

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4751-1-16

**Rule Type:** Amendment

**Rule Title/Tagline:** Fees.

**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
5. **What statute(s) does the rule implement or amplify?** 4751.03, 4751.15, 4751.20, 4751.201, 4751.21, 4751.23, 4751.24, 4751.25, 4751.26, 4751.381, 4751.45; 42 U.S.C. 1396g; 42 C.F.R. 431.707
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 fees authorized by R.C. Chapter 4751.

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

This rule establishes the fees authorized by R.C. Chapter 4751.

The Board proposes to amend this rule to implement H.B. 509 (135th G.A.), which eliminated the temporary license fee, replaced annual registration with biennial registration, and doubled the registration fee.

- 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?**

The cost of compliance to this rule are the fees themselves.

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 fees in this rule go to the BELTSS Fund under R.C. §4751.03 and relate 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? 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's list of fees includes the penalty fees (i.e., late fees) required in R.C. §§ 4751.24 and 4751.25.

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

This rule lists the fees that R.C. Chapter 4751 requires an LNHA and applicant to become an LNHA to pay.

- 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