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: August 12, 2020

RE: **CSI Review – Notice of adoption, amendment, rescission of rules; pre-examination requirements; CORE of Knowledge in nursing home administration; subjects for examination (OAC 4751-1-01, 4751-1-05, 4751-1-05.1, and 4751-1-06)**

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 one new, one no change, and two amended rules submitted by the Board of Executives of Long-Term Services and Supports (Board). The rule package was submitted to CSI on July 10, 2020 as part of the statutorily required five-year review process, and the public comment period was held open through July 24, 2020. No comments were received during that time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on July 10, 2020.

The rules describe the Board's rulemaking processes, and education, examination, and application requirements for a nursing home administrator license. Proposed amendments to OAC 4751-1-05 clarify that nursing home administrator license applicants are required to complete the "CORE of Knowledge" course, and new rule OAC 4751-1-05.1 establishes the criteria for the course that providers must meet. OAC 4751-1-06 is amended to direct applicants to the National Association of Long-Term Care Administrator Boards' website to review the subjects that are on the national

examination.

As part of early stakeholder outreach, the Board posted the draft rules on its website and notified stakeholders via email, including licensees, the Ohio Council for Home Care and Hospice, LeadingAge Ohio, the Ohio Health Care Association, and the Academy of Senior Health Services. Stakeholders suggested minor language changes, which the Board accepted. No comments were received during the CSI public comment period.

The rules impact nursing home administrator license applicants and "CORE of Knowledge" course providers. Adverse impacts include the requirement to obtain a license to be a nursing home administrator and the conditions that must be met to apply for licensure, including the time and expense of education and exam requirements. Additionally, course providers must meet criteria established by the Board and be approved to provide courses. The rule allows up to 20% of the "CORE of Knowledge" course material to be presented through distance learning.

The Board stated that it feels strongly that an all-online course would be detrimental to attendees because some of the content does not translate well into online learning and that attendees will benefit from in-person interactions with peers and instructors. Additionally, the Board asserted that the regulations help to ensure that licensed nursing home administrators are highly qualified and educated.

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, CSI recommends that the Board of Executives of Long-Term Services and Supports proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.