

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-12

Rule Type: Amendment

Rule Title/Tagline: Suspension, revocation, and disciplinary action.

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? 4751.32; 42. U.S.C. 1396g; 42 C.F.R. 431.707, 431.708, 431.712
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 Board's standards for discipline of an LNHA who violated, or failed to comply with, a requirement for LNHAs in R.C. Chapter 4751 or Chapter 4751-1 of the Administrative Code.

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

This rule establishes the Board's standards for discipline of an LNHA who violated, or failed to comply with, a requirement for LNHAs in R.C. Chapter 4751 or Chapter 4751-1 of the Administrative Code.

The Board proposes to amend this rule to reflect H.B. 509 (134th G.A.), which eliminated temporary licenses and doubled the registration period from annually to biennially.

- 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 have no impact upon the biennial budget that the Ohio General Assembly established for the Board.

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

This rule does not establish any cost of compliance. Instead, this rule establishes the cost of non-compliance. This rule establishes the Board's standards for discipline of an LNHA who violated, or failed to comply with, a requirement for LNHAs in R.C. Chapter 4751 or Chapter 4751-1 of the Administrative Code. R.C. §4751.32 allows these standards to include the denial, revocation, or suspension of a license, a civil penalty, or another sanction.

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.**

Not Applicable

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**
 - 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**

This rule does not establish any cost of compliance. Instead, this rule establishes the cost of non-compliance. This rule establishes the Board's standards for discipline of an LNHA who violated, or failed to comply with, a requirement for LNHAs in R.C. Chapter 4751 or Chapter 4751-1 of the Administrative Code. R.C. §4751.32 allows these standards to include the denial, revocation, or suspension of a license, a civil penalty, or another sanction.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**

- 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? Yes

The suspension or revocation of a license would lead to a reduction in income for the formerly-licensed person. The suspension or revocation of a license would not lead to a reduction in revenue for a nursing home, which can replace formerly-licensed person with a LNHA.

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