

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3701-17-07.1

Rule Type: Amendment

Rule Title/Tagline: Required training and competency evaluation for nurse aides working in long-term care facilities.

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?** 4/25/2025
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 9 - 134
- Rob McColley, Kristina D Roegner
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3721.04, 3721.29, 3721.28
5. **What statute(s) does the rule implement or amplify?** 3721.21, 3721.04, 3721.31, 3721.29, 3721.28
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?**

Five Year Rule Review of Chapter 3701-17 is due 11/01/2023.

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

This rule details the required training and competency evaluation for state tested nurse aides working in long term care facilities.

Amendments include removing regulatory restrictions in accordance with SB 9 of the 134th General Assembly. Added language to paragraph (B)(8) to mirror language that was added as part of SB 144. Moved the language that was below (B)(7) to below (B)(8).

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.

OAC and ORC exempted.

Title XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301

Title XVIII of the Social Security Act.

Information is readily available online.

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

(J) is the only rule within 3701-17-7.1 that details costs specifies that if/when an individual leaves employment at a facility, any costs associated with the individual's participation in a competency evaluation program or training are on the facility; no mandate of requiring payment or repayment of costs by the individual.

- 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**

This rule details the required training requirements for the various roles and individuals within long-term care facilities, as well as listing facility requirements for written records of each facility's in-service education sessions.

- 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? 18

Title remove "required"

-07.1(A)(5) remove "require" x2, "required" x2

-07.1(B) remove "shall"

-07.1(B)(2) remove "shall" x2, "requirements" x2, "requirement"

-07.1(B)(5) remove "shall"

-07.1(B)(7) remove "shall" x3, "requirements" x2

-07.1(C) remove "shall", "require"

-07.1(D) remove "shall", "requirements" x2

-07.1(E) remove "shall", "require"

-07.1(F) remove "shall"

-07.1(H) remove "shall" x2, "must"

-07.1(I) remove "shall", "required"

-07.1(J) remove "shall", "require"

-07.1(K) remove "shall", "required"

-07.1(K)(1) remove "shall" x2

-07.1(K)(2) remove "shall" x3

-07.1(K)(3) remove "shall" x6, "must", "required"

-07.1(K)(4) remove "shall", "requirements"

- 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