MEMORANDUM

TO: Deborah Veley, Executive Director of Board of Executives of Long-term Services & Supports

FROM: Sydney King, Regulatory Policy Advocate

DATE: January 24, 2014

RE: **CSI Review – FYR and Timely Renewal of License (OAC 4751-1-04, 4751-1-05, 4751-1-06, 4751-1-07, 4751-1-08.1, 4751-1-10, 4751-1-10.1, 4751-1-14, and 4751-1-16)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The Board of Executives of Long-Term Services & Supports (BELTSS) submitted a rule package to the CSI Office for review consisting of nine rules. The rule package contains two new rules (Rules 4751-1-04 and 4751-1-10.1) and several amendments throughout the remaining rules. The rules are also being reviewed as part of the five-year review process required by ORC 119.032. The rule package was filed with the CSI Office on January 8, 2014, and the comment period for the rules closed on January 20, 2013. No comments were received during the public comment period.

The rule package regulates nursing home administrators and provides requirements for licensing, registration, training, renewal of certificates of registrations, and fees. A training agency seeking to become a BELTSS-approved continuing education provider must also apply to BELTSS and the rules regulate the process to become approved.

BELTSS engaged stakeholders to solicit feedback and comments on the draft rules. Three of the primary provider associations (LeadingAge, the Ohio Health Care Association, and the Academy

of Senior Health Sciences) placed the draft rules in their newsletters requesting comments. BELTSS also performed two public comment periods (October 21- November 15 and January 8-January 20). The rules were amended in response to suggestions. No comments were received during the January public comment period.

The BIA cites administrative costs and fees associated with licensure, examination, renewal, twenty hours of continuing education, continuing education penalty hours, and the loss of registration as adverse impacts to nursing home administrators. The rules also include administrative costs for training agencies and require them to apply to BELTSS to become approved continuing education providers (there are no fees required for the application). According to BELTSS, all the fees, except for the volunteer "Administrator-in-Training" program fee, are required by statute. Additionally, many of the continuing education classes are offered for free. The CSI Office confirmed the forms required by the rules can be found on the BELTSS website and the administrative costs associated with the forms are minimal. BELTSS states the rules are necessary to ensures that applicants for licensure meet the requirements established in Chapter 4751 of the Revised Code and maintain qualifications through continuing education for each license renewal.

The CSI Office is not suggesting any further changes with respect to the rules or the BIA for the following reasons:

- No public comments were received during the public comment period.
- The BIA submitted by BELTSS is accurate and complete and does not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office