

---

## **DEPARTMENT OF AGING**

### **Background checks**

- Requires the Director of Aging or other hiring entity to request a criminal records check before (rather than up to five days after) conditionally employing a person in certain positions involving community-based long-term care or ombudsman services.
- Requires the Department of Aging's procedures to be used for conducting criminal records checks of applicants for certain direct-care positions, even if a community-based long-term care provider is also a service provider under a Department of Medicaid-administered program for home and community-based care.

### **Dementia training materials and program support**

- Extends to dementia in general (rather than only Alzheimer's disease) requirements that the Department of Aging disseminate training materials on its website and administer respite care programs and other supportive services.

### **Notice of certification or discipline decisions**

- Requires the Department of Aging to notify a provider of community-based long-term care services of a decision that was reached without a hearing (1) not to certify the provider or (2) to take disciplinary action.

### **Exception to hearing regarding certification**

- Exempts from hearing requirements certain Department of Aging actions regarding the certification of a community-based long-term care provider if the provider's Medicaid provider agreement has been suspended.

### **Assisted Living and PASSPORT payment rates (VETOED)**

- Would have required that the rates for each tier of assisted living services provided under the Assisted Living Program during FY 2020 and FY 2021 be at least 5.1% higher than the rates in effect on June 30, 2019.
- Would have required that the base and unit rates for home care attendant, personal care, and waiver nursing services provided under the PASSPORT program during FY 2020 and FY 2021 be at least 5.1% higher than the rates in effect on June 30, 2019.
- Would have established the payment rates for home-delivered meals provided under the PASSPORT program during FYs 2020 and 2021.

### **Board of Executives of Long-Term Services and Supports**

#### **Health services executive license**

- Provides for the Board of Executives of Long-Term Services and Supports to issue health services executive licenses and establishes requirements for the license.

- Prohibits a person from knowingly using words or letters that tend to indicate or imply that the person holds that license unless the person holds the license.
- Provides that such a license is not needed to practice nursing home administration, serve in a leadership position at a long-term services and supports setting, or direct the practices of others in such a setting.

### **Standard nursing home administrator license**

- Revises the requirements for a standard nursing home administrator license, including raising the minimum age to 21 (from 18) and establishing a criminal records check requirement.

### **Out-of-state nursing home administrator license**

- Revises the requirements that a nursing home administrator licensed in another state must meet to obtain a nursing home administrator license in Ohio.

### **Temporary nursing home administrator license**

- Revises the requirements for a temporary nursing home administrator license, including establishing age, character, and criminal records check requirements.
- Provides that a temporary license is to be valid for a period of time the Board is to specify, not to exceed 180 days.
- Permits a temporary licensee, if the temporary license is valid for less than 180 days, to apply for a one-time renewal for the remainder of the 180-day period.

### **Other licensing changes**

#### **Criminal records checks**

- Requires individuals applying for a nursing home administrator license (whether standard, out-of-state, or temporary) or a health services executive license to use the same criminal records check process that applies to individuals applying for various occupational licenses.

#### **Renewals and reinstatements of licenses**

- Provides that a health services executive license is valid for one year and may be renewed in accordance with procedures the act establishes.
- Eliminates annual certificates of registration for nursing home administrator licenses and instead makes standard and out-of-state licenses valid for one year.
- Establishes renewal processes for those licenses.
- Requires the Board to reinstate an expired license if a health services executive or nursing home administrator satisfies certain requirements within one year after expiration.

### **Continuing education**

- Requires the Board to approve continuing education courses for licensed health services executives.

### **Reissuance and restoration of licenses**

- Revises the Board's authority to reissue a license that has been revoked for at least one year or for a felon who has been pardoned or received final release by expressly applying the authority to the three types of nursing home administrator licenses (standard, out-of-state, and temporary) and health services executive licenses.

### **Child support enforcement**

- Clarifies that the Board's duty to deny, not renew, or suspend a license if the individual who seeks or holds the license is in default under a child support order also applies to a temporary license.

### **Reporting changes of address**

- Applies to licensed health services executives a requirement to report to the Board changes in the licensee's residence mailing address and names and addresses of the places in which the licensee practices.

