

Rule Summary and Fiscal Analysis (Part A)**Department of Health**

Agency Name

Division

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3701-17-55

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Qualifications and health of personnel.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3721.04, 3721.121**

5. Statute(s) the rule, as filed, amplifies or implements: **3721.011, 3721.07, 3721.12, 3721.14, 3721.121**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ODH has reviewed this rule as part of the five-year rule review process; and is proposing it with amendments.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule summarizes the qualifications and requirements for personnel working in

residential care facilities, including those pertaining to tuberculosis testing. The proposed amendments to the rule include the addition of language allowing other methods of tuberculosis testing; a requirement that caregivers under eighteen must have on-site adult supervision; an eight hour annual continuing education requirement for caregivers in RCFs; a requirement that individuals assigned to work with identified special populations must have two hours of appropriate training prior to working with the special population and four hours of continuing education annually; and clarification of the requirements for facility administrators.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references accepted state law and regulations in the Revised and Administrative Codes. The ORC and OAC are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by this rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Pursuant to R.C. 121.71 to 121.74, this material is exempt.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

This rule was withdrawn for further review; however, no changes have been made.

12. 119.032 Rule Review Date: **11/3/2006**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this

rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

3701-17-55(E) to (J) Cost borne by the facility: Personnel providing training: \$0.00 to an average of \$28.28 per hour of training session. Coverage of personnel attending training: \$0.00 to an average of \$10.67 per hour of training session. Figures from United States Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wages for the State of Ohio, May, 2005, using the codes for all health care practitioners and technical occupations (29-0000) and nursing aides (31-1013).

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

