Ohio | Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Emily Groseclose, Senior Policy and Business Advocate

DATE: October 11, 2019

RE: **CSI Review – Board Officers, Board Secretary, and Board Members; Pre-Examination Requirements, Licenses and Registrations; Timely Renewal; Health Services Executive License; Licensing Service Members; Temporary License; Suspension, Revocation, and Disciplinary Action; Continuing Education; Relicensure, Fees, Personal Information Systems (OAC 4751-1-03, 4751-1-05, 4751-1-10, 4751-1-10.1, 4751-1-10.2, 4751-1-10.3, 4751-1-11, 4751-1-12, 4751-1-13, 4751-1-15, 4751-1-16, and 4751-1-17)**

On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

Analysis

This rule package contains 11 amended rules and one new rule submitted by the Board of Executives of Long-Term Services and Supports (Board). The rule package was submitted to the CSI Office on August 16, 2019 as part of the statutorily required five-year review process, and the public comment period was held open through August 30, 2019. No comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on August 16, 2019.

The rules establish requirements for nursing home administrators' pre-examinations, licenses, license renewals, continuing education, temporary licensing, fees and disciplinary actions, allow for special licensing circumstances for service members, veterans, or their spouses, and establish

Board procedures and standards related to personal information maintained by the Board.

Amendments to the rules include: increasing the age for an individual eligible for examination or a temporary license to 21 from 18 to align with other Board rules, removing the requirement that supplemental documentation submitted be notarized, changing the penalty for a late license renewal from additional continuing education hours required to $50 per calendar quarter to align with changes in statute, setting a limit on the number of continuing education hours that can be from self-study/distance learning/webinars to ten, requiring a licensee who does not wish to use the online renewal system to contact the Board directly to obtain a paper form, establishing a health services executive license (an extra optional credential that shows a nursing home administrator has education above and beyond what it required for a that license) and a requirement for four continuing education hours when renewing the license, waiving late renewal penalty fees in some situations for service members, veterans and their spouses, changing language that stated the Board shall revoke or suspend a license in certain circumstances to may revoke, suspend, or impose a penalty/fine/other sanction, adding that not keeping exam content confidential is a disciplinary infraction, allowing for continuing education hours to be earned by someone who teaches administrators-in-training, and adding license and renewal fees for nursing home administrators and health services executives.

As part of early stakeholder outreach, the Board sent email notification to stakeholders who requested it as well as all active licensed nursing home administrators, posted draft copies of the rules on its website and Facebook page, and had notice placed in the newsletters of LeadingAge Ohio, the Ohio Health Care Association, and the Academy of Senior Health Sciences, which are emailed to all of their members. Several comments were received, including concerns about the late renewal fee that is set in statute, and questions about the use of the term “Health Services Executive.” The Board incorporated stakeholder suggestions into the draft rules, including clarification of the term “online” in OAC 4751-1-10.1(B)(6) by using “self-study/distance learning/webinars,” and two other grammatical/clerical modifications. No comments were received during the CSI public comment period.

The rules impact applicants for the administrator-in-training program, applicants for and licensures of nursing home administrators, health services executives, temporary licensees, and veterans, military and their spouses. Adverse impacts of these rules include application and licensing fees, an examination, education and continuing education requirements, prior experience requirements, license denial, suspension or revocation, or disciplinary action, and renewal requirements and penalties for late renewal. The Board noted that these rules implement federal and state statutory requirements, and that they help set expectations and understanding for licensees, as well as protect the population served by nursing home administrators.

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 that 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.