

**BOARD OF EXECUTIVES OF
LONG-TERM SERVICES & SUPPORTS**



LAWS & RULES

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CHAPTER 4751
NURSING HOME ADMINISTRATORS
GENERAL PROVISIONS

STATUTE		PAGE
4751.01	Definitions	1
4751.02	Requirements for nursing home administration; reports	1

BOARD OF EXECUTIVES OF
LONG-TERM SERVICES & SUPPORTS

4751.03	Establishment of board; requirements of members	2
4751.04	Powers and duties	3
4751.041	Examination materials	4
4751.042	Fiscal agent agreement	4

LICENSING

4751.05	Requirements for examination and license	5
4751.06	Issuance of license; temporary license; duplicates	6
4751.07	Certificate of registration-issuance and display	7
4751.08	Waiving of examination	7
4751.09	Prohibited Acts	8
4751.10	Disciplinary Actions	8
4751.11	Application for reissuance of license or registration	9
4751.12	Effect of child support default on license	9
4751.13	Compliance with law regarding sanctions for human trafficking	9
4751.14	Board of Executives of Long –Term Services and Supports fund	9

PENALTIES

4751.99	Penalties	9
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GENERAL PROVISIONS

4751.01 Definitions

As used in sections 4751.01 to 4751.13 of the Revised Code:

- (A) “Long-term services and supports settings” means any institutional or community-based setting in which medical, health, psycho-social, habilitative, rehabilitative, or personal care services are provided to individuals on a post-acute care basis.
- (B) “Nursing home administrator” means any individual responsible for planning, organizing, directing, and managing the operation of a nursing home, or who in fact performs such function, whether or not such functions and duties are shared by one or more other persons.
- (C) “Nursing home” means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.
- (D) “Temporary license” means a license for a period not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code.
- (E) “Valid license” means a license which is current and in good standing.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 322 (Eff 8-30-73);
144 v S 132 (Eff 7-22-91); 144 v H 298 (Eff 7-26-91);
144 v H 298 (Eff 9-29-13);

4751.02 Requirements for nursing home administration; reports

- (A) No person shall operate a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who holds a valid nursing home administrator’s license and registration, or a temporary license, issued pursuant to Chapter 4751. of the Revised Code.
- (B) No person other than a licensed and registered nursing home administrator or person holding a temporary license as required by Chapter 4751. of the Revised Code shall practice or offer to practice nursing home administration in this state. All nursing home administrators and temporary licensees shall comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder.
- (C) Every operator of a nursing home shall report to the board of executives of long-term services and supports the name and license number of each nursing home administrator for said home within ten days after the operator engages a nursing home administrator, and within ten days after a nursing home administrator is no longer engaged as such by such operator for said home.
- (D) Each individual who holds a nursing home administrator license or temporary license shall report the individual’s residence mailing address and the name and address of each place of employment to the board within ten days after any change.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70);
135 v S 322 (Eff 8-30-73)

4751.03 Establishment of board; requirements of members

- (A) There is hereby established in the department of aging a board of executives of long-term services and supports, which board shall be composed of the following eleven members:
- (1) Four members who are nursing home administrators, owners of nursing homes, or officers of corporations owning nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;
 - (a) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long term services and supports settings;
 - (b) At least one of the members described in division (A)(1)(a) of this section shall be a home health administrator, an owner of a home health agency, or an officer of a home health agency.
 - (c) One member who is a member of the academic community;
 - (d) One member who is a consumer of services offered in a long-term services and supports setting;
 - (e) One member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process;
 - (f) One member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman.
 - (g) All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(c) to (f) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.
- (B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.
- (C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.
- (D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.
- (E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.
- (F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

- (G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the board shall constitute a quorum. The affirmative vote of a majority of the members of the board is necessary for the board to act.
- (H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70); 136 v H 155 (Eff 6-29-75);
135 v S 131 (Eff 8-21-73); 143 v H 623. (Eff 7-24-90)
135 v S 322 (Eff 8-30-73); 136 v H 1 (Eff 6-13-75);

4751.04 Powers and duties

- (A) The board of executives of long-term services and supports shall:
 - (1) Develop, adopt, impose, and enforce regulations prescribing standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators are of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators;
 - (2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;
 - (3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses or registrations previously issued by the board in any case where the individual holding such license or registration is determined to have failed substantially to conform to the requirements of such standards;
 - (4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;
 - (5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;
 - (6) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g;
 - (7) Pay all license and registration fees collected under Chapter 4751. of the Revised Code into the board of executives of long-term services and supports fund created by section 4751.14 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it;
 - (8) Administer, or contract with a government or private entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury;
 - (9) Enter into a contract with the department of aging as required under section 4751.042 of the Revised Code;

- (10) Create opportunities for the education, training, and credentialing of nursing home administrators and others in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings. In carrying out this function, the board shall do the following:
- (a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators and others working within the long-term services and supports settings system, with an emphasis on all of the following:
- (i) Leadership;
 - (ii) Person-centered care;
 - (iii) Principles of management within both the business and regulatory environments;
 - (iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.
- (b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration.
- (B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013. Effective Date: 09-14-2000

HISTORY: 133 v S 481 (Eff 4-12-70);
144 v H 298 (Eff 7-26-91);
148 v H 640. (Eff 9-14-2000)

135 v S 322 (Eff 8-30-73);
145 v H 152 (Eff 7-1-93);

The effective date is set by section 79 of HB 640.

4751.041 Examination materials

Except when the board of executives of long-term services and supports considers it necessary, the board shall not disclose test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013. Effective Date: 09-14-2000

HISTORY: 148 v H 640. (Eff 9-14-2000)

The effective date is set by section 79 of HB 640

4751.042 Fiscal Agent Agreement

(A) The board of executives of long-term services and supports shall enter into a written agreement with the department of aging for the department to serve as the board's fiscal agent. The fiscal agent shall be responsible for all the board's fiscal matters and financial transactions, as specified in the agreement. The written agreement shall specify the fees that the board shall pay to the fiscal agent for services performed under the agreement, and such fees shall be in proportion to the services performed for the board

(1) The agreement shall require the fiscal agent to provide the following services:

(a) Preparation and processing of payroll and other personnel documents that the board approves;

- (b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;
 - (c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.
- (2) The agreement may require the fiscal agent to provide the following services:
- (a) Any shared services between the board and the fiscal agent;
 - (b) Any other service agreed to by the board and the department, including administrative or technical services.
- (B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:
- (1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur;
 - (2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.
- (C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.
- (D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume responsibility for the debts or fiscal obligations of the board.

4751.05 Requirements for examination and license

- (A) The board of executives of long-term services and supports, or a government or private entity under contract with the board to administer examinations for licensure as a nursing home administrator, shall admit to an examination any candidate who:
- (1) Pays the application fee of fifty dollars;
 - (2) Submits evidence of good moral character and suitability;
 - (3) Is at least eighteen years of age;
 - (4) Has completed educational requirements and work experience satisfactory to the board;
 - (5) Submits an application on forms prescribed by the board;
 - (6) Pays the examination fee charged by the board or government or private entity.
- (B) Nothing in Chapter 4751. of the Revised Code or the rules adopted thereunder shall be construed to require an applicant for licensure or a temporary license, who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if the institution is all of the following:
- (1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;
 - (2) Accredited by a national accrediting organization;
 - (3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

- (4) Providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.
- (C) If a person fails three times to attain a passing grade on the examination, said person, before the person may again be admitted to examination, shall meet such additional education or experience requirements, or both, as may be prescribed by the board.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 1 (Eff 1-1-74);
 135 v S 322 (Eff 8-30-73); 136 v H 1 (Eff 6-13-75);
 140 v H 291 (Eff 7-1-83); 144 v H 298 (Eff 7-26-91);
 147 v H 243 (Eff 5-21-98); 148 v H 640 (Eff 9-14-2000);
 148 v H 511. (Eff 4-10-2001)

4751.06 Issuance of license; temporary license; duplicates

- (A) An applicant for licensure as a nursing home administrator who has successfully completed the requirements of section 4751.05 of the Revised Code, passed the examination administered by the board of executives of long-term services and supports or a government or private entity under contract with the board, and paid to the board an original license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such license shall certify that the applicant has met the licensure requirements of Chapter 4751. of the Revised Code and is entitled to practice as a licensed nursing home administrator.
- (B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.
- (C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.
- (D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board.
- (E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction of the certificate or license and by paying a fee of twenty-five dollars.
- (F) A duplicate certificate of registration and license may be issued in the event of a legal change of name by submitting to the board a certified copy of the court order or marriage license establishing the change of name, by returning at the same time the original license and certificate of registration, and by paying a fee of twenty-five dollars.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 322 (Eff 8-30-73);
 140 v H 291 (Eff 7-1-83); 147 v H 215 (Eff 9-29-97);
 148 v H 640. (Eff 9-14-2000)

The effective date is set by section 79 of HB 640.

