

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

Agency Name

Division

Tom Simmons

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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; Section 1908(c)(1) of the Social Security Act**5. Statute(s) the rule, as filed, amplifies or implements: **4751.01(D), 4751.06; Section 1908(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.710 (October 1, 2014 edition)**

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

The rule regulates the issuance of temporary licenses to would-be licensed nursing home administrators.

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 board proposes to do the following:

1. Replace "applicant" with "individual" in paragraph (B) of the rule.
2. Replace the occurrence of "patients" with "persons being served in the nursing home."
3. Make other minor citation improvements and grammatical improvements, including using gender-neutral language.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

On July 28, 2015, ODA made a revised filing of the rule to upload a revised

public-hearing notice into ERF. The revised notice has a corrected conference room location.

12. Five Year Review (FYR) Date: **6/30/2015**

(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 Board's proposed amendments to the rule would have no bearing on the biennial budget that the Ohio 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:

As stated in the BIA, "The potential adverse impact of 4751-1-11 is the cost of hiring a licensed nursing home administrator for 16 hours per week instead of being granted a temporary license for a current employee and simply continuing to pay his or her salary. A temporary licensed nursing home administrator through an agency can cost \$50 per hour x 16 hours per week for a total of \$800 per week. The cost of paying a current employee to act as a temporary administrator would vary upon the position chosen to seek the temporary license, but could be \$20-40 per

hour for a cost of \$320-640 per week. This would only occur if the temporary license application was denied."

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**

A license is required to be a licensed nursing home administrator. This rule regulates the provision of temporary licenses for 180 days. See the BIA for more information.

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? **No**