### **Display of licenses**

- Revises requirements regarding the display of licenses by requiring every licensed nursing home administrator and licensed health services executive to display their licenses in the places where they practice.

### **Verification of licensure status**

- Permits a licensed nursing home administrator and a licensed health services executive to request that the Board provide to a licensing agency of another state verification of license status and other related information in the Board's possession.
- Requires the Board to provide the licensing agency the verification or other related information so requested if the licensee pays a fee to the Board.

## **Background checks**

### **Conditional employment**

(R.C. 173.27 and 173.38)

The act requires the Director of Aging or other hiring entity to request a criminal records check before conditionally employing a person in (1) a community-based long-term care position involving direct-care services for consumers or (2) a state or regional long-term care ombudsman position. Under conditional employment, an applicant may begin employment even though the results of a criminal records check have not yet been received. Former law

allowed the criminal records check to be requested up to five business days after conditional employment began.

### **Procedures for conducting checks**

(R.C. 173.38 and 5164.342)

The act eliminates the option of using the Department of Medicaid's criminal records checks procedures (in lieu of the Department of Aging's procedures) for direct-care positions under a Department of Aging-administered program, such as PASSPORT, when the hiring entity for the program is also a provider of home and community-based services under a Department of Medicaid-administered waiver program. However, the act retains the authority of hiring entities under a Medicaid-administered waiver program to use the Department of Aging's procedures. The Department of Aging's procedures require investigation of whether a person has been found eligible for intervention in lieu of conviction, whereas the Department of Medicaid's procedures do not.

### **Dementia training materials and program support**

(R.C. 173.04)

With respect to dementia generally, the act extends the following Department of Aging duties that previously applied only with respect to Alzheimer's disease:

1. A requirement to disseminate on the Department's website training materials for licensed health care and social service personnel;
2. To the extent that funds are available, a requirement to administer respite care programs, which provide short-term, temporary care in the absence of a person's regular caregiver, and to administer other supportive services.

### **Notice of certification or discipline decisions**

(R.C. 173.391)

The Department of Aging is generally required to hold a hearing where there is a dispute regarding (1) a decision not to certify a provider of community-based long-term care services or (2) a disciplinary action taken against a provider. In cases where a hearing is not required, the act makes it mandatory, rather than permissive as under prior law, for the Department to notify the provider of the decision not to certify or the disciplinary action the Department is taking.

### **Exception to hearing regarding certification**

(R.C. 173.391)

Under current law, the Department of Aging is not required to hold a hearing when there is a dispute between the Department and a provider of community-based long-term care services regarding the Department's decision not to certify the provider or to take disciplinary action against the provider if the provider's Medicaid provider agreement has been (1) suspended because of a disqualifying indictment or (2) denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended because of a

disqualifying indictment. The act provides that the hearing is not required regardless of whether the provider agreement was suspended because of a disqualifying indictment or a credible allegation of fraud. (See **“Suspension of provider agreements and payments”** in the Department of Medicaid’s section of this analysis below.)

## **Assisted Living and PASSPORT payment rates (VETOED)**

(Sections 209.40, 209.50, and 209.60)

The Governor vetoed a provision that would have required that the payment rates for each tier of assisted living services provided under the Medicaid-funded and state-funded components of the Assisted Living Program during FY 2020 and FY 2021 be at least 5.1% higher than the rates for the services in effect on June 30, 2019.

The Governor also vetoed a provision that would have required that the base and unit payment rates for home care attendant, personal care, and waiver nursing services provided under the Medicaid-funded and state-funded components of the PASSPORT program during FY 2020 and FY 2021 be at least 5.1% higher than the rates for the services in effect on June 30, 2019.

Additionally, the Governor vetoed a provision that would have set the payment rates for home-delivered meals provided under the PASSPORT program during FYs 2020 and 2021 at the following amounts:

- For each meal delivered daily on a per-meal delivery basis by a volunteer or employee of the provider, \$7.19;
- For each meal delivered in a chilled or frozen format on a weekly delivery basis by a volunteer or employee of the provider, \$6.99;
- For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.