4751.07 **Certificate of registration - issuance and display**

- (A) Every individual who holds a valid license as a nursing home administrator issued under division of section 4751.06 of the Revised Code, shall immediately upon issuance thereof be registered with the board of executives of long-term services and supports and be issued a certificate of registration. Such individual shall annually apply to the board for a new certificate of registration on forms provided for such purpose prior to the expiration of the certificate of registration and shall at the same time submit satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board.
- (B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.
- (C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator.
- (D) The license of a nursing home administrator who fails to comply with this section shall automatically lapse.
- (E) A nursing home administrator who has been licensed and registered in this state who determines to temporarily abandon the practice of nursing home administration shall notify the board in writing immediately; provided, that such individual may thereafter register to resume the practice of nursing home administration within the state upon complying with the requirements of this section regarding annual registration.
- (F) Only an individual who has qualified as a licensed and registered nursing home administrator under Chapter 4751. of the Revised Code and the rules adopted thereunder, and who holds a valid current registration certificate pursuant to this section, may use the title “nursing home administrator,” or the abbreviation “N.H.A.” after the individual’s name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.
- (G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person’s principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.
- (H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

Amended by 128th General Assembly File No.9,HB 1, §101.01, eff. 10/16/2009.

HISTORY: 133 v S 481 (Eff 4-12-70)

135 v S 322 (Eff 8-30-73)

140 v H 291 (Eff 7-1-83)

144 v H 298 (Eff 7-26-91)

147 v H 215. (Eff 9-29-97);

The effective date is set by section 222 of HB 215.

4751.08 **Waiving of examination**

The board of executives of long-term services and supports, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license a nursing home administrator without examination if the nursing home administrator has a valid license issued by the proper authorities of any other state, upon payment of a fee of one hundred fifty dollars, and upon submission of evidence satisfactory to the board both:

- (A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state;
- (B) That such other state gives similar recognition to nursing home administrators licensed in this state.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70); 140 v H 291 (Eff 7-1-83);
144 v H 298 (Eff 7-26-91)

4751.09 Prohibited Acts

No person shall:

- (A) Sell or fraudulently obtain or furnish any license, or temporary license, or aid or abet therein;
- (B) Practice as a nursing home administrator under cover of any license, registration, or temporary license illegally or fraudulently obtained, unlawfully issued, or which has lapsed;
- (C) Practice as a nursing home administrator or use in connection with his name any designation tending to imply that he is a nursing home administrator unless licensed and registered to so practice under the provisions of Chapter 4751. of the Revised Code, except a temporary licensee who makes it clear that he is the holder of a temporary license only;
- (D) Otherwise violate any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 322. (Eff 8-30-73)

4751.10 Disciplinary actions

The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of executives of long-term services and supports if such licensee or temporary licensee:

- (A) Is unfit or incompetent by reason of negligence, habits, or other causes;
- (B) Has willfully or repeatedly violated any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which the licensee or temporary licensee is the administrator;
- (C) Is guilty of fraud or deceit in the practice of nursing home administration or in the licensee's or temporary licensee's admission to such practice;
- (D) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony.

Proceedings under this section shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 322. (Eff 8-30-73)

4751.11 Application for reissuance of license or registration.

- (A) The board of executives of long-term services and supports may, in its discretion, reissue a license or registration, or both, to any person whose license or registration, or both, has been revoked.
- (B) Application for the reissuance of a license or registration, or both, shall not be made prior to one year after revocation and shall be made in such manner as the board may direct.
- (C) If a person convicted of a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of such person and on the submission of evidence satisfactory to the board restore to such person the nursing home administrator’s license or registration, or both.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

HISTORY: 133 v S 481. (Eff 4-12-70)

4751.12 Effect of child support default on license

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of executives of long-term services and supports shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

HISTORY: 146 v H 167 (Eff 11-15-96); 148 v S 180. (Eff 3-22-2001)

4751.13 Compliance with law regarding sanctions for human trafficking

The board of executives of long-term services and supports shall comply with section 4776.20 of the Revised code.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013. Added by 129th General Assembly File No. 169, HB 247, § eff . 3/22/2013.

4751.14 Board of executives of long-term services and supports fund

There is hereby created in the state treasury the board of executives of long-term services and supports fund. The fund shall consist of license and registration fees collected under this chapter. Money in the fund shall be used by the board of executives of long-term services and supports to administer and enforce this chapter and the rules adopted under it. Investment earnings of the fund shall be credited to the fund.

Added by 130th General Assembly File No. 25, HB 59, §101.01, eff . 9/29/2013.

PENALTIES

4751.99 Penalty

Whoever violates section 4751.02 or 4751.09 of the Revised Code shall be fined not less than fifty nor more than five hundred dollars for the first offense; for each subsequent offense such person shall be fined not less than one hundred nor more than five hundred dollars or imprisoned for not more than ninety days, or both.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 322. (Eff 8-30-73)

**RULES OF THE BOARD OF EXECUTIVES OF
LONG-TERM SERVICES AND SUPPORTS
RULES 4751-1-01 THROUGH 4751-1-17**

RULE		PAGE
4751-1-01	Notice of adoption, amendment, or rescission of rules	10
4751-1-02	Definitions for this chapter	10
4751-1-03	Board of executives; officers and duties	12
4751-1-04	Board Meetings	13
4751-1-05	Pre-examination requirements; conditions precedent to application for admission to examination	14
4751-1-06	Subjects for examination	16
4751-1-07	Examination and passing grade	20
4751-1-08	Registration of institutions and training agencies; approval of courses of study and programs of instruction	20
4751-1-081	Training agency approval	22
4751-1-09	Administrator-in-training program; practical training and experience	23
4751-1-10	Licenses and registrations	26
4751-1-10.1	Timely Renewal of Certificate of Registration	27
4751-1-11	Temporary license	28
4751-1-12	Suspension or revocation of license	29
4751-1-13	Continuing education	31
4751-1-14	Recognition of out-of-state license	32
4751-1-16	Fees	32
4751-1-17	Personal information systems	33

4751-1-01 Notice of adoption, amendment, or rescission of rules.

- (A) Any time that the Ohio Board of Executives of Long-Term Services and Supports (BELTSS) proposes to adopt, amend, or rescind a rule under section 119.03 of the Revised Code, BELTSS shall give a reasonable public notice in the register of Ohio at least thirty days before the date BELTSS sets for the public hearing, as prescribed by division (A) of section 119.03 of the Revised Code. In the notice, BELTSS shall include the following:
- (1) A statement of BELTSS' intention to consider adopting, amending, or rescinding a rule.
 - (2) A synopsis of the proposed rule, amendment, or rule that BELTSS proposes to rescind or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates.
 - (3) A statement of the reason or purpose for adopting, amending, or rescinding the rule.
 - (4) The date, time, and place of a hearing on the proposed action, which BELTSS shall set no earlier than the thirty-first nor later than the fortieth day after BELTSS files the proposed rule, amendment, or rescission under division (B) of section 119.03 of the Revised Code.
- (B) BELTSS shall promptly furnish an electronic copy of the public notice to any person who requests it without charge. BELTSS shall promptly furnish a hard copy of the public notice to any person who requests it and pays a reasonable fee that does not exceed the actual cost of copying and mailing. If the person making the request for a hard copy is affected by the rule, BELTSS shall provide the hard copy without charge. Although BELTSS shall respond to all requests for a hard copy promptly, BELTSS cannot guarantee the provision of a hard copy thirty days before the public hearing unless the request is postmarked at least forty days before the hearing's date.

HISTORY: Replaces rule 4751-1-01; Eff 9/29/1970; Prior Eff. Dates 10/16/1983

Rule promulgated under: RC 119.03, 119.032 Statutory Authority: 4751.04; Rule Amplifies: 4751.04

4751-1-02 Definitions for this chapter.

- " Accredited educational institution" means an academic institution of higher learning that includes general education courses as requisite to the institution's principal educational programs and that has received institutional accreditation from at least one of the following organizations: middle states commission on higher education, new England association of schools and colleges, the higher learning commission of the north central association of colleges and schools, northwest commission on colleges and universities, southern association of colleges and schools commission on colleges, or senior college and university commission of the western association of schools and colleges.
- " Administrator-in-training" ("AIT") means an individual registered as such with the board pursuant to rule 4751-1-09 of the Administrative Code.
- " Administrator-in-training program" ("AIT program") means a program that the board established to assure that an applicant for licensure as a nursing home administrator meets the minimum requirements in professional education and experience.
- " Approved program in nursing home administration" means a baccalaureate or higher degree program that is offered by an accredited educational institution that has been accredited by the national association of boards, and that has been accepted by the board as satisfying the general education, special academic preparation, and experience requirements for admission to examination.
- " Board" means the board of executives of long-term services and supports that section 4751.03 of the Revised Code established.
- " Candidate" means a person who the board determines meets the conditions for admission to examination.

