

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-10

Rule Type: Amendment

Rule Title/Tagline: Licenses and registrations.

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, 4751.32, 4751.35, 4751.381, 4751.41; 42 U.S.C. 1396g(c); 42 C.F.R. 431.707, 431.708, 431.709, 431.710
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 requirements for LNHA licenses and registrations.

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

This rule establishes the requirements for LNHA licenses and registrations.

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

1. Change the registration period in paragraphs (B) and (D) of this rule from annual to biennial to implement H.B. 509's amendments to R.C. §4751.24.
2. Insert a new paragraph (C) of this rule before the existing paragraph (C) of this rule to implement H.B. 509's amendment regarding filing LNHA vacancies during an emergency in R.C. §4751.20.
3. Require 40 hours of biennial continuing education in paragraph (D) of this rule rather than 20 hours of annual continuing education. This reflects the changes noted in #1.
4. Delete paragraph (I) of the current version of this rule because H.B. 509 replaced temporary licenses with the emergency licenses noted in #2 above.

9. Does the rule incorporate material by reference? No

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.

Not Applicable

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. 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?

This rule requires LNHAs to pay a fee for their licenses and renewal of licenses (registration), plus an additional fee for untimely renewal, and establishes continuing education requirements for LNHAs.

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 fee in this rule goes to the BELTSS Fund under R.C. §4751.03 and relates 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 LNHAs to pay a fee for their licenses and renewal of license.

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 renew an LNHA license results in the invalidation of that license.

Renewing a license after its expiration date invokes an additional fee.

Failure to renew an LNHA license for a year after the expiration date is deemed to be an abandonment of the profession. If the person who abandoned the profession wants to return to nursing home administration, the person must apply for a new license under the current requirements rather than renew the invalidated license.

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

This rule establishes continuing education requirements for LNHAs.

This rule also requires each LNHA to display their license in the nursing home that is their primary workplace and to present their license to specific government authorities upon request and to their employer upon request.

- 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