## **Board of Executives of Long-Term Services and Supports**

(R.C. Chapter 4751 (primary); R.C. 109.572, 149.43, 1347.08, 2925.01, 4743.02, 4776.01, 4776.20, and 5903.12; Section 747.33)

### **Health services executive license**

The act permits the Board of Executives of Long-Term Services and Supports to issue health services executive licenses. The license is needed to use (1) the title “licensed health services executive” or “health services executive,” (2) the acronym “LHSE,” “L.H.S.E.,” “HSE,” or “H.S.E.” after a person’s name, or (3) any other words, letters, signs, cards, or devices that tend to indicate or imply that a person holds such a license. Whoever knowingly takes any of those actions without the license may be fined, imprisoned, or both. The license is not required to practice nursing home administration or serve in a leadership position or direct the practices at an institution or community-based long-term services and supports setting.

To obtain a health services executive license, an individual must:

- Submit to the Board a completed application;

- Hold a nursing home administrator license;
- Obtain the health services executive qualification through the National Association of Long-Term Care Administrator Boards;
- Comply with the act’s criminal records check requirements;
- Pay a license fee of \$100.

A health services executive license certifies that the licensee has met the requirements for the license and is a licensed health services executive while the license is valid.

### **Standard nursing home administrator license**

The act revises the requirements for a standard nursing home administrator license as follows:

	Former law	The act
<b>Application</b>	Submit an application on forms the Board prescribes.	Submit a completed application in accordance with the Board’s rules.
<b>Preliminary fee</b>	Pay a \$50 application fee.	Pay a \$50 administrator-in-training fee if the individual is required by the Board’s rules to serve as a nursing home administrator in training.
<b>Character</b>	Submit evidence of good moral character and suitability.	Be of good moral character.
<b>Age</b>	Be at least 18.	Be at least 21.
<b>Education and work experience</b>	Complete educational requirements and work experience satisfactory to the Board.	Successfully complete educational requirements and work experience specified in the Board’s rules, including required experience obtained as a nursing home administrator in training.
<b>Criminal records check</b>	No provision.	Comply with the act’s criminal records check requirements and not have a criminal record that the Board determines makes the individual ineligible for the license.

	Former law	The act
<b>Additional requirements</b>	No provision.	Satisfy any additional requirements that the Board is permitted to prescribe in rules.

Continuing law provides that a standard nursing home administrator license certifies that the applicant has met the statutory licensure requirements and is entitled to practice as a licensed nursing home administrator. The act adds that the license also indicates that the licensee has met any rules the Board adopts.

### **Out-of-state nursing home administrator license**

The act revises the requirements that an individual holding a valid license from another state must meet to obtain a nursing home administrator license in Ohio as follows:

	Former law	The act
<b>Out-of-state licensure</b>	Have a valid license issued by the proper authorities of any other state and submit evidence satisfactory to the Board that the other state (1) maintained a system and standard of qualifications and examinations for a nursing home administrator license that were substantially equivalent to those required in Ohio at the time the other state issued the license and (2) gives similar recognition to nursing home administrators licensed in this state.	Is legally authorized to practice nursing home administration in another state.
<b>Application</b>	No provision.	Submit to the Board a completed application for the license in accordance with the Board's rules.
<b>Age</b>	No provision.	Be at least 21.
<b>Education</b>	No provision.	Hold at least a bachelor's degree from an accredited educational institution.
<b>Character</b>	No provision.	Be of good moral character.

	Former law	The act
<b>Criminal records check</b>	No provision.	Comply with the act's criminal records check requirements and not have a criminal record that the Board determines makes the individual ineligible for the license.
<b>Licensure exam</b>	Is not required to take the licensure examination.	Pass the licensure examination.
<b>Fee</b>	Pay a \$150 fee.	Pay a \$250 fee.
<b>Additional requirements</b>	No provision.	Satisfy any additional requirements that the Board is permitted to prescribe in rules.

The act requires that a nursing home administrator license certifies that the individual to whom it was issued has met the requirements of state statutes and any rules and is authorized to practice nursing home administration while the license is valid.