- " Certificate of registration" ("registration") means a printed or electronic document that the board issues to each administrator to certify the original registration, or annual renewal of registration, of an administrator's license as required in section 4751.07 of the Revised Code.
- " Continuing education" means post-licensure education that is consistent with the practice of nursing home administration, as defined in this rule, that an administrator takes to maintain professional competency to practice nursing home administration, improve administrative skills, and effect standards of excellence for the practice of the profession in the interest of the safety, health, and well-being of the persons served.
- " Core of knowledge in nursing home administration" means the subject areas outlined in rule 4751-1-06 of the Administrative Code.
- " Course of study or program of instruction" means any educational activity in the subject areas of the core of knowledge in nursing home administration approved by the board to fulfill the requirements for pre-licensure education or for continuing education.
- " Full time" means at least thirty-five hours per week as an administrator practicing nursing home administration in a nursing home or as an intern in an internship with an administrator in a nursing home.
- " General education" means an academic course of study that results in the awarding of a baccalaureate degree from an accredited educational institution.
- " Health care administration" means that specialty of health administration requiring knowledge and skills specific to the administration of a health care facility, with emphasis on administration of skilled nursing or extended care facilities.
- " Health care facility" means a facility operating within the framework of the appropriate regulatory agencies that provides residence accommodations and personal care, supervision, or assistance to persons who are dependent, in whole or part, upon such services.
- " Health services executive" means an individual who has successfully completed a board-approved core examination covering common competencies across service lines, including skilled nursing, assisted living, and home and community-based services and who meets the requirements established by the national association of long-term care administrator boards.
- " Internship site" means a nursing home that is licensed under Chapter 3721. of the Revised Code or a nursing home that is operated by a governmental agency and certified under Title XVIII or XIX of the Social Security Act that is approved by the board for the practical training and experience of an administrator-in-training.
- " License" means the board-issued document that indicates that the licensee has met the requirements for licensure under Chapter 4751. of the Revised Code and this chapter.
- " NAB" means "the national association of long term care administrator boards."
- " Nursing home" means a nursing home as defined by or under the authority of divisions (A), (C) and (D) of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.
- " Nursing home administrator" ("administrator") has the same meaning as in section 4751.01 of the Revised Code.
- " Operator" has the same meaning as in rule 3701-17-01 of the Administrative Code.
- " Person served" means an individual who receives the care and services of a skilled nursing or extended care facility.
- " Practice of nursing home administration" means exercising management responsibility of a nursing home including the following practices: planning, organizing, and directing the overall operation of a nursing home; making operating decisions, providing leadership and general supervision, employing and discharging staff; instituting and maintaining methods of administrative management that demonstrate attempts in good faith to assure that the nursing home is in

conformity with federal, state, and local laws, codes, and regulations pertaining to the operation of said facility and to the rights, health, safety, and well-being of the persons served; and the administrator practices these duties in a manner that complies with this rule's definition for "supervision of a nursing home."

"Qualifying administrative experience" is a residency or internship that is required for an academic degree in nursing home administration in all the subject areas of the core of knowledge or all the subject areas of rule 4751-1-06 of the Administrative Code or actual work experience in the subject areas of rule 4751-1-06 of the Administrative Code.

"Service provider" means the entity providing a service to the person served whether a skilled nursing facility, home health care agency, hospice agency, etc.

"Supervision of a nursing home," as required by division (A) of section 4751.02 of the Revised Code, means the effective management of a nursing home and assurance that residents' needs are met, which, according to rule 3701-17-08 of the Administrative Code, means that a nursing home administrator is present in the nursing home no fewer than sixteen hours per calendar week; that the administrator spends most of the time between six a.m. and six p.m. during normal workweeks of Monday through Friday managing the nursing home; and that the administrator's management complies with this rule's definitions of "nursing home administrator" and "practice of nursing home administration."

"Support network" means anyone identified by the person served as a social, financial, and/or emotional support. "Support network" may include friends, family, neighbors, church members, or home health care providers.

"Temporary license" means a license for a period of time not to exceed one hundred eighty days that the board may issue pursuant to division (B) of section 4751.06 of the Revised Code.

"Training agency for continuing education" means an accredited college or university; a statewide or national agency, association or professional society related to the field of nursing home administration or a corporation or other legal entity that is approved by the board to provide courses of study or programs of instruction required for the annual renewal of the certificate of registration.

"Valid license" means a license that is current, as effected by the annual renewal of the certificate of registration, and that is in good standing.

4751-1-03 Board of executives; officers and duties

- (A) The board shall elect annually from its membership a chairperson and a vice chairperson. The board shall appoint a secretary as provided in division (H) of section 4751.03 of the Ohio Revised Code, whose job title may also be Executive Director.
- (B) The chairperson shall preside at all meetings of the board. In the absence of the chairperson, the vice chairperson shall preside at meetings, and perform all duties usually performed by the chairperson.
- (C) In addition to the duties imposed by law, the secretary shall attend all meetings of the board; keep a full and complete record of the minutes of said meetings; notify the members of the board of the time and place fixed for meetings of the board; maintain the records pertaining to licensees and registrants and rules 4751-1-01 to 4751-1-17 inclusive; and countersign all licenses and certificates.
- (D) The secretary shall conduct all routine correspondence for the board, shall issue all notices of meetings and hearings, shall have custody of all books, records, and property of the board, and shall perform all duties pertaining to the office of secretary.

- (E) The secretary shall receive all monies payable to the board and shall deposit such monies with the treasurer of state as provided by law, and shall keep such financial records as are approved by the board and the fiscal authorities of the state.
- (F) The secretary shall have such other authority as prescribed by and delegated by the board.
- (G) The board shall perform its duties in accordance with Chapter 4751. of the Revised Code and rules of this chapter unless otherwise prohibited by state or federal law.

4751-1-04 **Board Meetings**

- (A) Quorum: A majority of the members of the board constitutes a quorum.
- (B) Simple majority: The affirmative vote of a majority of the members of the board is necessary for the board to act.
- (C) Parliamentary procedure: When not otherwise provided for, "Roberts Rules of Order" (2011 edition) shall govern at all meetings of the board.
- (D) Quarterly meetings:
 - (1) The board shall hold quarterly meetings.
 - (2) The board shall set the date for the quarterly meetings with the consent of the majority of the board members.
 - (3) The board may cancel a quarterly meeting with the consent of the majority of the board members.
- (E) Special meetings:
 - (1) The board chairman or a majority of board members may call a special meeting.
 - (2) The proponent of the special meeting shall state the purpose of the special meeting in the call therefore, and the board shall not consider other business at the special meeting, except by unanimous consent of the members present. The proponent of the special meeting shall specify the date and place of a special meeting in the request.
 - (3) The board may cancel a special meeting with the consent of the majority of the board members.
- (F) Meeting Notices:
 - (1) The board secretary shall post a notice of each regular and special meeting on the board's website.
 - (2) The board secretary shall include the place and time in each notice for a regular meeting.
 - (3) The board secretary shall include the place, time, and purpose in each notice for a special meeting.
 - (4) The board secretary shall notify each board member at least five days in advance before a special meeting, except in case of an emergency.
 - (5) The board secretary shall maintain a list of news media outlets that have requested notices. The board secretary shall notify news media outlets that have requested notices for special meetings at least twenty-four hours before a special meeting, except in the event of an emergency that requires immediate, official action. In the event of an emergency, the secretary, on behalf of the

chairperson or board members who called the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

(G) Meeting Minutes:

- (1) The board secretary shall make available to each board member the minutes of the previous meeting and reports of any matters to the board before each meeting to enable the member to become familiar with the matter.
- (2) Within ten days after the board approves the minutes of a quarterly or special meeting, the board secretary shall open the minutes for public inspection in the board office. Any person may obtain a copy of the approved minutes upon request to the board secretary via letter or email.

