MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: January 12, 2018

RE: **CSI Review – Five-Year Review Rules (OAC 4751-1-02, 4751-1-04, 4751-1-05, 4751-1-08, 4751-1-08.1, 4751-1-09, 4751-1-10.1, 4751-1-13, 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

This rule package contains nine amended rules proposed by the Board of Executives of Long-Term Services and Supports (BELTSS) as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on October 27, 2017 and the public comment period was held open through November 24, 2017.

The rules in this package set forth the requirements for licensure as a nursing home administrator. These rules include provisions for license application and registration, registration of training agencies, the administrator-in-training program, continuing education standards, and the fees required throughout the Chapter. The rules are being amended to update terms and statutory language while also providing applicants and licensees with clarified requirements. Ohio Administrative Code (OAC) 4751-1-02 is being amended to include the new health services executive license and the other rules are amended to reflect these changes as well.

During early stakeholder analysis, BELTSS held meetings with continuing education providers

and provided the rules electronically to other relevant stakeholders via email and provider associations' newsletters. Stakeholders provided comments addressing a range of topics, including fee scheduling, limited provider status, continuing education prices, and language clarity. Addressing the fee structure, BELTSS stated in the BIA that considerations were made to keep the prices as low as possible and noted that the fees are lower than those of the National Association of Long-Term Care Administrator Boards. BELTSS accepted and implemented stakeholder feedback regarding limited and preferred provider status, continuing education processes, and language clarity. No comments were received during the CSI public comment period.

The business communities impacted by these rules include approximately 2,000 licensees regulated by BELTSS, 65 continuing education providers, and all potential applicants for licensure. The adverse costs created by these rules include the time needed to comply with the requirements and fees that are charged to continuing education providers and licensees. Multiple fees are required of licensees, ranging from $25 for replacement or duplication of a license to $300 for annual registration. The fees required of preferred providers include an annual fee of $750 and $150 biennial renewal fee. Certified providers are charged a $120 initial application fee, a $150 biennial renewal fee, and $15 per continuing education hour reviewed by BELTSS. In the BIA, BELTSS cites the statutory requirement of ORC 4751.044 to administer fees to cover the expense of approving continuing education courses. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Board of Executives of Long-Term Services and Supports should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.