### **Temporary nursing home administrator license**

The act revises the requirements for temporary nursing home administrator licenses and their duration as follows:

	Former law	The act
<b>Reason temporary license is requested</b>	To temporarily fill a position of nursing home administrator vacated by reason of death, illness, or other unexpected cause.	A nursing home operator has requested that the Board issue a temporary license to authorize an individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator resulting from a death, illness, or other unexpected cause.
<b>Age</b>	No provision.	Be at least 21.
<b>Character</b>	No provision.	Be of good moral character.



	Former law	The act
<b>Criminal records check</b>	No provision.	Comply with the act's criminal records check requirements and not have a criminal record that the Board determines makes the individual ineligible for the license.
<b>License fee</b>	Pay a \$100 fee.	Same.
<b>Additional requirements</b>	No provision.	Satisfy any additional requirements that the Board is permitted to prescribe in rules.

Under the act, a temporary license is to be valid for a period of time the Board is to specify on the license, not to exceed 180 days (instead of a period not to exceed 180 days as under former law). The Board is required to adopt rules regarding renewal applications. The Board is to specify the period of time for which a renewed temporary license is valid, not to exceed the difference between 180 days and the number of days for which the original temporary license was valid. A renewed temporary license cannot be renewed again. If an individual holding a temporary license intends to continue to practice nursing home administration after the temporary license expires, the individual must obtain a standard nursing home administrator license.

The act requires a temporary nursing home administrator license to certify that the individual to whom it was issued (1) has met the requirements of state statutes governing the practice of nursing home administration and any rules the Board adopts and (2) is authorized to practice nursing home administration while the temporary license is valid.

## **Other licensing changes**

### **Criminal records checks**

Continuing law establishes a process by which individuals seeking various types of occupational licenses undergo a criminal records check conducted by the Bureau of Criminal Identification and Investigation. The act requires individuals seeking a nursing home administrator license (standard, out-of-state, or temporary) or a health services executive license to utilize this process. The Board determines whether the results of a criminal records check disqualify an individual for a license.

### **Renewals and reinstatements of health services executive licenses**

The act provides that a health services executive license is valid for one year and may be renewed and reinstated in accordance with procedures the act establishes. To renew a license, a licensed health services executive must:

- Submit to the Board the completed renewal application;

- Pay to the Board a \$50 license renewal fee;
- Submit to the Board satisfactory evidence of having attended the continuing education programs required in rules.

If a health services executive license is not renewed before it expires, the individual may apply for reinstatement. The Board must reinstate the license if the individual meets the renewal requirements within one year after the license's expiration date.

### **Renewals and reinstatements of nursing home administrator licenses**

Under former law, an individual who holds a valid standard license as a nursing home administrator is to be immediately registered with the Board and issued a certificate of registration. The individual must annually apply to the Board for a new certificate of registration and pay a \$300 registration fee. The license of a nursing home administrator who fails to comply with these requirements automatically lapses.

The act eliminates annual certificates of registration and instead makes standard and out-of-state nursing home administrator licenses valid for one year and establishes renewal and reinstatement processes.

Under the act, if a licensed nursing home administrator intends to continue to practice nursing home administration without interruption after the administrator's license expires, the administrator must apply for a renewed license. The Board is to renew the license if the administrator submits a renewal application, pays the \$300 renewal fee, submits satisfactory evidence of meeting the continuing education requirements, and satisfies any other requirements required in rules.

If a nursing home administrator license is not renewed before it expires, the individual who held the license can apply for reinstatement. The Board is to reinstate the license if the individual meets the renewal requirements within one year after the license expired.

### **Continuing education**

Continuing law requires the Board to approve continuing education courses for nursing home administrators. The act extends this requirement to licensed health services executives.

### **Reissuance and restoration of licenses**

The act revises the Board's license reissuance authority by permitting the Board to reissue a nursing home administrator license (standard, out-of-state, or temporary) or health services executive license to an individual (1) whose license was revoked at least one year before the individual applies for reissuance or (2) who pleaded guilty to a felony.

### **Child support enforcement requirements**

Continuing law requires that an occupational or professional licensing board, at the request of a child support enforcement agency (CSEA), deny, not renew, or suspend a license if the individual who seeks or holds the license is an obligor under a child support order and is subject to a final and enforceable determination of default or has failed to comply with a subpoena or warrant issued by a court or CSEA with respect to a proceeding to enforce a child

support order. The act clarifies that this requirement also applies to temporary nursing home administrator licenses.

### **Reporting changes of address**

The act revises the continuing law requirement that each individual who holds a standard or temporary nursing home administrator license to report to the Board within ten days of any change in the individual's residential mailing address or place of employment by also requiring disclosure of the name and address of each long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others.

### **Display of licenses**

The act requires every licensed nursing home administrator (standard, out-of-state, and temporary) and every licensed health services executive to display their licenses in the places at which they practice nursing home administration and the long-term services and supports settings at which they serve in a leadership position or direct the practices of others. Former law required every person holding a valid nursing home administrator license to display the license in the nursing home that is the person's principal place of employment and keep on hand the current registration certificate.

### **Verification of licensure status**

The act permits a licensed nursing home administrator (standard, out-of-state, or temporary) and a licensed health services executive to request that the Board provide to a licensing board or agency of another state verification of the license status and other related information in the Board's possession. The Board is required to provide the requested information if the licensee pays to the Board a fee that must be established in rules.

### **Complaints**

The act replaces former law requirements regarding complaints regarding nursing home administrators and health services executives with more detailed provisions.

The act permits any person to submit to the Board a complaint that the person reasonably believes that another person has violated statutes and rules governing nursing home administrators and health services executives. The complaints are not subject to discovery in any civil action. Nor are they public records or subject to inspection under Ohio law regarding personal information systems. The Board is required to protect the confidentiality of each complainant. However, the Board may disclose the identity of a complainant to a government agency that investigates or adjudicates alleged violations of statutes or rules. That agency must protect the information's confidentiality.

The Board must receive, investigate, and take appropriate action with respect to any submitted complaint and any other credible information the Board possesses that indicates a person may have violated these requirements. In conducting an investigation, the Board is permitted to (1) question witnesses, (2) conduct interviews, (3) inspect and copy any books, accounts, papers, records, or other documents, (4) issue subpoenas, and (5) compel the attendance of witnesses and the production of documents and testimony. The act prohibits a Board member who supervises an investigation from participating in any adjudication arising

from the investigation. The Board may disclose any information it receives as part of an investigation to a government agency that investigates or adjudicates alleged violations of statutes or rules.

### **Disciplinary action**

The act permits, rather than requires as under former law, the Board to take certain disciplinary actions and revises the reasons for taking disciplinary action and the types of disciplinary actions that may be taken for individuals who hold a nursing home administrator license (standard, out-of-state, or temporary) or a health services executive license. The following table compares the reasons the Board is to take disciplinary action against an individual under former law and the act:

	<b>Former law</b>	<b>The act</b>
<b>Standards and requirements</b>	Substantially failing to conform to the Board's standards for nursing home administrators.	Failing to satisfy any requirement established by state statutes or rules that must be satisfied to obtain a license.
<b>Violation of law regarding practice</b>	Having willfully or repeatedly violated any of the provisions of state statutes or rules governing the practice of nursing home administration.	Violating, or failing to comply with a requirement of, state statutes or rules regarding the practice of nursing home administration.
<b>Unfit or incompetent</b>	Being unfit or incompetent by reason of negligence, habits, or other causes.	Being unfit or incompetent to practice nursing home administration, serve in a leadership position at a long-term services and supports setting, or direct the practices of others in such a setting by reason of negligence, habits, or other causes, including the habitual or excessive use or abuse of drugs, alcohol, or other substances.
<b>Health and safety</b>	Having willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which the individual is the administrator.	Acting in a manner inconsistent with the health and safety of (1) the residents of the nursing home at which the individual practices nursing home administration or (2) the consumers of services and supports provided by a long-term services and supports