HISTORY: Replaces rule 4751-1-04; Eff 1-1-77; 10-16-83

Rule promulgated under: RC Chapter 119. Rule amplifies: RC 4751.03, 4751.04, 119.032

4751-1-05 Pre-examination requirements; conditions precedent to application for admission to examination

- (A) The board shall admit to examination for licensure as a nursing home administrator any applicant who has paid the required fees as provided in rule 4751-1-16 of the Administrative Code and who shall have first submitted credentials satisfactory to the board that establish that all of the following conditions have been met; namely, that the applicant;
- (1) Is at least eighteen years of age;
 - (2) Is of good moral character;
 - (3) Is suitable and fit to be licensed as a nursing home administrator as evidenced by:
 - (a) Complying with paragraph (B) of rule 3701-17-07 of the Administrative Code;
 - (b) Absence of any physical or mental impairment that would be likely to interfere with the performance of the duties of a nursing home administrator;
 - (c) Ability to understand and communicate general and technical information necessary to the administration and operation of a nursing home;
 - (d) Ability to assume responsibility for the administration of a nursing home as evidenced by prior activities and prior qualifying administrative experience;
 - (e) Ability to relate the physical, psychological, spiritual, emotional, and social needs of the persons served to the administration of a nursing home, and to create a climate necessary to meet the needs and rights of the persons served.
 - (4) Has met the requirements of general education, as defined in rule 4751-1-02 of the Administrative Code and the requirements that are applicable on the date the completed application is received by the board:

On and after January 1, 1980 has successfully completed a course of study and has been awarded a baccalaureate degree from an accredited educational institution;
 - (5) Has successfully completed the special academic requirements in the subject areas specific to nursing home administration, that consist of:

- (a) No less than one hundred clock hours of academic directed study in core of knowledge subjects in nursing home administration, as listed in rule 4751-1-06 of the Administrative Code; or accredited college courses covering the subject areas of the core of knowledge in nursing home administration as approved by the board; or
 - (b) An approved baccalaureate degree program in nursing home administration, as defined in rule 4751-1-02 of the Administrative Code; or
 - (c) An approved master's degree program in nursing home administration, as defined in rule 4751-1-02 of the Administrative Code.
- (6) The applicant has met the qualifying administrative experience requirements, as defined in rule 4751-1-02 of the Administrative Code, that are appropriate to the applicant's educational level, namely:
- (a) With a baccalaureate degree, the requirement is nine months (fifteen hundred hours) of full-time internship in an approved internship site;
 - (b) With a baccalaureate degree in a related health care profession, the requirement is six months (one thousand hours) of full-time internship in an approved internship site;
 - (c) With a baccalaureate degree containing an approved program in nursing home administration as defined in rule 4751-1-02 of the Administrative Code, no further qualifying administrative experience is required;
 - (d) With a master's or higher degree, the requirement is six months (one thousand hours) full-time internship experience in an approved internship site;
 - (e) With a master's or higher degree containing an approved program in nursing home administration as defined in rule 4751-1-02 of the Administrative Code, no further qualifying administrative experience is required;
 - (f) With a master's or higher degree in a related health care profession, the requirement is three months (five hundred hours) full-time internship in an approved internship site;
 - (g) For qualifying administrative experience, the board may reduce the required hours of internship for both baccalaureate and master degrees.

(B) Applying for admission to examination:

- (1) An applicant for examination for licensure as a nursing home administrator shall submit an application in writing on forms provided by the board and shall furnish evidence satisfactory to the board that he or she has met the requirements of section 4751.05 of the Revised Code and of paragraph (A) of this rule, such evidence to include, but not be limited to:
 - (a) The application form having complete and accurate entries of information, signed and certified under penalty of perjury, filed in the office of the board;
 - (b) Certified transcript(s) of college credits and proof of degree(s), unless previously filed with the board, in accordance with paragraph (A)(4) of this rule, said transcripts to be sent by the institution directly to the office of the board;
 - (c) Certificate or other specific and adequate documentation of completion of approved course of study or program of instruction meeting the special academic requirements in the subject areas specific to health care administration in accordance with paragraph (A)(5) of this rule;

- (d) Any additional or supplemental documentation, properly notarized, required to support data entries on the application form, and to establish qualifying administrative experience in accordance with paragraph (A)(6) of this rule;
 - (e) Statement from the supervisor of the internship attesting said completion of the required period of the internship and documentation of time.
- (2) The application and its supporting documentation shall be filed with the board at least thirty days before the regular quarterly board meeting.
 - (3) The application form shall be signed and certified under penalty of perjury.
 - (4) The application form shall be accompanied by the application examination fee listed in rule 4751-1-16 of the Administrative Code.
- (C) Any person whose registration in the administrator-in-training program has been approved prior to the effective date of these rules shall be eligible for admission to examination under the conditions of rules 4751-1-05 and 4751-1-09 of the Administrative Code in effect on the date of approval of said registration.
- (D) When an applicant has been denied admission to examination or when an applicant has abandoned the application for examination, the applicant may submit a new application for admission to examination, provided, however, that the applicant shall be required to meet the qualifications and conditions for admission and for licensing which are in force at the time of such new application.
- (E) Abandonment of application:
- (1) An applicant shall be deemed to have abandoned the application if the applicant does not take such examination within one year after the date of the authorization letter.
 - (2) An applicant who has failed the licensure examination shall be deemed to have abandoned said application if the applicant does not take the examination within one year after notice of failure.
 - (3) An application submitted subsequent to the abandonment of a former application or after failure of the examination three times shall be treated as a new application and the law in force at the time of such new application shall govern.
- (F) An applicant shall complete the licensure process no later than two years after the date that the applicant meets all requirements to take the examination. Applicants who fail the exam three times shall complete an additional administrator-in-training internship, as prescribed by the board, before retesting a fourth and final time.
- (G) The board may designate a reasonable time and place at which an applicant may be required to present himself or herself for an inquiry into the applicant's qualifications and suitability for licensure. The board shall notify an applicant of such a meeting in writing no fewer than ten days before the meeting.

HISTORY: Eff 10-1-74; 1-1-77; 2-20-84; 4-22-86, 10-1-15
 Rule amplifies: RC 4751.05, 119.032

Rule promulgated under: RC Chapter 119. Rule authorized by: RC 4751.04

4751-1-06 Subjects for examination

Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in these rules and regulations, shall successfully pass a written or oral examination or a combination thereof which shall include, but not be limited to, the following subject areas:

Core of knowledge in nursing home administration

(A) Customer care, supports, and services:

- (1) Establish service policies and procedures regarding the persons served that comply with applicable federal and state laws, rules, and regulations.
- (2) Ensure plans of care are evidence-based, established, implemented, updated, and monitored based on the preferences and assessed needs of the persons served.
- (3) Ensure the planning, development, implementation/execution, monitoring, and evaluation of admission/move-in process, including preadmission/premove-in information, to promote a quality experience for the persons served.
- (4) Ensure the planning, development, implementation/execution, monitoring, and evaluation of discharge/move-out process to promote a quality experience for the persons served.
- (5) Ensure the planning, development, implementation/execution, monitoring, and evaluation of programs to meet the psychosocial needs and preferences of the persons served.
- (6) Ensure the planning, development, implementation/execution, monitoring, and evaluation of activities/recreation to meet the social needs and preferences of the persons served.
- (7) Ensure the planning, development, implementation/execution, monitoring, and evaluation of a health information management program to meet documentation requirements in compliance with federal and state regulations.
- (8) Ensure the planning, development, implementation/execution, monitoring, and evaluation of medication management that supports the needs of the persons served.
- (9) Ensure the planning, development, implementation/execution, monitoring, and evaluation of a rehabilitation program to maximize optimal level of functioning and independence for the persons served.
- (10) Ensure the planning, development, implementation/execution, monitoring, and evaluation of systems for coordination and oversight of contracted services.
- (11) Ensure the planning, development, implementation/execution, monitoring, and evaluation of policies and procedures for responses to specific incidents, accidents, and/or emergencies involving the persons served.
- (12) Ensure the planning, development, implementation/execution, monitoring, and evaluation of housekeeping and laundry services for the persons served.
- (13) Ensure the planning, development, implementation/execution, monitoring, and evaluation of education intended for the persons served and their support networks.
- (14) Ensure the planning, development, implementation/execution, monitoring, and evaluation of nutritional needs and preferences of the persons served.
- (15) Ensure the planning, development, implementation/execution, monitoring, and evaluation of dining experience that meets the needs and preferences of the persons served.
- (16) Ensure the rights and individuality of the persons served within all aspects of care.
- (17) Integrate the support network's perspectives to maximize the quality of life and care for the persons served.
- (18) Ensure transportation options are available for the persons served.

- (19) Ensure the provision of a customer service culture that leads to a quality experience for the persons served.

