

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

Agency Name

Division

Carol L. Ray

Contact

246 North High Street Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-644-1407

Phone

Fax

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 is proposing to amend this rule to set graduated application fee increases to go into effect on July 1, 2010 and July 1, 2011.

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 establishes application requirements for initial approval of nurse aide

training and competency evaluation programs. These requirements include, but are not limited to, documentation of qualifications of a program coordinator and instructors, location and description of facilities where training will be provided, and a nonrefundable application fee. The rule is being amended to increase the application fee from \$200 to \$250 effective July 1, 2010 and to \$300 effective July 1, 2011.

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:

These rules reference the Ohio Revised and Administrative Codes, which are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rules.

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:

Exempted as per O.R.C. 121.75.

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: **1/5/2010**

(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 increase revenues.

\$1,700.

The NATCEP fees have not been increased since they were established in 1990. These fees are used to cover the cost of reviewing and approving training programs, including checking teaching and work experience qualifications, and on-site visits to training classes to evaluate compliance with regulatory requirements. The NATCEP program approved 34 initial applications in FY 2009. Based on FY 2009 rates, the proposed initial application fee increase will generate approximately \$1,700 in FY 10. These fee increases will not cover the entire cost of the program, but will minimize the current GRF subsidy level of \$287,875 to \$286,175.

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:

The NATCEP programs pay fees every two years. These programs are either nursing home based or freestanding such as vocational schools and state colleges. These increases will be implemented incrementally through \$50 increases effective in July of 2010 and July of 2011.

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**

