

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

Agency Name

Division

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4751-1-15

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Relicensure.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
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, 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708.**
5. Statute(s) the rule, as filed, amplifies or implements: **4751.04, 4751.11; Section 1908(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708.**

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

The Board proposes adopting this new rule to explain the procedure for a formerly licensed nursing home administrator to become relicensed in Ohio. The rule filing is part of a 5-rule package of enhancements to OAC Chapter 4751-1.

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 proposed new rule would specify the requirements for re-licensure in Ohio and clarify the effects of a felony conviction on re-licensure.

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 requires 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:

(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

Adopting this new 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:

5MT0-490-627 Board of Executives of LTSS

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 Board estimates that approximately 11 people would be affected by this new rule each year. Adopting the new rule would clarify that LNHAs who allow their licenses to expire must take the Ohio and national NAB exams and pay the re-licensure fee to become relicensed. The cost of the NAB exam is \$525 (charged by NAB).

Please review the BIA for further 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**

This rule would allow the Board to reinstate licenses under certain conditions. OAC4751-1-10 is the primary rule in the chapter requiring licensure.

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**

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**

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