(B) Human Resources:

- (1) Ensure that human resource management policies and programs comply with federal and state rules and regulations.
- (2) Establish the planning, development, implementation, monitoring, and evaluation of recruitment, selection, and retention practices.
- (3) Establish the planning, development, implementation, monitoring, and evaluation of employee training and development programs.
- (4) Establish the planning, development, implementation, monitoring, and evaluation of employee evaluation programs.
- (5) Establish the planning, development, implementation, monitoring, and evaluation of compensation and benefit programs.
- (6) Establish the planning, development, implementation, monitoring, and evaluation of employee health and safety programs.
- (7) Establish the planning, development, implementation, monitoring, and evaluation of employee satisfaction and organizational culture.
- (8) Establish the planning, development, implementation, monitoring, and evaluation of employee disciplinary policies and procedures.
- (9) Establish the planning, development, implementation, monitoring, and evaluation of employee grievance policies and procedures.
- (10) Establish the planning, development, implementation, monitoring, and evaluation of leadership development programs.
- (11) Promote a safe work environment (such as safety training and employee risk management).
- (12) Promote a positive work environment (using techniques such as conflict resolution, diversity training, and staff recognition programs).
- (13) Facilitate effective written, oral, and electronic communication among management and employees.
- (14) Ensure employee records and documentation systems are developed and maintained.
- (15) Establish a culture that encourages employees to embrace the rights of the persons served.

(C) Finance:

- (1) Ensure that financial management policies, procedures, and practices comply with applicable federal and state rules and regulations.
- (2) Develop, implement, and evaluate the service provider's budget.
- (3) Oversee the billing and collections process and monitor the accuracy of charges and timely collection of accounts.
- (4) Negotiate, interpret, and implement contractual agreements to optimize financial viability.
- (5) Develop, implement, monitor, and evaluate financial policies and procedures that comply with generally accepted accounting principles (GAAP).
- (6) Monitor and evaluate the integrity of financial reporting systems and audit programs.

- (7) Establish safeguards for the protection of the service provider's assets (such as insurance coverage, risk management).
- (8) Develop, implement, monitor, and evaluate systems to improve financial performance.
- (9) Manage and adjust expenses with fluctuations in census/occupancy levels (such as staffing ratios).
- (10) Monitor and address changes in the industry that may affect financial viability.

(D) Environment:

- (1) Ensure that physical environment policies and practices comply with applicable federal, state, and local laws, rules, and regulations.
- (2) Ensure the planning, development, implementation, monitoring, and evaluation of a safe and secure environment.
- (3) Ensure the planning, development, implementation, monitoring, and evaluation of infection control and sanitation.
- (4) Ensure the planning, development, implementation, monitoring, and evaluation of emergency and disaster preparedness program, including linkage to outside emergency agencies.
- (5) Ensure the planning, development, implementation, monitoring, and evaluation of environmental services, housekeeping, and laundry.
- (6) Ensure the planning, development, implementation, monitoring, and evaluation of maintenance services for property, plant, and all equipment, including preventative maintenance.
- (7) Ensure the planning, development, implementation, monitoring, and evaluation of appropriate HIPAA-compliant technology infrastructure.
- (8) Establish, maintain, and monitor a physical environment that provides clean, safe, and secure home-like surroundings for the persons served, staff, and visitors.
- (9) Identify opportunities to enhance the physical environment to meet changing market demands.
- (10) Establish, maintain, and monitor an environment that promotes choice, comfort, and dignity for the persons served.
- (11) Assess the environment of the persons served for safety, security, and accessibility and make recommendation for referral or modification.

(E) Management and Leadership:

- (1) Ensure compliance with applicable federal and state laws, rules, and regulations.
- (2) Promote ethical practice throughout the organization.
- (3) Develop, implement, monitor, and evaluate policies and procedures that comply with directives of governing body.
- (4) Develop, communicate, and champion the service provider's mission, vision, and values to stakeholders.
- (5) Develop, implement, and evaluate the strategic plan with governing body's endorsement.
- (6) Promote and monitor satisfaction of the persons served and their support networks.
- (7) Identify, foster and maintain positive relationships with key stakeholders.
- (8) Educate stakeholders on services provided, regulatory requirements, and standards of care.
- (9) Solicit information from appropriate stakeholders for use in decision making.
- (10) Manage the service provider's role throughout any survey/inspection process.
- (11) Develop and implement an intervention(s) or risk management program(s) to minimize or eliminate exposure.
- (12) Identify and respond to areas of potential legal liability.

- (13) Implement, monitor, and evaluate information management and technology systems to support service provider's operations.
- (14) Develop, implement and monitor comprehensive sales, marketing, and public relations strategies.
- (15) Ensure that written agreements between the persons served and the service providers protect the rights and responsibilities of both parties.
- (16) Develop, implement, and evaluate the organization's quality assurance and performance improvement programs.
- (17) Lead organizational change initiatives.
- (18) Facilitate effective internal and external communication strategies.
- (19) Promote professional development of all team members.

HISTORY: (former NH-1-06); Eff 9-29-70; 10-1-74 Rule promulgated under: RC Chapter 119. Rule authorized by: RC 4751.04
 Rule amplifies: RC 4751.05 to 4751.10, 4751.13, 119.032

4751-1-07 Examination and passing grade

- (A) Every applicant for a nursing home administrator’s license shall be required to pass the examination.
- (B) The board shall determine a passing grade for each section of the examination separately, and shall apply such grade uniformly to all persons taking that examination.
- (C) If an oral examination is used, totally or as part of the examination process, the board shall use as a basis for such oral examination a written prepared outline of subject matter based upon the core of knowledge in nursing home administration and upon practical training and experience. The board shall designate weighted values to the subject matter for such oral examination. Prior authorization for use of an oral examination must be granted by the board.
- (D) Failure to make a passing grade on any section of the examination constitutes failure to pass the examination. The applicant shall be required to repeat the examination.
- (E) If an applicant fails three times to attain a passing grade on the examination, the applicant is no longer eligible to sit for the examination until the applicant meets the requirements of rule 4751-1-05 and such additional education and experience requirements as may be prescribed by the board.

HISTORY: Replaces rule NH-1-07; Eff 9-29-70; (Amended) 10-1-74; 1-1-77 Rule promulgated under: RC Chapter 119. Rule authorized by: RC 4751.04
 Rule amplifies: RC 4751.04, 4751.06, 119.032

4751-1-08 Registration of institutions and training agencies; approval of courses of study and programs of instruction

- (A) The board may authorize any educational institution or affiliate or other training agency for continuing education to provide the educational requirements of Chapter 4751. of the Revised Code and this chapter.
 Any educational institution or affiliate, if authorized, shall be registered with the board for the purpose of offering any course of study or program of instruction deemed sufficient to meet the education and training requirements for the purpose of qualifying applicants for licensure as nursing home administrators or for the renewal of registration of licenses as nursing home administrators.

All training agencies shall individually apply to the board on BELTSS form E-1 and, if approved, be registered by the board.

- (B) There are three categories of continuing education training agencies:
- (1) Preferred: A continuing education training agency that has been certified for at least one year and offers at least fifty courses per year.
 - (2) Certified: A continuing education training agency that is an accredited college or university; a statewide or national government agency relating to nursing home administration; or, a statewide, national association, or professional society relating to nursing home administration.
 - (3) Limited: A continuing education training agency that is not affiliated with colleges, universities, government agencies, or associations, but offers continuing education programs for no more than six credit hours per course and notifies participants that it has a limited training agency status.
- (C) Pre-licensure education: Courses of study or programs of instruction offered for the purposes of general educational requirements, as set forth in paragraph (A)(4) of rule 4751-1-05 of the Administrative Code, and for the special academic requirements in health care administration, as set forth in paragraph (A)(5) of rule 4751-1-05 of the Administrative Code, shall be deemed acceptable for such purposes, provided that:
- (1) The courses of study and programs of instruction in general education are offered for academic credit by an accredited educational institution, as defined in rule 4751-1-02 of the Administrative Code.
 - (2) The special courses of study or programs of instruction in health care administration shall at least cover the subject areas set forth in the core of knowledge in nursing home administration, as outlined in rule 4751-1-06 of the Administrative Code; course content need not be limited to these subject areas; these courses and programs shall be approved by the board.
 - (3) If academic credit is not offered, such course of study or program of instruction is within the jurisdiction of an academic department of an accredited educational institution.
- (D) Continuing education: Courses of study or programs of instruction offered to meet the educational requirements for annual renewal of the certificate of registration of the nursing home administrator license shall be in the subject areas of the core of knowledge in nursing home administration, as outlined in rule 4751-1-06 of the Administrative Code, and shall be one of the following:
- (1) An accredited educational institution's for-credit courses, non-credit courses, and non-degree programs.
 - (2) Courses or programs of which the board approves that are offered by educational institutions other than accredited educational institutions;
 - (3) Courses or programs provided by approved training agencies for continuing education, as defined in rule 4751-1-02 of the Administrative Code.
- (E) Training agency courses of study or programs of instruction offered for continuing education purposes on a non-academic credit basis shall be submitted to the board for approval at least sixty days before the anticipated date of registration for the course or program; such submittal shall be on BELTSS form E-2 and, if necessary, the sixty-day waiver request form and shall provide thereon all required information. The board may grant a variance to the time frame for submittal upon a showing that a recent change in state or federal regulatory requirements affecting the nursing home industry necessitates prompt approval of the course of study or program of

instruction so that nursing home administrators may receive timely information concerning compliance with the requirements.

