

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-10.1
Rule Type: Amendment
Rule Title/Tagline: Timely renewal of certificate of registration.
Agency Name: Board of Executives of Long-Term Services and Supports
Division:
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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, Fowler 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, 4751.24, 4751.25, 4751.26, 4751.32; 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 the standards for the timely renewal of license registrations.

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

This rule establishes the standards for the timely renewal of license registrations.

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

1. Reflect H.B. 509's amendments to R.C. Chapter 4751, which replaced annual renewal of license (registration) with biennial renewal and doubled the renewal fee. This includes dividing licensees alphabetically into two groups with a phased-in plan for one group to have renewal deadlines on even-numbered years and the other to have renewal deadlines on odd-numbered years.
2. Replace the requirement for 20 hours of annual continuing education in paragraph (F)(2) of this rule with a requirement for 40 hours of biennial continuing education. This is in response to H.B. 509's changes noted in #1.
3. Replace the requirement for 4 hours of additional annual continuing education for HSEs in paragraph (F)(3) of this rule with a requirement for 8 additional hours of additional biennial continuing education for HSEs. This is in response to H.B. 509's changes noted in #1.
4. Require licensees (LNHAs and HSEs), in paragraph (F)(4) of this rule, to complete one continuing education course per renewal period on ethics or professional standards of practice.
5. Delete the parenthetical sentence in paragraph (F)(7) of this rule.
6. Delete the requirement in paragraph (F)(8) of this rule to notarize the attestation statement.
7. Update the reference to the paper-version of the renewal application in paragraph (G) of this rule.

The Board also proposes to make other non-substantive improvements to 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 form RA2022, which any person may readily obtain by contacting the Board.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The Board made a revised filing of this rule to add additional section numbers to the list of amplified statutes that appears after the rule. The Board did not revise the rule itself as part of this filing.

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. As noted in the fiscal analysis for H.B. 509 (134th G.A.), the license renewal will be biennial rather than annual, but the renewal fee will double at the same time.

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

For a licensee, the cost of compliance with this rule is renewing a license (registration) before it expires, applying for renewal, completing continuing education before applying, and paying the renewal fee.

- 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. §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? No

This rule does not establish a requirement for licensure (cf. R.C. §4751.10). Instead, it establishes the standards for timely renewal (registration) of licenses.

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

Paragraph (H) of this rule requires licensees to pay a \$50/quarter (up to \$200) penalty fee for untimely renewals of licenses.

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

This rule requires licensees wanting to (1) renew their license to apply for renewal before the current license expires, (2) complete continuing education before applying, and (3) pay the renewal fee.

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