

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

Agency Name

Division

Tom Simmons

Contact

246 N. High St. 1st floor Columbus OH 43215-2406 614-728-2548

Agency Mailing Address (Plus Zip)

Phone

Fax

tsimmons@age.ohio.gov

Email

4751-1-11

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Temporary license.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
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; 1908(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708.**
5. Statute(s) the rule, as filed, amplifies or implements: **4751.01, 4751.02, 4751.04, 4751.06; Section 1908(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708, 431.710.**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The Board proposes amending this rule as part of a 5-rule package of enhancements to OAC Chapter 4751-1. The Board also reviewed this rule as part of the 5-year review process.

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:

This rule provides the information necessary for individuals to seek a temporary nursing home administrator license from the Board.

The Board proposes amending the rule primarily to allow for electronic payment of fees.

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 references a "report of conviction" form which is readily available to the general public, free of charge, on <https://www.beltss.ohio.gov/forms/default.html>.

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 Board did not attach the form to this rule filing because it is readily available to the general public, free of charge, on <https://www.beltss.ohio.gov/forms/default.html>.

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: 5/1/2017

(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

Amending this rule would have no impact up on the Board's biennial budget.

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:

The rule requires paying a fee for a temporary license, which OAC4751-1-16 establishes as \$100.00

The Board's proposed amendment allows for paying the fee electronically.

Please review the BIA for additional information.

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**

Every nursing home must have a licensed nursing home administrator employed for at least 16 hours per week.

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**

The nursing home could be cited by the Ohio Department of Health for failing to have a licensed nursing home administrator for at least 16 hours per week.

Any individual practicing nursing home administration without a license could be fined by the Board.

Certain felony convictions disqualify an out-of-state license holder from attaining an Ohio license.

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

The rule requires paying a one-time fee of \$100 for a temporary license. (OAC4751-1-16 establishes the fee amount.)

The Board's amendment would allow for paying the fee electronically.

The rule also requires a criminal records check and the submission of a form.

Please review the BIA for additional information.