(F) Definitions for this rule:

- (1) "BELTSS form E-1" means "BELTSS Form E-1 ('Application for Registration as a Provider of Continuing Education Courses') (Rev., September, 2013)."
- (2) "BELTSS form E-2" means "BELTSS Form E-2 ('Application for Approval of Continuing Education Courses') (Rev., September, 2013)."
- (3) "Sixty-day waiver request form" means "'60-Day Waiver Request Form' (September, 2013)."

HISTORY: Eff 1-1-77; 4-22-86; 6-14-89 (Emer.); 9-22-89

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 4751.04 Rule amplifies: RC 4751.07119.032

4751-1-081 Training agency approval

A training agency for continuing education shall apply for either preferred, certified or limited provider status as defined by the board.

- (A) Provider status shall initially be granted for a one-year probationary period. Approval thereafter shall be granted for a two-year period.
- (1) An applicant for provider status shall, at least two months prior to the date of the first scheduled program offering, submit a completed application on a form prescribed and furnished by the board. To be approved as a provider, the applicant shall establish all of the following:
 - (a) The proposed programs and program goals for the approval period meet or exceed the requirements of these rules;
 - (b) The educational facilities and instructional aids are adequate and appropriate;
 - (c) The program presenters have the professionally recognized skills to conduct the programs being offered;
 - (d) The programs are in the subject areas of the core of knowledge in nursing home administration as outlined in Chapter 4751-1-06 of the Administrative Code;
 - (e) There are adequate procedures to maintain records for each program presented, including, but not limited to, the program content, presenter qualifications, CEUs earned and attendee names.
 - (2) A provider shall comply with all of the following:
 - (a) Operate in compliance with the requirements of paragraph (A)(1) of this rule;
 - (b) Seek the evaluation of each program attendee;
 - (c) Ensure that .25 clock hours of continuing education are earned by 15 minutes of instruction; minimum number of credits for a class is 1 clock hour.
 - (d) Provide each program attendee who completes the program with a certificate of completion that includes the following information:
 - (i) Name of the provider and provider number;
 - (ii) Name and date of the program;
 - (iii) Name of the attendee;

- (iv) Core of knowledge subject area into which the program falls;
 - (v) Number of clock hours earned;
 - (vi) Nursing home administrator license number of the attendee, if applicable;
- (e) Prominently display its provider number and the license renewal requirement to which the program will apply on all promotional literature;
 - (f) At the Board's request, furnish records of program content, presenter qualifications, evaluations, CEUs earned and attendee names for each program presented during the approval period.
 - (g) Assume responsibility for the quality of any program presented under its provider number;
 - (h) Ensure that all continuing education programs are open and offered to the public.
 - (i) Cooperate with the Board for requests to randomly audit compliance with these standards including providing any additional information needed for the Board's review.
- (3) An applicant for renewal of provider status shall submit to the board no later than three months prior to the expiration of its approval, a completed application demonstrating continued compliance with the requirements of these rules.
 - (4) The board, in compliance with Chapter 119. of the Revised Code, may refuse to issue or renew or may suspend or revoke the provider status of a training agency that fails to comply with the requirements of rules in this chapter.

HISTORY: Eff 1-1-99 Rule promulgated under: RC Chapter 119. Rule authorized by: RC 4751.03, 4751.04

Rule amplifies: RC 4751.03, 4751.04, R. C. 119.032

4751-1-09 Administrator-in-training program; practical training and experience

- (A) Introduction: The board has established the administrator-in-training ("AIT") program ("AIT program") as the way for a person who seeks initial licensure as a nursing home administrator to obtain a period of practical training and experience ("internship") in nursing home administration under direct supervision of a licensed nursing home administrator ("preceptor") who is in full-time practice in a nursing home that the board approved as the AIT's training agency ("internship site").
- (B) Dates: All internships in the AIT program shall begin on the first day of the first month of the calendar quarter, namely: January 1, April 1, July 1, or October 1.
- (C) Registration:
 - (1) How to register: To register for internship in the AIT program, an applicant shall submit all of the following items to the board:
 - (a) The fee transmittal sheet, preliminary data for AIT program, the AIT application, the employment status form, and the facility survey form having complete and accurate entries of information.
 - (b) Certified transcript(s) of college credits and proof of degree(s), in accordance with paragraph (A)(4) of rule 4751-1-05 of the Administrative Code; said transcripts to be sent by the institution directly to the office of the board.

- (c) Certificate or other specific and adequate documentation of completion of approved course of study or program of instruction meeting the special academic requirements in the subject areas specific to health care administration in accordance with paragraph (A)(5) of rule 4751-1-05 of the Administrative Code.
 - (d) Any additional or supplemental documentation to support data entries on the application form and to establish any qualifying administrative experience.
 - (e) The training plan, with its supporting documentation.
- (2) Deadline: The applicant shall submit all parts of the application to the board so that the application is on file with the board at least fourteen days before the regular board meeting that precedes the requested beginning date of an internship with the AIT program.
- (3) Board approval: The board shall only approve an applicant's registration for internship in the AIT program if the board is satisfied that the applicant meets, or has arranged to meet, each of the following eight requirements:
- (a) The applicant is at least eighteen years of age.
 - (b) The applicant has good character.
 - (c) The applicant has good health and is otherwise suitable to the practice of nursing home administration according to paragraph (A)(3) of rule 4751-1-05 of the Administrative Code.
 - (d) The applicant meets general education requirements of paragraph (A)(4) of rule 4751-1-05 of the Administrative Code.
 - (e) The applicant has submitted records to the board to verify that he or she meets, or has arranged to meet, the special academic requirements of paragraph (A)(5) of rule 4751-1-05 of the Administrative Code.
 - (f) The applicant has arranged for an internship at an internship site(s) of which the board approves, pursuant to paragraph (A)(6) of rule 4751-1-05 of the Administrative Code.
 - (g) The internship site(s) will not employ the applicant in any capacity other than that of an AIT during the internship hours.
 - (h) The applicant does not have a substantial financial interest in any nursing home that will be the internship site at which he or she would serve a major portion of his or her internship.
- (D) Training plan: The training plan for internship in the AIT program shall provide documentation that the following requirements have been, or will be, met:
- (1) A pre-training assessment of the applicant's background in terms of educational level, pertinent experience, maturity, motivation, and initiative has been made jointly by the applicant and the preceptor.
 - (2) Based on the pre-training assessment, the applicant and the preceptor have jointly developed a detailed goal-oriented training plan with adequate supporting documentation that relates educational objectives, subject areas of the core of knowledge in nursing home administration, training sites and/or agencies involved, estimated number of hours needed for mastering each objective, and total number of hours in the training plan.

- (3) Supporting documentation for the training plan shall include preceptor's qualifications, the qualifications of the nursing director at the internship site(s), and a description of each internship site and the staff that is necessary to determine the site's adequacy to meet specific goals in the training plan.

(E) Evaluation:

- (1) Monitoring: During an internship, the board may monitor the internship and may call for the AIT and preceptor into a conference with the board.
- (2) AIT reporting:
 - (a) Each AIT shall file such periodic and summary reports as required by and in the format prescribed by the board.
 - (b) The AIT and the preceptor shall both sign, then file, each report required in paragraph (E)(1) of this rule with the board no more than ten days after the end of each reporting period.
 - (c) If an AIT fails to report to the board before the deadline in paragraph (E)(2) of this rule, the board may determine that the AIT abandoned the AIT program.
- (3) Board determination: After the AIT completes an internship, the board shall determine if the AIT received training that complies with this rule before the board admits the AIT to licensure examination.

(F) Reciprocity: The board may grant credit towards the AIT program for an AIT's internship in another state's internship program if the following two conditions are met:

- (1) The AIT registers with the board no later than sixty days after he or she leaves the other state's training program.
- (2) A reciprocity agreement between Ohio and the other state is in effect for the AIT program.

(G) Preceptors:

- (1) No preceptor shall be related by blood or marriage to the AIT.
- (2) No preceptor shall have a personal financial interest in the licensure of an AIT.
- (3) The AIT program is not responsible for any financial arrangements between an AIT and the preceptor.

