

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** June 29, 2015

**RE:** **CSI Review – Suspension or Revocation of License (OAC 4751-1-12)**

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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 one amended rule.<sup>1</sup> The rule is being reviewed as part of the five-year review process required by statute. The rule package was filed with the CSI Office on May 20, 2015, and the comment period for the rules closed on June 7, 2015.

The rule package outlines the circumstances when disciplinary action is appropriate for a licensed nursing home administrator. The disciplinary action can include license suspension and revocation. Three of the primary provider associations (LeadingAge, the Ohio Health Care Association, and the Academy of Senior Health Sciences) placed the draft rule in their newsletters requesting comments. During early stakeholder outreach, the Academy of Senior Health Sciences questioned BELTSS statutory authority to impose civil penalties in the regulations. As a result, BELTSS removed language from the rule and is now seeking a legislative resolution. Additional comments were received during early stakeholder outreach and the comments were amended based on the input. No comments were received during the CSI public comment period.

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<sup>1</sup> The rule is being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number

The BIA cites licensed nursing home administrators as the impacted business community. The costs include penalties a nursing home administrator may incur for noncompliance. The BIA provides an estimate of the costs for license suspension or revocation. BELTSS states the rule is necessary to ensure nursing home administrators act ethically and professionally.

### **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