	Former law	The act
		setting at which the individual serves in a leadership position or directs the practices of others.
<b>Criminal record</b>	Having been convicted of a felony in a court of competent jurisdiction in this or another state.	Having been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction in this or another state: (1) a felony or (2) a misdemeanor offense of moral turpitude.
<b>Fraud in seeking license</b>	Being guilty of fraud or deceit in the individual's admission to practice nursing home administration.	Making a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a license.
<b>Fraud in practice</b>	Being guilty of fraud or deceit in the practice of nursing home administration.	Making a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practice of others in such a setting.
<b>Code of ethics</b>	No provision.	Substantially deviating from the Board's code of ethics.
<b>Discipline by another agency</b>	No provision.	Having had another health care licensing agency take any of the following actions against the individual for any reason other than nonpayment of a fee: (1) denial, refusal to renew or reinstatement, limitation, revocation, or suspension, or acceptance of the surrender of, a license or other authorization to practice, (2) imposition of probation, (3) issuance of a censure or other reprimand.

	Former law	The act
<b>Investigations, subpoenas, and disciplinary actions</b>	No provision.	Failing to (1) cooperate with the Board's investigation, (2) respond to or comply with the Board's subpoena, or (3) comply with any disciplinary action taken by the Board.

The act permits the Board to take any of the following disciplinary actions:

- Deny a nursing home administrator license (standard, out-of-state, or temporary) or a health services executive license;
- Suspend a license;
- Revoke a license either permanently or for a specified time period;
- Place a limitation on a license;
- Place a licensee on probation;
- Issue a written reprimand of a licensee;
- Impose a civil penalty, fine, or other sanction specified in the Board's rules.

The act requires the Board to take disciplinary action in accordance with the Administrative Procedure Act, except that it may enter into a consent agreement with an individual to resolve an alleged violation instead of making an adjudication regarding the alleged violation.

## Prohibitions

The act revises the prohibitions regarding the practice of nursing home administration. It provides that a person must *knowingly* take any of the prohibited actions to be subject to penalty. Specifically, it prohibits any person from knowingly:

- Operating a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who is a licensed nursing home administrator or licensed temporary nursing home administrator;
- Practicing or offering to practice nursing home administration unless the person is a licensed nursing home administrator or licensed temporary nursing home administrator;
- Using any of the following unless the person is a licensed nursing home administrator:
  - The title "licensed nursing home administrator," "nursing home administrator," "licensed assistant nursing home administrator," or "assistant nursing home administrator."

- The acronym “LNHA,” “L.N.H.A.,” “NHA,” “N.H.A.,” “LANHA,” “L.A.N.H.A.,” “ANHA,” or “A.N.H.A.” after the person’s name.
- Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed nursing home administrator.
- Using any of the following unless the person is a licensed temporary nursing home administrator:
  - The title “licensed temporary nursing home administrator,” “temporary nursing home administrator,” “licensed temporary assistant nursing home administrator,” or “temporary assistant nursing home administrator.”
  - The acronym “LTNHA,” “L.T.N.H.A.,” “TNHA,” “T.N.H.A.,” “LTANHA,” “L.T.A.N.H.A.,” “TANHA,” or “T.A.N.H.A.” after the person’s name.
  - Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed temporary nursing home administrator.
- Selling, fraudulently furnishing, fraudulently obtaining, or aiding or abetting another to do so, a nursing home administrator license or temporary nursing home administrator license;
- Otherwise violating any of the provisions of state statutes governing the practice of nursing home administration or the Board’s rules.

The act does not change the penalties for violating the prohibitions: a fine not exceeding \$500 for a first offense and the same fine, imprisonment for not more than 90 days, or both for a subsequent offense.

### **Nursing home notices about administrators**

Under the act, every nursing home operator must report to the Board the name and license number of each licensed nursing home administrator (standard, out-of-state, and temporary) who practices nursing home administration at the nursing home not later than ten days after the date the administrator (1) begins to practice at the nursing home or (2) ceases to practice at the nursing home. Former law required nursing home operators to report within ten days after engaging an administrator and within ten days of when the administrator is no longer so engaged.

### **Reorganization of statutes**

The act relocates and reorganizes many provisions of the Revised Code chapter governing the Board to modernize and clarify those statutes. The act provides that the Board is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule’s authorizing statute. Those citations can be updated as the Board amends the rules for other purposes.