

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

Agency Name

Division

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3701-18-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Application requirements for initial approval of training and competency evaluation program.**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: **3721.28, 3721.29, 3721.30**

5. Statute(s) the rule, as filed, amplifies or implements: **3721.28, 3721.29, 3721.30, 3721.31, 3721.32, 3721.33, 3721.34**

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

ODH has reviewed this rule pursuant to R.C. 119.032 (five-year review), 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 states the application requirements that must be met by a person or entity in order to obtain approval of a Training and Competency Evaluation Program. The rule is amended in order to: 1) increase the initial application fee from two hundred to three hundred dollars effective July 1, 2007; 2) require Medicare and Medicaid certified applicants to include their facility numbers in the applications; 3) only require applicants to submit one typed original of the application to the Director of Health, as opposed to an original and one copy; and 4) give the Director or his/her designee sixty (as opposed to ninety) days from receipt of an application to mail written notice of proposed approval or denial to each applicant.

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 a section of the Ohio Administrative Code. These state regulations are generally available in libraries and on the internet to persons who reasonably can be expected to be affected the 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, the O.A.C. 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:

Not Applicable.

12. 119.032 Rule Review Date: **2/1/2007**

(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

Although the higher, initial/reapproval application fees will increase revenues as of July 1, 2007, the increased fees will not cover the program's costs. In 2008, an \$82,567.00 deficit is expected. This deficit will increase to \$87,979.00 in 2009 due to a projected rise in costs and expenditures.

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

GRF 440-634 Nurse Aide Training

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:

Every person seeking initial approval of a Training and Competency Evaluation Program will have to pay \$300.00, a raise of \$100.00, if this rule is adopted.

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**