

3701-18-01 **Definitions.**

As used in this chapter:

- (A) "Applicant" means a long-term care facility, employee organization, person, or government entity which submits an application for approval or reapproval of a training and competency evaluation program (TCEP) or a train-the-trainer (TTT) program in accordance with the applicable requirements of this chapter.
- (B) "Classroom instruction" means the training and information provided by:
- (1) A TCEP, other than clinical experience. Classroom instruction may include laboratory simulation.
 - (2) A TTT program, other than training skills practice.
- (C) "Clinical experience" means the portion of a TCEP during which trainees provide nursing and nursing-related services to patients and residents in an Ohio long-term care facility as part of the training process and under the supervision of the program coordinator or a primary instructor. Clinical experience includes but is not limited to demonstration and return demonstration of nursing and nursing-related services, skills training and skills testing, when those functions are performed in an Ohio long-term care facility.
- (D) "Competency evaluation program" or "test" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated. Ohio's competency evaluation program is conducted by the director or the director's designee under division (C) of section 3721.31 of the Revised Code and rule 3701-18-22 of the Administrative Code.
- (E) "Designee," when used in connection with the director, means the board of nursing, another state agency or political subdivision, the federal government, or any person with whom the director has entered into an agreement under division (C) of section 3721.31 or section 3721.34 of the Revised Code to perform the relevant function.
- (F) "Director" means the director of health or an employee of the department of health to whom the director of health has delegated the pertinent duty.
- (G) "Facility-based TCEP" means a training and competency evaluation program that is owned, operated, and conducted by a long-term care facility.
- (H) "Hour" means sixty minutes.

(I) "Laboratory simulation" means the use of individuals and equipment in a classroom setting for instructional purposes to approximate the care of residents in a long-term care facility.

(J) "Licensed health professional" means all of the following:

- (1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;
- (2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;
- ~~(3) A physician as defined in section 4730.01 of the Revised Code;~~
- (3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;
- (4) ~~A physician's physician assistant for whom a physician holds a valid certificate of registration issued~~ authorized under section 4730.04 Chapter 4730. of the Revised Code to practice as a physician assistant;
- (5) ~~A registered nurse, a registered nurse holding a certificate of authority to practice in an advanced practice role,~~ or licensed practical nurse licensed under Chapter 4723. of the Revised Code;
- (6) A social worker or independent social worker licensed, ~~or a social work assistant registered,~~ under Chapter 4757. of the Revised Code or a social worker assistant registered under that chapter;
- (7) A speech pathologist or audiologist licensed under Chapter 4753. of the Revised Code;
- (8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;
- (9) An optometrist licensed under Chapter 4725. of the Revised Code;
- (10) A pharmacist licensed under Chapter 4729. of the Revised Code;
- (11) A psychologist licensed under Chapter 4732. of the Revised Code;

- (12) A chiropractor licensed under Chapter 4734. of the Revised Code;
- (13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;
- ~~(14) A dietitian licensed under Chapter 4759. of the Revised Code; or~~
- ~~(15) A respiratory care professional licensed under Chapter 4761. of the Revised Code.~~
- (14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code.

(K) "Long-term care facility" means either of the following:

- (1) A nursing home as defined in section 3721.01 of the Revised Code, other than a nursing home or part of a nursing home certified as an intermediate care facility for the mentally retarded under Title XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended (1981); or
- (2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the Social Security Act.

~~(L) "Nurse aide" means an individual who provides nursing and nursing-related services to patients or residents in a long-term care facility, other than a licensed health professional practicing within the scope of his or her license or an individual who provides nursing or nursing-related services as a volunteer without monetary compensation. Except as set forth in paragraph (L) of this rule, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation. "Nurse aide" does not include either of the following:~~

- (1) A licensed health professional practicing within the scope of the professional's license; or
- (2) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

(M) "Nursing and nursing-related services" when performed by a nurse aide in a

long-term care facility, means activities including attending to the personal care needs of patients and residents and providing personal care services and activities assigned by a nurse which may include implementation of portions of the nursing regimen, as defined by division (C) of section ~~4723.02~~ 4723.01 of the Revised Code, for residents whose care does not require nursing assessment or the judgment of a nurse during the performance of the assigned activity. Nursing and nursing-related services does not include activities that are part of the nursing regimen which require the specialized knowledge, judgment, and skill of a registered nurse or the application of the basic knowledge and skill required of a licensed practical nurse licensed under Chapter 4723. of the Revised Code or any other activities that are required to be performed by a licensed nurse under Chapter 4723. of the Revised Code.

(N) "Participant" means an individual who is enrolled in a TTT program approved by the director or the director's designee pursuant to division (A) of section 3721.31 of the Revised Code and paragraph (A) of rule 3701-18-16 of the Administrative Code.

(O) "Program" means either a TCEP or a TTT program, as the context requires.

(P) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended (2000).

~~(P)~~(Q) "Skills testing" means the competency evaluation component of a TCEP, as described in paragraph (B) of rule 3701-18-13 of the Administrative Code.

~~(Q)~~(R) "Train-the-trainer program" or "TTT program" means a training program for program coordinators and primary instructors of a TCEP.

~~(R)~~(S) "Trainee" means an individual who has enrolled in either of the following:

- (1) A TCEP approved by the director or the director's designee under division (A) of section 3721.31 of the Revised Code and paragraph (A) of rule 3701-18-06 of the Administrative Code; or
- (2) The test conducted by the director or the director's designee under division (C) of section 3721.31 of the Revised Code and rule 3701-18-22 of the Administrative Code.

~~(S)~~(T) "Training and competency evaluation program" or "TCEP" means a program of

nurse aide training and evaluation of competency to provide nursing and nursing-related services.

~~(F)~~(U) "Year of experience" means one thousand six hundred hours of work experience.

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