



## MEMORANDUM

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

**FROM:** Tess Eckstein, Regulatory Policy Advocate

**DATE:** March 21, 2017

**RE:** **CSI Review – Licensing Active Duty Military Personnel, Veterans, and Licensees Accompanying Active Duty Spouses; CEU Waiver; Temporary Licenses; Out-of-State Licenses; Re-Licensure (OAC 4751-1-10.3, 4751-1-11, 4751-1-13.1, 4751-1-14, 4751-1-15)**

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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

This rule package consists of five rules—one new and four amended—being proposed by the Board of Executives of Long-Term Services and Supports (BELTSS). The rule package was submitted to the CSI Office on January 24, 2017, and the comment period remained open until February 22, 2017. A revised BIA was submitted on March 21, 2017.

The proposed rules address a variety of topics related to nursing home administrator licensure, including a new rule that is being proposed to help simplify the licensing process for military personnel, their licensed spouses, and veterans. The remaining rules, each of which has been proposed with amendments, address temporary licenses, waivers for continuing education units (CEU), out-of-state licenses, and re-licensure. Proposed amendments allow for paying required fees electronically, specify certain circumstances under which CEUs can be waived, clarify the effect of a felony conviction on re-licensure, clarify criteria that must be met for licensure and re-licensure, and allow the Executive Director to issue an Ohio license without prior Board approval if the applicant possesses a Health Services Executive license or credential from another state.

The rules impact license holders, temporary license holders, and applicants for licensure, especially those seeking CEU waivers, those who let their licenses expire, those with felony convictions, and applicants with out-of-state licenses. Potential adverse impacts of the rules include time to prepare requests to the Board, initial license fees, temporary license fees, license renewal fees, the time and expense of fulfilling CEU requirements, time to complete an application, the time and expense to be fingerprinted, and the time and expense to take the Ohio licensure exam. Finally, failure to comply with the rules could lead to a denial of licensure or waiver, renewal penalties, or CEU penalties. BELTSS indicated in the BIA that these adverse impacts are justified because the rules ensure that patients are protected and cared for by nursing home administrators who are suitable, fit to handle relevant responsibilities, and of good moral character. In addition, the proposed new and amended rules have been introduced to benefit applicants and licensees by simplifying and streamlining licensure and waiver processes.

Between December 2016 and January 2017, BELTSS sought comment from interested stakeholders. It notified the Ohio Council for Home Care and Hospice, as well as the three primary provider associations in the state, each of which sent emails and newsletter notices to its respective members with a link to the drafted rules on the Board's website. From these distributions, BELTSS received one comment recommending revisions to allow for electronic submission of requests and to include a definition for Health Services Executive in rule 4751-1-14. BELTSS implemented both recommendations. Following these changes, no comments were submitted during the CSI public comment period. Therefore, the CSI Office has determined the purpose of the rules to be justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Board of Executives of Long-Term Services and Supports 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