

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-05

Rule Type: Amendment

Rule Title/Tagline: Pre-examination requirements; conditions precedent to application for admission to examination.

Agency Name: Board of Executives of Long-Term Services and Supports

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 10/31/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 9.79, 4751.04; 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708
5. What statute(s) does the rule implement or amplify? 9.79, 4751.15; 42 U.S.C. 1396g; 42 C.F.R. 431.707, 431.708
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule exists to establish the qualifications for admission to take an exam to be a licensed nursing home administrator (LHHA).

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the qualifications for admission to take an exam to be a licensed nursing home administrator (LNHA). The board proposes to amend this rule to achieve the following:

1. Replace internship terminology with residency terminology.
2. Remove standards for a state exam, because the board proposes to sunset the exam.

- 9. Does the rule incorporate material by reference? No**

- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

The board's amendment of this rule will have no impact on the biennial operating budget that the Ohio General Assembly established for the board in House Bill 33 (135th GA).

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule establishes the qualifications for admission to take exams to be an LNHA. This rule also requires a person wanting to be an LNHA to apply for admission to pass exams to be an LNHA. If an applicant abandons their application, then the applicant

must begin the process again from the beginning and possibly undergo a administrator residency. If an applicant fails the exam four times, the applicant must apply again as a new applicant.

The board proposes to amend this rule to remove the requirement for a state exam, which will reduce the cost of compliance to applicants who will no longer need to pay \$190 to take the exam and no longer need to prepare for, wait for, or take a state exam in addition to the national exams. Please review the BIA for additional information.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

This rule requires an applicant for a licensure exam to pay the exam fee in rule 4751-1-16 of the Administrative Code. The fee in this rule goes to the BELTSS fund. RC§4751.03 requires the board to use money in the BELTSS fund to administer and enforce RC Chapter 4751 and Chapter 4751-1 of the Administrative Code.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**
- 18. Does this rule have an adverse impact on business? Yes**
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

If an applicant abandons their application, then the applicant must begin the process again from the beginning and possibly undergo a administrator residency. If an applicant fails the exam four times, the applicant must apply again as a new applicant.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule also requires a person wanting to be an LNHA to apply for admission to pass exams to be an LNHA.

The board proposes to amend this rule to remove the requirement for a state exam, which will reduce the cost of compliance to applicants who will no longer need to pay \$190 to take the exam and no longer need to prepare for, wait for, or take a state exam in addition to the national exams. Please review the BIA for additional information.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable