

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-18-06.1

Rule Type: Rescission

Rule Title/Tagline: General post-approval requirements for training and competency evaluation programs.

Agency Name: Department of Health

Division:

Address: 246 North High St Columbus OH 43215

Contact: Alicyn Carrel **Phone:** 614-752-8451

Email: alicyn.carrel@odh.ohio.gov

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?** 3721.30, 3721.31
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 proposing 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 sets forth the application requirements for reapproval of a training and competency evaluation program. These requirements include, but are not limited to, paying a non-refundable fee of three hundred dollars and a copy of new or revised contracts with long-term care facilities for clinical experience.

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 Revised Code
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?**

Not Applicable.

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.

Not Applicable.

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? No

- 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? 0

- B. How many existing regulatory restrictions do you propose removing from this rule? 19

After receiving notice of approval or reapproval from the director or the director's designee, an approved program shall comply with all of the requirements of this rule.

Removed "shall" from introductory paragraph in rescinded rule 3701-18-06.1.

(A) The program shall maintain

Removed "shall" from paragraph (A) in rescinded rule 3701-18-06.1.

(B) The program shall, using ...

Removed "shall" from paragraph (B) in rescinded rule 3701-18-06.1.

This notification shall be filed at least ten business days prior to the planned implementation date for the proposed change.

Removed "shall" from paragraph (B) in rescinded rule 3701-18-06.1.

All proposed changes shall be approved by the director or the director's designee prior to implementation,

Removed "shall" from paragraph (B) in rescinded rule 3701-18-06.1.

... and shall be made in accordance ...

Removed "shall" from paragraph (B) in rescinded rule 3701-18-06.1.

The program shall notify ...

Removed "shall" from paragraph (C) in rescinded rule 3701-18-06.1

This notification shall include a ...

Removed "shall" from paragraph (C)(1) in rescinded rule 3701-18-06.1.

The program shall, using an ...

Removed "shall" from paragraph (D) in rescinded rule 3701-18-06.1.

the program shall specify the times when the required subject matter will be addressed....

Removed "shall" from paragraph (D)(1) in rescinded rule 3701-18-06.1.

The notification shall include the location at which the classroom instruction and clinical experience will be conducted.

Removed "shall" from paragraph (D)(2) in rescinded rule 3701-18-06.1.

The program shall notify the director or the director's designee immediately upon cancellation of any scheduled training.

Removed "shall" from paragraph (D)(3) in rescinded rule 3701-18-06.1.

The program shall provide ...

Removed "shall" from paragraph (E) in rescinded rule 3701-18-06.1

The program shall permit ...

Removed "shall" from paragraph (F) in rescinded rule 3701-18-06.1

The program shall using an electronic reporting system approved by the director, submit to the director or the director's designee, ...

Removed "shall" from paragraph (G) in rescinded rule 3701-18-06.1

The program shall issue a document, ...

Removed "shall" from paragraph (H) in rescinded rule 3701-18-06.1

The document, at minimum, shall contain ...

Removed "shall" from paragraph (H) in rescinded rule 3701-18-06.1

The program shall provide storage for the documents ...

Removed "shall" from paragraph (H) in rescinded rule 3701-18-06.1

The program shall comply ...

Removed "shall" from paragraph (I) in rescinded rule 3701-18-06.1

- 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 Applicable