(H) Adverse actions:

- (1) If an AIT discontinues his or her internship in the approved internship site(s), the AIT and the preceptor shall report the AIT's discontinuance to the board before the tenth day after the discontinuance.
- (2) The board may disqualify or disallow all (or part) of an internship period if the board determines that an AIT fails to serve an internship that complies with this rule.
- (3) The board may terminate or rearrange all or part of the internship if, during an AIT's internship, the board determines that the internship is unsatisfactory.
- (4) An AIT shall not serve in the capacity of a licensed nursing home administrator. The board may disqualify the entire internship period of an AIT who serves in the capacity of a licensed nursing home administrator.

- (5) If a preceptor fails to provide the AIT an opportunity for an adequate internship while the AIT is under his or her supervision, the board may disqualify the preceptor from further service in the AIT program.
- (6) The board may deny an AIT admission for examination to become a licensed nursing home administrator if the AIT falsified or misrepresented facts on an application, documents that support an application, or in any periodic or summary reports on an internship.
- (7) According to rule 4751-1-12 of the Administrative Code, the board may suspend or revoke a license if the administrator falsified or misrepresented facts on an application, documents that support an application, or in any periodic or summary reports on an internship.
- (l) Non-party: Any financial arrangements between preceptor and administrator-in-training are the joint responsibility of the parties involved and are not the responsibility of the board.

(J) Definitions for this rule:

" AIT application" means "'Form AIT' (Rev., October, 2013)."

" Employment status form" means "'Employments Status Form' (Rev... December, 2014).

" Facility survey form" means "'Facility Survey Form' (Rev... December, 2014)."

" Fee transmittal sheet" means "'Fee Transmittal Sheet' (Rev., October, 2013)."

" Preliminary data for AIT program" means "'Preliminary Data for AIT Program' (Rev., October, 2013)."

HISTORY: Replaces rule NH-1-09; Eff 9-29-70; (Amended) 10-1-74; 1-1-77
 Rule promulgated under: RC Chapter 119. Rule authorized by: RC 4751.04
 Rule amplifies: RC 4751.04, 119.032

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 Chapter 4751. of the Administrative Code, including passing the examinations and paying the 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 4751.12 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. The licensee shall complete the annual registration prior to the expiration date 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 expiration date 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 expiration date shall complete an additional five clock hours of continuing education per calendar quarter, up to a maximum of twenty penalty hours.

- (6) The licensee signed the form and had it notarized.
- (C) The board publishes BELTSS Form RA2013 (Rev., 2013) as the renewal application. The form is readily available on <http://www.beltss.ohio.gov/>. It is the licensee's responsibility to obtain the form and file a timely renewal if she or he does not receive a renewal application via mail.
- (D) Untimely renewals are subject to a penalty of five continuing education units per quarter, up to a maximum of twenty penalty hours. Penalty hours are in addition to the twenty hours required annually for renewal.
- (E) If the licensee does not meet the conditions in paragraphs (A) to (D) of this rule, the licensee's application is untimely and not valid. The licensee may not practice nursing home administration until all renewal conditions are met.
- (F) The licensee shall renew the certificate of registration with the appropriate number of continuing education units and payment of all renewal fees within one year of the expiration date listed on the certificate of registration, or the license shall be considered abandoned and the licensee shall reapply for licensure and the law in force at the time of such new application shall govern.

History: Eff 9-1-14

Rule promulgated under: RC Chapter 119.03. Rule authorized by 4751.04

Rule amplifies RC 4751.04, 4751.06, 4751.07, 4751.10

4751-1-11 Temporary license

- (A) Upon request of the operator of a nursing home, a temporary license may be issued by the board for a period not to exceed one hundred eighty days to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness or such other cause as the board may deem sufficient to justify the issuance of such temporary license.
- (B) An individual applying to the board for temporary licensure shall be required to furnish satisfactory evidence; namely, that the individual:
 - (1) Has graduated from an accredited college and holds a Bachelor's degree;
 - (2) Is at least eighteen years of age;
 - (3) Is of good moral character; and
 - (4) Is suitable and fit to be licensed as a temporary nursing home administrator as evidenced by:
 - (a) Presence of good health and freedom from communicable disease;
 - (b) Absence of any physical or mental impairment that would be likely to interfere with the performance of the duties of a temporary nursing home administrator;
 - (c) Ability to understand and communicate general and technical information that is necessary to the temporary administration and operation of a nursing home;
 - (d) Ability to assume responsibilities for the temporary administration of a nursing home as evidenced by prior activities and prior service that are satisfactory to the board; and
 - (e) Ability to relate the physical, psychological, spiritual, emotional and social needs of the persons being served in a nursing home to the temporary administration of a nursing home, and to create a climate that is necessary to meet the needs of the persons served in the nursing home.
- (C) An applicant for temporary licensure shall submit with the application a certified check or money order for the fee as provided for in rule 4751-1-16 of the Administrative Code.

- (D) No portion of the one hundred eighty day period that is allowed for a temporary license shall fulfill any part of any internship requirement that is a condition precedent to admission to examination for licensure as a nursing home administrator.
- (E) A temporary license may be revoked for any violation that is contained in section 4751.10 of the Revised Code, or this chapter.
- (F) The board may delegate its authority to review the applications for temporary licensure to its executive secretary in order that temporary licenses may be issued in emergency and hardship cases.

Promulgated Under: 119.03
 Statutory Authority: 4751.04; Section 1908(c)(1) of the Social Security Act
 Rules Amplifies: 4651.01(D), 4751.06; Section 1908(c)(1) of the Social Security Act, 42 U.S.C. 1396g; 42 C.F.R. 431.710, (October 1, 2014 edition)
 10/01/1974, 10/16/1983, 7/24/2011, 10/1/15

4751-1-12 Suspension or revocation of license

For the purposes of this rule, an individual licensee who accepts the privilege of practicing nursing home administration in this state is subject to the supervision of the board.

- (A) The license or certificate of registration, or both, or the temporary license of any individual who practices or offers to practice nursing home administration shall be revoked or suspended by the board under one of more of the following situations:
 - (1) The individual is unfit or incompetent by reason of negligence, habits, or other causes.
 - (2) The individual purposely, knowingly, recklessly, and/or negligently violated any of the provisions of chapter 4751. of the Revised Code or this chapter; or purposely, knowingly, recklessly, and/or negligently acted in a manner inconsistent with the health and safety of the persons being served in the nursing home in which the individual is the administrator.
 - (3) The individual has demonstrated by his or her actions, incompetence, untrustworthiness, dishonest practices or irresponsibility in the practice of nursing home administration.
 - (4) The individual is guilty of fraud or deceit in the practice of nursing home administration or in admission to such practice.
 - (5) The individual was convicted in a court of competent jurisdiction, either within or without this state, of a felony and/or has failed to inform the board, in writing, within ten days of a conviction in a court of competent jurisdiction, either within or without this state, of a felony.
 - (6) The individual was convicted of a misdemeanor in a court of competent jurisdiction, either within or without this state, within the course and scope of the practice of nursing home administration and/or has failed to inform the board, in writing, within ten days of a conviction of a misdemeanor in a court of competent jurisdiction, either within or without this state, within the course and scope of the practice of nursing home administration.

- (7) The individual had any license or certificate of registration denied, revoked or suspended, or voluntarily surrendered any license or certificate of registration for any reason other than a failure to renew, in Ohio or another state or jurisdiction.
 - (8) The individual failed to appear before the board or its designee after being notified in writing by the board, unless a reasonable extension has been requested in writing and granted by the board or its designee.
 - (9) The individual failed to inform the board, in writing, before ten days after a change in business or personal address.
 - (10) The individual failed to renew the annual certificate of registration in a timely manner as defined in rule 4751-1-10.1 of the Administrative Code.
- (B) Any one or more of the following is prima facie evidence that a person is unfit or incompetent by reason of negligence, habits, or other causes to serve as a nursing home administrator:
- (1) The individual fails to make good faith attempts, via methods of administrative management, to assure that the nursing home in which the individual is the administrator conforms with the provisions of pertinent statutes, codes, rules and regulations of the licensing or supervising authority or agency, federal, state or local, having jurisdiction over the operation and licensing of nursing homes;
 - (2) The individual habitually or excessively uses controlled substances or other habit-forming drugs, alcohol, or other chemical substances to an extent that impairs the individual's ability to comply with Chapter 4751 of the Revised Code or this chapter.
 - (3) The individual fails to conform to the requirement imposed by paragraph (A) of rule 3701-17-08 of the Administrative code.
 - (4) The individual fails to be responsible for planning, organizing, directing, and managing the operation of a nursing home in such manner to insure the safety, health and welfare of the persons being served in any facility under the administrator's supervision.
 - (5) The individual has a physical inability to serve as a nursing home administrator as evidenced by the statement of two licensed physicians.
 - (6) The individual has mental incompetency as declared by a decree of any court.
 - (7) The individual willfully permitted the unauthorized disclosure of information relating to a person being served in a nursing home under the individual's administration.
 - (8) The individual was issued a lawful revocation or suspension by the duly constituted authorities of another state of any nursing home administrator's license which may have been issued said licensee by another state.
 - (9) The individual fails to cooperate in any investigation concerning allegations to the administrator's or another licensee's or registrant's license or registration.
 - (10) The individual fails to adhere to any conditions set forth in a board-approved adjudication order or consent agreement.
- (C) Licensed nursing home administrators governed by Chapter 4751 of the Revised Code, and by this chapter, shall be disciplined in accordance with Chapters 4751 and 119 of the Revised Code.

