



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

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

FROM: Michael Bender, Business Advocate

DATE: October 31, 2024

RE: **CSI Review – Terminology Change, Elimination of Barrier to Licensure/Sunset State Exam (OAC 4751-1-01, 4751-1-02, 4751-1-05, 4751-1-05.1, 4751-1-06, 4751-1-07, 4751-1-09, 4751-1-12, 4751-1-14, 4751-1-15, 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 consists of nine amended rules and two no-change rules proposed by the Board of Executives of Long-Term Services and Supports (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on October 8, 2024, and the public comment period was held open through October 23, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 8, 2024.

Ohio Administrative Code (OAC) 4751-1-01 describes how the Board provides notice of its intent to adopt, amend, or rescind a rule. The rule is proposed without changes. OAC 4751-1-02 lists definitions pertaining to nursing home administrator licensure. The rule is amended to update language and remove the definition for "temporary license." OAC 4751-1-05 sets forth the requirements for admission to examination for licensure as a nursing home administrator. The rule is amended to update language and sunset the state examination. OAC 4751-1-05.1 addresses the core

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of knowledge in nursing home administration. The rule is amended to update language and reflect the sunset of the state examination. OAC 4751-1-06 requires applicants for licensure as a nursing home administrator to successfully pass a written or oral examination approved by the Board. The rule is amended to sunset the state examination. OAC 4751-1-07 requires applicants for licensure as a nursing home administrator to pass national examinations. The rule is amended to reflect the sunset of the state examination.

OAC 4751-1-09 provides for the Administrator Residency Program. The rule is amended to update language, update a revision date, and reflect the sunset of the state examination. OAC 4751-1-12 outlines the reasons for which the Board may suspend or revoke a license to practice nursing home administration and/or impose a civil penalty, fine, or other sanction. The rule is amended to reflect the sunset of the state examination. OAC 4751-1-14 describes the conditions that must be met for the Board to issue a nursing home administrator license or health services executive license to an applicant who holds a license in another state. The rule is amended to update language and reflect the sunset of the state examination. OAC 4751-1-15 authorizes the Board to relicense a nursing home administrator whose Ohio license has been abandoned upon payment of a statutorily required fee and after the applicant fulfills certain requirements. The rule is amended to sunset the state examination. OAC 4751-1-17 describes how the Board must maintain a personal information system. The rule is proposed without changes.

During early stakeholder outreach, the Board posted draft copies on its website and sought stakeholder input from September 23, 2024, through October 7, 2024. The Board sent an electronic notification to all licensees and notified LeadingAge Ohio, the Ohio Health Care Association (OHCA), the Academy of Senior Health Services, the Ohio Council for Home Care and Hospice, and Longtree & Associates of the outreach period. One stakeholder requested an explanation for the rationale behind the proposed changes, which the Board provided. Another stakeholder pointed out a few typos, asked why the state examination was being discontinued, and asked if other terms besides “administrative residency” were considered by the National Association of Long-Term Care Administrator Boards (NAB). The Board corrected the typos and discussed the other topics to the stakeholder’s satisfaction. During the CSI public comment period, the Board received comments from Birchaven Village, the OHCA, and a nursing license holder. The commenters primarily asked questions for clarification with respect to the terminology changes and the cessation of the state examination. The Board explained that the terminology updates were derived from the NAB and that the state examination was too time consuming and expensive for the Board to maintain, particularly when the information covered by the exam can easily be found by licensees when needed. After a few errors and inconsistencies were identified the Board revised the rules to update language and make grammatical, typographical, and technical corrections.

The business community impacted by the rules includes all licensed nursing home administrators,

administrators-in training, and applicants for licensure. The adverse impacts created by the rules include licensure qualifications, licensure fees, renewal fees, late renewal penalties, administrative experience requirements, education requirements, and examination requirements. The core of knowledge in nursing home administration consists of 100 hours of academic study. Applicants must complete a full-time administrative residency of nine months (1,500 hours) with a baccalaureate degree or six months (1,000 hours) with a master's or higher degree. Applicants with a degree containing an approved program in nursing home administration need no further qualifying administrative experience. The Board is authorized to suspend or revoke a license and/or impose a civil penalty, fine, or other sanction for various instances of improper conduct that are specified in the rules. Fees include \$50 for an administrator-in-training application, \$150 for endorsement of an out-of-state license, \$600 for biennial registration, \$25 for duplication/replacement of licensure, \$250 for an original nursing home administrator license, \$600 plus \$50 per calendar quarter up to \$200 maximum for late nursing home administrator licensure renewal, \$100 for a health services executive license, \$50 for health services executive licensure renewal, \$100 plus \$25 per calendar quarter up to a \$100 maximum for late health services executive licensure renewal, and up to \$25 for a criminal conviction determination. The Board points out that the changes to the rules align with the NAB's suggested best practices. In addition, the changes will eliminate a barrier to licensure by sunsetting the state examination and save licensees an \$190 exam fee. The Board states that the adverse impacts to business are justified to implement statutory requirements and ensure effective performance in the administration of long-term care.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.