's adequacy to meet specific goals in the training plan.
	(E) Evaluation:

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(4) The board shall have the right to monitor and call for conference any party or parties thereto during the course of said internship.	(1) Monitoring: During an internship, the board may monitor the internship and may call for the AIT and preceptor into a conference with the board.
(5) Following the completion of the internship and preceding admission to examination for licensure, the board shall determine if the applicant has received training consistent with the guidelines established by the board in these rules.	(3) Board determination: After the AIT completes an internship, the board shall determine if the AIT received training that complies with this rule before the board admits the AIT to licensure examination.
(D) Reports	(2) AIT reporting:
(1) Each administrator-in-training shall file such periodic and summary reports as required by and in the format prescribed by the board.	(a) Each AIT shall file such periodic and summary reports as required by and in the format prescribed by the board.
(2) All reports are to be co-signed by the administrator-in-training and the administrator/preceptor and filed with the board no more than ten days following the end of the reporting period.	(b) The AIT and the preceptor shall both sign, then file, each report required in paragraph (D)(1) of this rule with the board no more than ten days after the end of each reporting period.
(3) If an administrator-in-training fails to file reports promptly, such trainee may be deemed to have abandoned the administrator-in-training program.	(c) If an AIT fails to report to the board before the deadline in paragraph (D)(2) of this rule, the board may determine that the AIT abandoned the AIT program.
(E) Reciprocity  Any administrator-in-training in an approved preceptorial training program of another state who transfers residence to the state of Ohio may receive credit at the discretion of the board toward the internship requirements of this state, provided that:	(F) Reciprocity: Reciprocity: The board may grant credit towards the AIT program for an AIT's internship in another state's internship program if the following two conditions are met:
(1) The administrator-in-training applies for registration with this board within sixty days after leaving the former training program;	(1) The AIT registers with the board no later than sixty days after he or she leaves the other state's training program.
(2) There is in effect a reciprocity agreement for the administrator-in-training program between the state of origin and the state of Ohio.	(2) A reciprocity agreement between Ohio and the other state is in effect for the AIT program.
(F) Interruption, discontinuance, or disqualification	(H) Adverse actions:
(1) Discontinuance by the administrator-in-training of the internship in the approved training site shall be reported to the board by the trainee and by the administrator/preceptor within ten days after such discontinuance.	(1) If an AIT discontinues his or her internship in the approved internship site(s), the AIT and the preceptor shall report the AIT's discontinuance to the board before the tenth day after the discontinuance.



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(2) The internship period in whole or in part may be disqualified or disallowed if it is determined by the board that the administrator-in-training has failed to serve a bona fide internship in conformity with these rules.	(2) The board may disqualify or disallow all (or part) of an internship period if the board determines that an AIT fails to serve an internship that complies with this rule.
(3) Approved registration in the administrator-in-training program in no way implies authority for the trainee to serve in the capacity of a nursing home administrator; such action by a trainee may disqualify the entire period of internship.	(4) An AIT shall not serve in the capacity of a licensed nursing home administrator. The board may disqualify the entire internship period of an AIT who serves in the capacity of a licensed nursing home administrator.
(5) In the event the preceptor fails to provide the administrator-in-training an opportunity for adequate professional and occupational experience under supervision in the administrative and operating activities of a nursing home, the board may disqualify the administrator/preceptor from further service as such in the administrator-in-training program.	(5) If a preceptor fails to provide the AIT an opportunity for an adequate internship while the AIT is under his or her supervision, the board may disqualify the preceptor from further service in the AIT program.
(G) Miscellaneous	
(1) Any financial arrangements between administrator/preceptor and administrator-in-training are the joint responsibility of the parties involved and are not the responsibility of the board.	(I) Non-party: Any financial arrangements between preceptor and administrator-in-training are the joint responsibility of the parties involved and are not the responsibility of the board.
(2) Should investigation by the board disclose any falsification or misrepresentation in an application or supportive documents, said application shall be rejected and the applicant disqualified.	[Under (H) Adverse actions]  (6) The board may deny an AIT admission for examination to become a licensed nursing home administrator if the AIT falsified or misrepresented facts on an application, documents that support an application, or in any periodic or summary reports on an internship.
(3) An falsification or misrepresentation contained in any report or document attesting the facts, conditions and activities of the internship and submitted by the AIT, administrator/preceptor or other participants therein may be grounds for denial of admission to examination or for suspension or revocation of the nursing home administrator license in addition to any other penalties provided by law.	(7) According to rule 4751-1-12 of the Administrative Code, the board may suspend or revoke a license if the administrator falsified or misrepresented facts on an application, documents that support an application, or in any periodic or summary reports on an internship
(4) In the event that during the administrator-in-training internship the training experience proves unsatisfactory, the board, at its discretion, may terminate or rearrange all or part of the internship.	(3) The board may terminate or rearrange all or part of the internship if, during an AIT's internship, the board determines that the internship is unsatisfactory.

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	<p>(J) Definitions for this rule:</p> <p>"AIT application" means "Form AIT' (Rev., October, 2013).</p> <p>"Employment status form" means "Employment Status Form' (Rev., December, 2014)."</p> <p>"Facility survey form" means "Facility Survey Form' (Rev., December, 2014)."</p> <p>"Fee transmittal sheet" means "Fee Transmittal Sheet' (Rev., October, 2013).</p> <p>"Preliminary data for AIT program" means "Preliminary Data for AIT Program' (Rev., October, 2013)."</p>