

NOTICE

You are receiving this message pursuant to the requirements of EO 2011-01K and Senate Bill 2 of the 129th General Assembly, which requires state agencies to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

Section 119.032 of the Revised Code requires the Board of Executives of Long-Term Services and Supports (BELTSS) to review the rules of Chapter 4751 no later than the rules' assigned review dates. As part of its early stakeholder outreach, BELTSS is notifying the public that it intends to modify OAC 4751-1-10.1 (Timely renewal of license) and 4751-1-16 (Fees).

Any person may direct written comments or requests for information concerning BELTSS' rule proposals to Deborah Veley, Executive Director of BELTSS, by writing to dveley@age.ohio.gov (please copy csipubliccomments@governor.ohio.gov) no later than October 7, 2016.

4751-1-10 Licenses and registrations

- (A) An applicant for a license as a nursing home administrator who has complied with the requirements of Chapter 4751. of the Revised Code and pertinent rules adopted pursuant thereto and who has passed the required examinations and has paid to the board an original license fee of two hundred fifty dollars, shall be issued a license certifying that such individual is entitled to practice as a licensed nursing home administrator under Chapter 4751. of the Revised Code, unless the board is prohibited from doing so pursuant to section 2301.373 of the Revised Code.
- (B) Every licensee shall annually register with the board. The application for renewal shall contain such information as may be specified by the board, including, but not limited to, name, address, practice status, employer(s), place(s) of employment, hours of employment, job assignment and continuing education training taken during the annual period immediately preceding such application. Annual registration must be completed prior to the date of expiration of the last issued certificate of registration in order to maintain continuing compliance with Chapter 4751. of the Revised Code.
- (C) Annually, a minimum of twenty clock hours of approved continuing education, as set forth in rule 4751-1-13 of the Administrative Code, shall be required for renewal of registration of the nursing home administrator license. Failure to renew the certificate of registration prior to the date of expiration invokes the penalty of additional hours of continuing education as set forth in paragraph (D) of this rule.
- (D) The nursing home administrator whose certificate of registration has not been renewed by the renewal date shall be required to have completed an additional five clock hours of continuing education per calendar quarter, up to a maximum of twenty (20) penalty hours.
- (E) Any nursing home administrator who has not renewed his or her certificate of registration after one (1) year of the renewal date is deemed to have abandoned practice of nursing home administration pursuant to division (E) of section 4751.07 of the Revised Code and must re-apply for licensure as a nursing home administrator under the current requirements.
- (F) The board shall issue a certificate of registration to each nursing home administrator who meets the requirements of Chapter 4751. of the Revised Code and rules adopted by this board pursuant thereto, unless the board is prohibited from doing so pursuant to section 2301.373 of the Revised Code. **The certificate of registration may be issued by electronic means.**
- (G) The license of a nursing home administrator who fails to qualify for renewal prior to the expiration date shall automatically lapse and become invalid on said date; practice of nursing home administration by the licensee subsequent thereto is in violation of sections 4751.02 and 4751.09 of the Revised Code, and subjects the licensee to proceedings against the licensee under the cited sections of the statute and/or under section 4751.10 of the Revised Code.
- (H) Every individual holding a valid license entitling the individual to practice nursing home administration in this state shall display said license in the nursing home which is the individual's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current certificate of registration.

- (I) The current certificate of registration must be exhibited by the nursing home administrator when requested by any of the following:
- (1) An officer or employee of the board, or of the state, county or city health department, or other governmental agency engaged in the administration or enforcement of the public health law, the sanitary code, and rules and regulations pertaining to nursing homes or nursing home administrators;
 - (2) An employer in whose employ the licensee practices or intends to practice nursing home administration.
- (J) Every individual holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

HISTORY: Eff 1-1-77; 2-20-84; 1-1-99
Rule promulgated under: RC Chapter 119.
Rule authorized by: RC 4751.06, 4751.07
Rule amplifies: RC 4751.06, 4751.07, R.C. 119.032

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: BELTSS

Regulation/Package Title: _____

Rule Number(s): 4751-1-10

Date: 4-5-16

Rule Type:

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

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

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

Rule Change 4751-1-10 Licenses and Registrations

- This rule describes the manner in which licenses and registrations are granted and renewed.

- Language added to allow the annual certificate of registration to be distributed by electronic means.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

4751.04

3. 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.

N/A

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

N/A

5. 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)?

The Board must define the terms for granting and renewing licenses and registrations so licensees understand what is expected of them.

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

BELTSS will save resources (ink, paper, staff time, and postage) and become more efficient.

Development of the Regulation

7. 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.

Early stakeholder outreach was conducted from March 4, 2016-April 4, 2016 by all three of the primary provider associations (LeadingAge Ohio, The Ohio Health Care Association, and the Academy of Senior Health Services) placing a notice in their newsletters (emailed to all members). Information was also posted on the Board's Facebook page and on its website.

The Ohio Council for Home Care and Hospice was notified per their request on March 4, 2016. Ginger Scheurger-Davison was notified per her request on March 4, 2016.

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

BELTSS received one “no comment at this time, but thank you”, one comment about this being a great idea, and one comment about wanting to have online renewal. The comments did not affect our draft regulation, although we did update the commenter on the status of our online renewal project.

9. 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

10. 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?

There were no alternative regulations considered as the rules are driven by statute.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No. The rules were developed in accordance with ORC guidelines.

12. 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, and Board Committees (where appropriate) have reviewed rules to assure there is no duplication of an existing Ohio regulation.

13. 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. Information will also be posted on the Board's Facebook page. A letter will be mailed to all licensees prior to the Board beginning to issue certificates of registration electronically.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

- Rule 4751-1-10 describes the manner in which licenses and registrations are granted and renewed. The “certificate of registration” being provided by electronic means may affect those individual licensees who do not have access to a computer.

- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

Rule 4751-1-10 could potentially affect licensees who do not have access to a computer, causing them to have to seek out a computer and/or call the Board.

- c. Quantify the expected adverse impact from the regulation.**

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.

It is hard to quantify, but seeking out a computer at the library may take an hour per licensee. Calling the Board may take 3-5 minutes per licensee. It is estimated that 5 licensees do not/will not have access to a computer, based on previous renewal information.

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

The Board will be keeping up with technology and saving resources as described in question 6.

Regulatory Flexibility

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

Yes. Licensees without a computer or who ask will be mailed a copy of the online registration results for their license.

- 17. 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?**

N/A

- 18. 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 may have.