RULE IMPACT STATEMENT
CHAPTER 10. LONG TERM CARE ADMINISTRATORS [AMENDED]
OAC 490:10-1-3, 10-1-3.1, 10-1-3.3, 10-1-4, 10-3-2, 10-5-3, 10-7-3, 10-8-2, 10-8-6, 10-8-7, 10-8-14, 10-13-2 and 10-13-3

RULE IMPACT STATEMENT: This statement is provided in conjunction with the following Proposed Permanent Rules for this chapter of OAC 490.

(a.) Purpose of the Proposed Rule: The primary purpose of the proposed rulemaking action is to adopt recommendations of the “Rules Task Force.” There are additional changes that are more “housekeeping” related in that they clarify but are not expected to be controversial. Changes proposed in Subchapter 1 provide interpretation of the HSE qualification, adds language to adopt the prerequisites currently used by OKALA to attend their training to become a license RC or RCAL administrator and there is some “housekeeping” language to enable licensure by endorsement for RCAL Administrator applicants. Subchapter 3 is more clarification, specifically as it relates to changes on the NAB Examination(s). Subchapter 5 changes help clarify who the Board has authority to discipline and includes applicants as it was only inferred but not directly spelled out, and similarly includes persons acting as an administrator without a license because it is a statutory duty of the Board. Subchapter 7 starts to address the upgrading of training requirements for Certified Assistant Administrators (CAAs) and establishes an effective date for those requirements to be in effect. Subchapter 8 changes continue to address the CAA Task Force proposed changes to the CAA program and incorporates them here, along with some more “housekeeping” clarifications and an actual “alternative path” for CAA candidates, with an option of experience or the requirement to complete the AIT Program. Subchapter 13 limits NHA and RCAL Administrators to concurrently serving as Administrator of Record (AOR) at two (2) Assisted Living facilities and defines a mileage and bed limit. It also adds clarifying language that an NHA cannot concurrently serve as AOR at non-collocated SNF/NF and ALF (mixed facilities). This is not a change but clarification. The instances a NHA can serve at multiple facilities have always been limited to ICF/IID and with the use of a CAA and in each instance, a mileage limit and bed limit accompanied those allowances and these changes only clarify that it’s not permitted.

(b.) Classes Affected: Affected persons will be licensees and individuals applying for licensure. Persons acting as an administrator without a license fall more clearly under the purview of this Board as well. CAA applicants are affected with added rigor to their training regimen. Administrators who wish to serve as AOR of multiple facilities will have more clear guidance regarding those exceptions to general rules that one may only serve as AOR of a single facility.

(c.) Persons Benefited: The HSE qualification is intended to make the licensure by endorsement process go more quickly for those persons with this qualification. The public in general benefits from stronger language that enables the Board to take action against persons acting as an administrator without a license and applicants. Residents of homes that share an AOR at multiple facilities will benefit from the clarification of rules regarding those exceptions.
(d.) **Probable Economic Impact:**  
**On Affected Classes:** HSE qualified applicants should be able to receive their license and go to work in Oklahoma more expediently. The time required to become a CAA will be longer than in the past, however, the quality of those certified will be vastly improved. The changes defining the number of beds and mileage limits for RCAL Administrators will limit the number of facilities an RCAL Administrator can be AOR for, however, this change benefits residents and the limits were suggested by OKALA during the Task Force discussions. The clarifications regarding the restriction against being AOR at non-collocated SNF/NF and ALFs is not a change and should have no impact.  
**On Political Subdivisions:** There will be no economic impact on political subdivision as a result of these rules, and will not require their cooperation in implementing or enforcing the proposed rules.  
**Fees:** No actual fee changes are being proposed in this action.

(e.) **Probable Costs to the Agency:** Costs to promulgate and enforce the proposed rules will be funded through the normal agency (non-appropriated) budget. No measurable impact on State revenues is anticipated. Cost to the Board to publish and distribute the revised rules is estimated to be minimal.

(f.) **Will the rule Impact Political Subdivisions?** The proposed rulemaking action will have no economic impact on any governmental entity, and it will not require their cooperation in implementing or enforcing the proposed rules.

(g.) **Small Business Impact:** After consideration with reference to Section 303(A) (4) and 303(B) (6) of Title 75, it is believed that the proposed rules will have no adverse impact upon small businesses.

(h.) **Alternative Methods and Costs of Compliance:** There is no less costly or non-regulatory method or less intrusive methods for achieving the purpose of these proposed rules. No non-regulatory or less costly methods were identified.

(i.) **Public Health/Safety/Environmental Concerns:** The proposed rules are not anticipated to have any detrimental effect on public health, safety, or the environment.

(j.) **Effect of Non-Implemental on Environment:** If the proposed rules are not promulgated, the Board would remain essentially powerless to take action against a person acting as an Administrator without a license. There would remain ambiguity in the interpretation of the number of facilities an RCAL administrator could concurrently be AOR for. Some ambiguities would remain.

(k.) **Date Of Rule Impact Statement:** This Rule Impact Statement was prepared on December 18, 2017.