

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-18-09

Rule Type: New

Rule Title/Tagline: Personnel requirements for training and competency evaluation programs.

Agency Name: Department of Health

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
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, 3721.31
5. What statute(s) does the rule implement or amplify? 3721.21, 3721.28, 3721.29, 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Services Commission ("LSC") rule-drafting requirements, ODH is proposing this new rule as a replacement for a rescinded rule.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule contains the personnel requirements for NATCEPs, including requirements related to the program coordinator, the primary instructor, and supplemental instructors.

The rule has been redrafted to better reflect and not conflict with federal regulations in 42 CFR 483.152. Additionally, the rule now makes the program coordinator an administrative position while shifting the training/work experience requirements to the primary instructor. The rule now allows a primary instructor to meet the applicable requirements through supervisory experience. Further, the rule clarifies who may supervise clinical experiences and allows for online instruction for the classroom portion of the NATCEP.

- 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.**

Updated statutes for rule writing authority and amplification based on recommendation from JCARR.

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? No

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

Not Applicable

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

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable