



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

Agency, Board, or Commission Name: BELTSS

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Regulation/Package Title (a general description of the rules' substantive content):

Comprehensive Rule Review 2025

Rule Number(s): 4751-1-02, 4751-1-05, 4751-1-05.1, 4751-1-06, 3751-1-07, 4751-1-08, 4751-1-08.1, 4751-1-09, 4751-1-10, 4751-1-10.1, 4751-1-10.2, 4751-1-10.3, 4751-1-11, 4751-1-12, 4751-1-13, 4751-1-13.1, 4751-1-14, 4751-1-15, 4751-1-16, 4751-1-17

Date of Submission for CSI Review: _____

Public Comment Period End Date: August 14, 2025

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? __)

Amended/ 20 rules (FYR? Y___)

Rescinded/___ rules (FYR? __)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

4751-1-02: correcting grammar, adding a definition of Residential Care Facility

4751-1-05: clarifying language added

4751-1-05.1: Covid pandemic changed to “a state of emergency declared by the governor or a federal public health emergency”

4751-1-06: exam content outline changed to “domains of practice” as per NAB terminology

4751-1-07: NAB acronym spelled out, clarifying language added

4751-1-08: grammatical changes made

4751-1-08.1: changed paper application to online application as per upcoming practice, spelled out NAB acronym, added that at the approval of the Board, certain targeted state agency educational programs need not be open to the public

4751-1-09: changed forms to reflect upcoming online process, added that certified court records must be submitted in the case of a conviction, corrected grammatical and terminology errors, corrected rule references due to rule changes, added clarifying language

4751-1-10: changed fee amounts to reflect recent law change/fee increase

4751-1-10.1: removed mail in option for renewals; going to all online, fixed grammatical error, clarified start date for new fees

4751-1-10.2: removed reference to state examination, as that is no longer required

4751-1-10.3: fixed grammatical error

4751-1-11: removed option to pay by mail, all online

4751-1-12: fixed grammatical error, clarified language to remove outdated term

4751-1-13: removed unnecessary/outdated language, changed Covid pandemic terminology, cleaned up language, updated language to reflect current practice

4751-1-13.1: cleaned up language, corrected typo

4751-1-14: language changed to reflect current practice regarding convictions

4751-1-15: cleaned up language, removed unnecessary language, updated language to reflect current practice regarding convictions

4751-1-16: cleaned up language, removed unnecessary language, specified that fees are non-refundable, changed fee amounts to reflect recent law change/fee increase

4751-1-17: removed unnecessary language, cleaned up grammar

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

4751.04

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

Yes, 42 CFR Subpart N. The Department of Health and Human Services established regulations that require states to license nursing home administrators in order to permit nursing homes to participate in the Title XIX Medicaid Program. Each state was required to license nursing home administrators by July 1, 1970. To meet this mandate, the General Assembly, in Chapter 4751. of the Revised Code, created the Board of Examiners of Nursing Home Administrators (formerly known as BENHA), which is now the Board of Executives of Long-Term Services and Supports (or BELTSS), to license administrators and assist in providing nursing homes for Ohio's citizens that are healthy, safe, and provide quality care.

Since its creation, BELTSS has established credentials applicants must meet before becoming licensed and has required a program of continuing education once the applicant becomes a licensed nursing home administrator. In addition, BELTSS requires all administrators in the state to comply with the requirements set forth in Chapter 4751. of the Revised and Administrative Codes.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

N/A

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Letting licensees know the rules under which they are governed, defining terms that licensees will need to know, public protection. For a facility to be federally certified to receive Medicare or Medicaid reimbursement, the facility nursing home administrator **must** be licensed by the state. Without compliance by the State to these requirements, the federal government would not reimburse facilities for the care of the Medicare/Medicaid-qualified residents.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Fewer substantiated complaints regarding LNHA conduct, fewer instances of rule/law violations by LNHAs, fewer calls to the office with simple questions answered in rule.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Ohio Council for Home Care and Hospice was notified per their request on July 2, 2025 via email.

Laurie Loughney of Longtree and Associates was notified per her request on July 2, 2025 via email.

Virginia Scheurger-Davidson was notified per her request on July 2, 2025 via email.

The Board will post draft copies of the rules on the Board's website from July 30, 2025 through August 14, 2025 for a public outreach period. All three of the primary provider associations (LeadingAge Ohio, The Ohio Health Care Association, and the Academy of Senior Health Services) were notified.

An eblast regarding the public outreach period will be sent to all licensees on or before July 30, 2025.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No comments were received from the Associations. Awaiting comment from LNHAs and ARs following the email blast. Deadline to respond is August 14, 2025.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

N/A, these rule changes are primarily updates to current practice, terminology, and grammatical changes, as well as in response to legislative changes in fees.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

N/A. as above

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The JCARR standard for invalidation has been an ongoing deterrent to duplication. Legal staff, the Board, staff, and Board Committees (where appropriate) have reviewed rules to assure there is no duplication of an existing Ohio regulation.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

BELTSS will once again seek the assistance of the three primary provider associations (as described in question number 7) to help distribute the updated rules to its members and drive traffic to the website where the updated rules will be posted.

An eblast will also be sent to all LNHAs and ARs.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

The scope of the impacted business community is all licensed nursing home administrators and Administrator Residents/those in the licensing process.

- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

The estimated adverse impact of these regulations is the time required to carefully read the regulations, probably 20 minutes. Additionally, there are licensure fees, renewal fees, and late renewal penalties. The adverse impact of those is financial in nature but established by the legislature.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

Rule language has been changed to make them more easily readable/understandable; terminology has been spelled out. The entire licensure and CE provider processes are going online, making it easier and less time-consuming for licensees and ARs to complete their information.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

We are following best practices established by the National Association (NAB), and modernizing/computerizing the entire licensure process.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, everyone must comply with the rules.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the

regulation?

The Board staff is available during normal business hours (and after hours by appointment), email, and telephone to answer any questions that individuals or businesses may have.

20. What resources are available to assist small businesses with compliance of the regulation?

The Board staff is available during normal business hours (and after hours by appointment), email, and telephone to answer any questions that individuals or businesses may have.