4751-1-13 **Continuing Education**

- (A) There are three levels of continuing education training agencies:
- (1) Preferred: A continuing education training agency that has been certified for at least one year and offers at least fifty courses per year.
 - (2) Certified: A continuing education training agency that is an accredited college or university; a statewide or national government agency relating to nursing home administration; or, a statewide, national association, or professional society relating to nursing home administration.
 - (3) Limited: A continuing education training agency that is not affiliated with colleges, universities, government agencies, or associations, but offer continuing education programs for no more than six credit hours per course and notifies participants that it has a limited provider status.
- (B) As required in paragraph (C) of rule 4751-1-10 of the Administrative Code, nursing home administrators shall complete a minimum of twenty clock hours of approved continuing education each year in the fifteen-month period preceding renewal of the registration of the nursing home administrator license.
- (1) An unlimited number of hours of continuing education may be completed from courses offered by preferred or certified continuing education training agencies.
 - (2) A maximum of six hours of continuing education may be completed from courses offered by limited continuing education training agencies.
 - (3) The board, in its sole discretion, shall determine the number of hours of self-study instruction which shall qualify to fulfill an administrator's annual requirement for continuing education. As used in this paragraph, "self-study instruction" means any course of instruction provided through online, self-study, live or recorded webinars, or other learning that is not provided in a classroom setting.
 - (4) A college course may be used to meet the continuing education requirement if the course was completed at an accredited college or university, applies to a degree field, and applies to the practice of nursing home administration, as defined in rule 4751-1-02 of the Administrative Code; and if a grade of "C" or better was earned for the course.
 - (5) Teaching any course for approved continuing education, the core of knowledge, or a college course may also be used to meet the continuing education requirement. A college course must be taught at an accredited college or university and must apply to the practice of nursing home administration, as defined in rule 4751-1-02 of the Administrative Code.
- (C) Continuing education credit prior to the last quarter of the previous registration anniversary year may not be accumulated from year to year.
- (D) Continuing education courses that fulfill the requirements for annual renewal of the certificate of registration must be submitted to the board by the continuing education training agency conducting the educational activity, in accordance with rule 4751-1-08 of the Administrative Code. Board approval is granted to the continuing education training agency conducting the educational activity, not to the individual nursing home administrator.
- (E) Certificates of attendance at continuing education courses, or other substantiating documentation, must be submitted by the nursing home administrator at the same time as and be attached to the form for application

for annual renewal of registration. An exact copy of the certificate or other documentation is acceptable. No documents will be returned.

- (F) The board shall not offer continuing education credits toward the completion of a course or program that is not NAB-approved or board-approved.
- (G) The board, in its own discretion, may waive or extend the continuing education requirement upon application for good cause. The board's determination to waive the continuing education requirement is final.

HISTORY: Rule promulgated under: RC Chapter 119. Statutory Authority: 4751.04,4751.06, 4751.07,4751.08
Replaces rule 4751-1-13; Eff 1-1-77; 10-16-83
Rule amplifies: RC 4751.04,4751.07, 4751.08

4751-1-14 Recognition of out-of-state license

- (A) The board, in its discretion, and otherwise subject to the provisions of Chapter 4751. of the Revised Code and this chapter, may license, without general examination, a nursing home administrator if the individual has a valid license issued by the proper authorities of any other state or political subdivision of the United States, upon payment of the required fee as provided in rule 4751-1-16 of the Administrative Code, provided:
 - (1) That such other state or subdivision of the United States maintained a system and standard of qualifications and examinations for a nursing home administrator license, which were substantially equivalent to those required in the state of Ohio; and
 - (2) That such applicant is familiar with Ohio's laws and rules relative to the licensure of the facility and to the licensure of the administrator and has successfully passed the board's examination on Ohio laws and rules each time re-licensure is required; and
 - (3) That such applicant holds a valid license which has not been revoked in any state within three years of the time of application for licensure; and
 - (4) That such applicant's license has not been suspended in any state within one year of the time of application for licensure.
- (B) If the applicant meets all of the requirements in paragraph (A) of this rule and is also a certified administrator in good standing with the American College of Health Care Administrators, the executive secretary of the board may issue the license without prior board approval. The issuance shall be presented for the board's ratification at the next meeting of the board.

HISTORY: Eff 10-1-74; 10-16-83; 1-1-99, 10-1-15
Rule promulgated under: RC Chapter 119.
Rule authorized by: RC 4751.03, 4751.04, 4751.08
Rule amplifies: RC 4751.03, 4751.04, 4751.12, R.C. 119.032

4751-1-16 Fees

Fees provided for throughout Chapter 4751. of the Administrative Code shall be published by the board on a fee schedule in the amounts allowable under Chapter 4751. of the Revised Code. Said fees are to be paid by check or money order and made payable to "Treasurer, State of Ohio." All fees are to be transmitted to the office of the board.

- (A) Administrator-in-training application fee: fifty dollars.
- (B) Licensure examination fee: one hundred fifty dollars.
- (C) Endorsement of out-of-state license fee: one hundred fifty dollars.
- (D) Temporary license fee: one hundred dollars.
- (E) Annual registration fee: three hundred dollars.
- (F) Duplication/replacement fee: twenty-five dollars.
- (G) Original license fee: two hundred fifty dollars.

HISTORY: Eff 9-29-70; 1-1-77; 10-16-83; 1-1-99

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 4751.04, 4751.05, 4751.06, 4751.07, 4751.08

Rule amplifies: RC 4751.04, 4751.05, 4751.06, 4751.07, 4751.08, R.C. 119.032

4751-1-17 Personal information systems

(A) The board secretary shall be responsible for each personal information system maintained by the board. Said employee shall:

- (1) Inform other employees who have any responsibility for the operation, maintenance, or use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and this chapter; and,
- (2) Inform an individual who is asked to supply personal information for a system whether the individual is legally required to, or may refuse to, supply the information; and,
- (3) Assure that only that personal information which is necessary and relevant to the functions of the board as required or authorized by statute or rule is collected and maintained; and,
- (4) Upon the request and the proper identification of the individual, allow the individual who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code.

The employee shall:

- (a) Inform the individual of any personal information in the system of which the individual is the subject;
- (b) Except for investigative files or trial preparation files, as provided for in division (E)(2) of section 1347.08 of the Revised Code, permit the individual, the individual's legal guardian, or an attorney who presents a signed, written authorization made by the individual to inspect all personal information in the system of which the individual is the subject;
- (c) Inform the individual about the types of uses made of the personal information, including the identity of any user who is usually granted access to the system;
- (d) Allow an individual who wishes to exercise a right provided by paragraph (A)(4) of this rule to be accompanied by another individual of his or her choice;

- (e) Provide, upon request, copies of any personal information that the individual is authorized to inspect. Reasonable charges are made for providing requested copies, that shall not exceed the cost of copying.
- (5) Investigate disputes to the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code.
- (B) The board shall reprimand in writing any employee who initiates or contributes to any disciplinary or punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of unauthorized use of information contained in the system. A copy of such reprimand shall be entered in the employee's personnel file.
- (C) The board shall monitor the accuracy, relevance, timeliness, and completeness and in accordance with procedures, maintain information that is necessary to assure fairness in any determination made with respect to an individual on the basis of the information, eliminating information that is no longer necessary; and,
 - If an individual who is the subject of a personal information disputes the accuracy, relevance, timeliness or completeness of the information and requests the board to investigate the current status of the information, the board shall:
 - (1) Within ninety days after receiving the request, make a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete; and,
 - (2) Notify the disputant of the results of the investigation and of the action the board plans to take with respect to the disputed information; and,
 - (3) Delete any information that it cannot verify or that it finds to be inaccurate; and,
 - (4) Permit the disputant, if unsatisfied with the board's determination, to include within the system:
 - (a) A brief statement of the disputant's position on the disputed information, such statement being limited to one hundred words with the board assisting the disputant to write a clear summary of the dispute; or,
 - (b) A notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete, with the board maintaining a copy of the disputant's statement of the dispute.
- (D) The board shall not place personal information into an interconnected and combined system, unless such system will contribute to the efficiency of the involved agencies in implementing programs that are authorized by law.