

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: BELTSS

Regulation/Package Title: _____

Rule Number(s): 4751-1-10.1

Date: 10-7-16

Rule Type:

New

X Amended

5-Year Review

Rescinded

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 4751-1-10.1 Timely Renewal

- This rule describes the criteria that must be met for a renewal to be considered timely.
- Language added to reflect the change from paper renewals to electronic renewals.

- 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.

N/A

- 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 must define the terms for granting and renewing licenses and registrations so licensees understand what is expected of them.

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

BELTSS will receive fewer late renewals and questions from licensees.

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.

Early stakeholder outreach was conducted from September 12, 2016-October 7, 2016 by all three of the primary provider associations (LeadingAge Ohio, The Ohio Health Care Association, and the Academy of Senior Health Services) placing a notice in their newsletters (emailed to all members). Information was also posted on the Board's Facebook page and on its website.

The Ohio Council for Home Care and Hospice was notified per their request on September 12, 2016. Ginger Scheurger-Davison was notified per her request on September 12, 2016.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

BELTSS received one "no comments, thanks" on this proposed rule change.

- 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?**

N/A

- 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. Information will also be posted on the Board's Facebook page. A letter will be mailed to all licensees prior to the Board beginning to accept renewals electronically.

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 4751-1-10.1 describes the criteria which must be met for a renewal to be considered timely. The impacted community is all licensed nursing home administrators.

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

Rule 4751-1-10.1 could potentially affect licensees who renew late, which would cost them 5 additional CEUs per calendar quarter they are late at approximately \$10-15 per CEU.

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.

Rule 4751-1-10.1 could potentially affect licensees who renew late, which would cost them 5 additional CEUs per calendar quarter they are late at approximately \$10-15 per CEU plus the time to attend the course(s).

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board will be keeping up with technology and granting the request of many administrators to have an online renewal process.

Regulatory Flexibility

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

No. Licensees must renew in a timely fashion or be assessed the penalty hours as described above.

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.

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5-Year Review

Rescinded

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 4751-1-16 Fees

- This rule describes the fee schedule for the services offered by the Board. The Board proposes to amend this rule to reflect the changes to other rules for electronic annual renewal, i.e. electronic payment of fees and a new location for mail payments.

Language also removes an old licensure examination fee of \$150 that has not been collected by the Board for many years.

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

4751.04, 4751.05, 4751.06, 4751.07

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.

N/A

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 must define the fees so applicants and licensees understand the costs involved with licensure.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Applicants and licensees will pay the correct fee amount to the correct place for the service being provided.

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.

Early stakeholder outreach was conducted from September 12, 2016-October 7, 2016 by all three of the primary provider associations (LeadingAge Ohio, The Ohio Health Care Association, and the Academy of Senior Health Services) placing a notice in their newsletters (emailed to all members). Information was also posted on the Board's Facebook page and its website.

The Ohio Council for Home Care and Hospice was notified per their request on September 12, 2016.

Ginger Schuerger-Davison was notified per her request on September 12, 2016.

- 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 one “no comments, thanks” on the proposed changes.

- 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?**

N/A

- 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.

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.

- 11. 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.

- 12. 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. Information will also be posted on the Board's Facebook page.

Adverse Impact to Business

- 13. 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 4751-1-16 describes the various fees assessed for services provided by the Board. All licensees are affected (approximately 1,950 individuals), as well as approximately 100 new licensees per year.

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

Those licensees without a computer will be forced to seek one out, or they can continue to pay their fees by mail if desired. Computers are readily available at most workplaces or at a local library.

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.

It might take an hour to go to the library and use the computer to perform online renewal and payment, or 5 minutes to call the Board office and get an invoice to pay by mail.

- 14. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Board is keeping up with technology and the request of many of its licensees by going to online renewal and payment. The Board is also becoming more efficient and saving staff time and resources.

Regulatory Flexibility

- 15. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Yes, licensees may still pay fees by mail if desired.

- 16. 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...there are no fines or penalties involved.

- 17. 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.