

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-18-04

Rule Type: Rescission

Rule Title/Tagline: Application requirements for initial approval of training and competency evaluation program.

Agency Name: Department of Health

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 9/9/2022
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3721.28, 3721.29, 3721.30
5. **What statute(s) does the rule implement or amplify?** 3721.33, 3721.34
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

In accordance with Legislative Services Commission ("LSC") rule-drafting requirements, ODH is to rescind and replace this rule.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule establishes the application requirements for nurse aide training programs. These requirements include, but are not limited to, paying a non-refundable fee of three hundred dollars and a curriculum plan including classroom instruction and clinical experience.

The rule has been redrafted for clarity.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Ohio Administrative Code

-exempted-

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Fee of \$300 and application for reapproval with information regarding the program.

Filing of initial/renewal license applications with ODH may require eight (8) to twelve (12) hours of work by a registered nurse.*

*Registered Nurse: An average of \$35.62 per hour. Figure from United States Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wages

for the State of Ohio, May, 2021, using the code for Registered Nurse (29-1141) because the program director is generally a registered nurse.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The fee is deposited into the ODH fee account for inspection of NATCEPs.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office?** Yes
18. **Does this rule have an adverse impact on business?** Yes
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** Yes

Chapter 3701-18 of the Administrative Code requires nurse aide training and competency evaluation programs and train-the-trainer programs to be approved by the Department of Health.
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

This rule requires an applicant to submit an application to the Department of Health, supporting documentation for the application and military service if the applicant elects expedited processing, and a fee of \$300.00 dollars.
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 1

Not adding any only removing

B. How many existing regulatory restrictions do you propose removing from this rule? 12

, and shall provide any documentation requested by the director or designee, in accordance with this rule
Removed "shall" from paragraph (A) in rescinded rule 3701-18-04.

To make application, the applicant shall file with the director or the director's designee one original of the completed application forms prescribed and provided by the director or the designee and all attachments required by paragraph (C) of this rule.
Removed "shall" from paragraph (B) in rescinded rule 3701-18-04.

A completed application for initial approval of a TTT program shall be accompanied by
Removed "shall" from paragraph (C) in rescinded rule 3701-18-04.

(a) The curriculum plan shall include at least the following information for each standard:
(i) The performance objectives prepared in accordance with paragraph (B) of rule 3701-18-21 of the Administrative Code;
Removed "shall" from paragraph (C)(7)(a)(i) in rescinded rule 3701-18-04.

(a) The curriculum plan shall include at least the following information for each standard:
(ii) A topical content outline for each performance objective that describes what will be taught. If the applicant proposes to address a standard by using

a textbook, the applicant shall summarize the content of the portion of the textbook used to address the standard on the application form;
Removed "shall" from paragraph (C)(7)(a)(ii) in rescinded rule 3701-18-04.

(a) The curriculum plan shall include at least the following information for each standard:

(iii) The number of hours to be spent in classroom instruction, and training skills practice and the teaching methods to be used, including interactive video discs or similar media; and

Removed "shall" from paragraph (C)(7)(a)(iii) in rescinded rule 3701-18-04.

a) The curriculum plan shall include at least the following information for each standard:

(iv) The titles of the individuals who will be providing the instruction or supervising the clinical experience.

Removed "shall" from paragraph (C)(7)(a)(iv) in rescinded rule 3701-18-04.

(b) The applicant may use curriculum plans in its application which already have been determined by the director or the director's designee to meet the requirements of rule 3701-18-12 of the Administrative Code if the following requirements are met:

(i) The applicant shall certify that it intends to use the previously approved curriculum plan without change or shall describe any proposed variations; and
Removed "shall" from paragraph (C)(7)(b)(i) in rescinded rule 3701-18-04.

(b) The applicant may use curriculum plans in its application which already have been determined by the director or the director's designee to meet the requirements of rule 3701-18-21 of the Administrative Code if the following requirements are met:

(ii) The applicant shall submit with its application the titles of the individuals who will be providing the instruction and the topic areas and standards that they will be teaching.

Removed "shall" from paragraph (C)(7)(b)(ii) in rescinded rule 3701-18-04.

Individuals that submit with their applications, proof that they are a service member or veteran, or the spouse or surviving spouse of a service member or veteran will â |

Removed "shall" from paragraph (D) in rescinded rule 3701-18-04.

Any such individuals shall possess the qualifications required by the applicable provisions of this chapter.

Removed "shall" from paragraph (E) in rescinded rule 3701-18-04.

The applicant shall provide any requested additional information.

Removed "shall" from paragraph (F) in rescinded rule 3701-18-04.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**
Not adding any only removing