

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-18-10

Rule Type: Amendment

Rule Title/Tagline: Physical facilities 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?** 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, 3721.31
5. **What statute(s) does the rule implement or amplify?** 3721.28, 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?**

ODH is proposing this rule as part of the five-year rule review required by section 119.04 of the Revised Code.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule sets forth the requirements pertaining to the physical facilities requirements for training and competency evaluation programs including adequate space and cleanliness standards.

Revisions are being made to add equipment, such as personal protective equipment and sanitizing wipes, to be provided by a training program.

9. **Does the rule incorporate material by reference?** No
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.**

Not Applicable

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?**

This generally requires a NATCEP to set-up a nursing home resident room in their building. While nearly all NATCEPs have this equipment, the cost for providing the equipment required by Appendix E to rule 3701-18-10 can range from \$0.00 to approximately \$10,000.00 if the program must buy a new long-term care bed (approximately \$3,000.00 to \$9,000.00).

* Figure compiled from discussions with stakeholders and internet searches. Bed price from www.hill-rom.com, a leading supplier of long-term care beds.

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?** Yes

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- 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