CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: BELTSS

Regulation/Package Title: Core of Knowledge

Rule Number(s): 4751-1-01, 4751-1-02, 4751-1-06[1]
Date: 1-4-16, *revised* 2-9-16

Rule Type:

- ☑ **New 4751-1-01, 4751-1-06**
- ☑ **Amended 4751-1-02**
- ☐ **5-Year Review**
- ☑ **Rescinded 4751-1-01, 4751-1-06**

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. **Please briefly describe the draft regulation in plain language.**
   Please include the key provisions of the regulation as well as any proposed amendments.

   Rule Change 4751-1-01 Notice of adoption, amendment, or rescission of rules: Language changed to update, modernize, and make rule less wordy;

   Rule Change 4751-1-02 Definitions for this chapter.
   - Amend the definition of "certificate of registration" to clarify that the certificate may be either printed or electronic. This would implement cost savings and expedite the delivery of certificates from the Board to health services executives/nursing home administrators.
   - Amend the definition of "health services executive" to indicate that a health services executive is a person who "meets the requirements established by national association of

[1] BELTSS originally submitted 2 separate BIAs to CSIO. Because CSIO released 1 recommendation for all rules involved, on 2-9-16, the Board revised this BIA to incorporate information from the 2 BIAs.

long-term care administrator boards [NAB]." OAC4751-1-06 contains the subjects for the NAB examinations.
- The Board also proposes to define 2 terms used in the new language in OAC4751-1-06: "service provider" and "support network."

Rule Change 4751-1-06 Subjects for Examination
- Language made gender neutral and consistent with language used in other rules.
- Language changed to reflect the National Association of Long-Term Care Administrator Boards' Domains of Practice.

2. **Please list the Ohio statute authorizing the Agency to adopt this regulation.**
   4751.04

3. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**
   If yes, please briefly explain the source and substance of the federal requirement.
   4751-1-06 implements CFR 431.708 "Procedures for applying standards" and CFR 431.711 "Compliance with standards".

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**
   N/A

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**
   The Board is required by RC 119.03 to have a rule regarding rule changes

   The National Association of Long-Term Care Administrator Boards (NAB) is changing the Federal Administrator Licensing Exam to reflect the Domains of Practice. The Board needs to update its rule to reflect these changes to the examination material so that prospective licensees will be adequately prepared for the Federal Exam.

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**
   For rule 4751-1-01, persons requesting notification will be promptly notified of upcoming rule changes.

   Rule 4751-1-06 will be measured by the Federal Exam pass/fail rate.

Development of the Regulation

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**
   If applicable, please include the date and medium by which the stakeholders were initially contacted.
   Rule 4751-1-01: Currently, no-one is registered with the Board to receive notice of meetings/rule revision.

Rule 4751-1-06: The Board posted draft copies of the rules on the Board's website for a public comment period. All three of the primary provider associations (LeadingAge, The Ohio Health Care Association, and the Academy of Senior Health Services) placed a notice in their newsletters (emailed to all members) including a link to the draft rules on the Board's website.

8. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**
   The Board received feedback from Ginger Scheurger Davidson, LNHA/RN. Written responses were sent.

9. **What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**
   The domains of practice are a result of a comprehensive, multi-year study by NAB and are a reflection of the skills and knowledge a licensed nursing home administrator needs to possess.

10. **What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**
    There were no alternative regulations considered as the rules are driven by statute.

11. **Did the Agency specifically consider a performance-based regulation? Please explain.**
    Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.
    No. The rules were developed in accordance with ORC guidelines.

12. **What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**
    The JCARR standard for invalidation has been an ongoing deterrent to duplication. Legal staff, the Board, and Board Committees (where appropriate) have reviewed rules to assure there is no duplication of an existing Ohio regulation.

13. **Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**
    BELTSS will once again seek the assistance of the three primary provider associations (as described in question number 7) to help distribute the updated rules to its members and drive traffic to the website where the updated rules will be posted.

Adverse Impact to Business

14. **Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**
    a. **Identify the scope of the impacted business community;**

Rule 4751-1-01 regulates the Board's procedure for notification of adoption, amendment, or rescission of rules. The business community is unaffected.

Rule 4751-1-06 regulates the subject matter taught to AITs to match the exam content which is developed by NAB. The business community is unaffected.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Rule 4751-1-01 poses no adverse impact for prospective licensees or the business community.

Rule 4751-1-02 defines terms. One term requires health executives to meet NAB standards, which would include the national test, the subjects for which are outlined in 4751-1-06.

Rule 4751-1-06 poses no adverse impact for prospective licensees or the business community.

c. Quantify the expected adverse impact from the regulation.
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.
N/A

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?
The Board is not maintaining or creating any unreasonable burdens upon licensees for the business community. The Board must ensure that prospective licensees are given instruction in the subject material necessary for passing the Federal Exam and successful practice.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.
N/A

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?
N/A

18. What resources are available to assist small businesses with compliance of the regulation?

The Board staff is available during normal business hours (and after hours by appointment), email, and telephone to answer any questions that individuals may have.