**Rule 3701-18-01. Definitions.**

As used in this chapter:

(A) "Applicant" means a long-term care facility, employee organization, person, or government entity which submits an application for approval or reapproval of a training and competency evaluation program (TCEP) or a train-the-trainer (TTT) program in accordance with the applicable requirements of this chapter.

(B) "Classroom instruction" means the training and information provided by:

(1) A TCEP, other than clinical experience. Classroom instruction may include laboratory simulation.

(2) A TTT program, other than training skills practice.

(C) "Clinical experience" means the portion of a TCEP during which trainees provide nursing and nursing-related services ~~to patients and residents~~ in an Ohio long-term care facility, a laboratory, or another setting as part of the training process and under the supervision of the program coordinator or a primary instructor. Clinical experience includes but is not limited to demonstration and return demonstration of nursing and nursing-related services, skills training and skills testing, when those functions are performed in an Ohio long-term care facility.

(D) "Competency evaluation program" or "test" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated. Ohio's competency evaluation program is conducted by the director or the director's designee under division (C) of section 3721.31 of the Revised Code and rule 3701-18-22 of the Administrative Code.

(E) "Designee," when used in connection with the director, means the board of nursing, another state agency or political subdivision, the federal government, or any person with whom the director has entered into an agreement under division (C) of section 3721.31 or section 3721.34 of the Revised Code to perform the relevant function.

(F) "Director" means the director of health or an employee of the department of health to whom the director of health has delegated the pertinent duty.

(G) "Facility-based TCEP" means a training and competency evaluation program that is owned, operated, and conducted by a long-term care facility.

(H) "Hour" means sixty minutes.

(I) "Laboratory simulation" means the use of individuals and equipment in a classroom setting for instructional purposes to approximate the care of residents in a long-term care facility.

(J) "Licensed health professional" means all of the following:

(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;

(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;

(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social worker assistant registered under that chapter;

(7) A speech pathologist or audiologist licensed under Chapter 4753. of the Revised Code;

(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(9) An optometrist licensed under Chapter 4725. of the Revised Code;

(10) A pharmacist licensed under Chapter 4729. of the Revised Code;

(11) A psychologist licensed under Chapter 4732. of the Revised Code;

(12) A chiropractor licensed under Chapter 4734. of the Revised Code;

(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;

(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code.

(K) "Long-term care facility" means either of the following:

(1) A nursing home as defined in section 3721.01 of the Revised Code, other than a nursing home or part of a nursing home certified as an intermediate care facility for the mentally retarded under Title XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended (1981); or

(2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the Social Security Act.

(L) "Nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation. "Nurse aide" does not include either of the following:

(1) A licensed health professional practicing within the scope of the professional's license; or

(2) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

(M) "Nursing and nursing-related services" when performed by a nurse aide in a long-term care facility, means activities including attending to the personal care needs of patients and residents and providing personal care services and activities assigned by a nurse which may include implementation of portions of the nursing regimen, as defined by division (C) of section 4723.01 of the Revised Code, for residents whose care does not require nursing assessment or the judgment of a nurse during the performance of the assigned activity. Nursing and nursing-related services does not include activities that are part of the nursing regimen which require the specialized knowledge, judgment, and skill of a registered nurse or the application of the basic knowledge and skill required of a licensed practical nurse licensed under Chapter 4723. of the Revised Code or any other activities that are required to be performed by a licensed nurse under Chapter 4723. of the Revised Code.

(N) "Participant" means an individual who is enrolled in a TTT program approved by the director or the director's designee pursuant to division (A) of section 3721.31 of the Revised Code and paragraph (A) of rule 3701-18-16 of the Administrative Code.

(O) "Program" means either a TCEP or a TTT program, as the context requires.

(P) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended (2000).

(Q) "Skills testing" means the competency evaluation component of a TCEP, as described in paragraph (B) of rule 3701-18-13 of the Administrative Code.

(R) "Train-the-trainer program" or "TTT program" means a training program for program coordinators and primary instructors of a TCEP.

(S) "Trainee" means an individual who has enrolled in either of the following:

(1) A TCEP approved by the director or the director's designee under division (A) of section 3721.31 of the Revised Code and paragraph (A) of rule 3701-18-06 of the Administrative Code; or

(2) The test conducted by the director or the director's designee under division (C) of section 3721.31 of the Revised Code and rule 3701-18-22 of the Administrative Code.

(T) "Training and competency evaluation program" or "TCEP" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services.

(U) "Year of experience" means one thousand six hundred hours of work experience.

**Rule 3701-18-04. Application requirements for initial approval of training and competency evaluation program.**

(A) A long-term care facility, employee organization, person, or government entity seeking approval of a TCEP shall make an application to the director or the director's designee for approval of the program, and shall provide any documentation requested by the director or designee, in accordance with this rule. The application may be filed at any time.

(B) 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. For the purposes of this rule, a document is filed when it is received by the director or the director's designee.

(C) The application for initial approval of a TCEP shall be accompanied by:

(1) A nonrefundable application fee of three hundred dollars.

(2) Documentation that each of the following individuals possesses the qualifications required by rule 3701-18-09 of the Administrative Code:

(a) The proposed program coordinator;

(b) Each proposed primary instructor who will provide any part of the classroom instruction, including laboratory simulation, clinical experience, or evaluation of trainees. The documentation shall not be submitted for guest lecturers;

(3) A copy of the agreement between the applicant and the proposed program coordinator required by paragraph (A) of rule 3701-18-09 of the Administrative Code, unless the applicant plans to operate a facility-based TCEP and the program coordinator is an employee of the facility.

(4) The location and a description of the physical facilities that a TCEP intends to use for classroom instruction, including any laboratory simulation; and

(5) The name, address, facility provider number or, if the facility is not medicare or medicaid certified, the facility license number or "code number, if applicable," and a description of each long-term care facility with which the program will have arrangements for provision of the clinical experience portion of the program, and copies of the written agreements reflecting those arrangements. A facility-based TCEP is not required to submit a copy of a written agreement with the long-term care facility that operates the program. If the TCEP is using a site that is not a long-term care facility for the clinical experience portion, the applicant shall provide a description of how and where the clinical experience will be provided.

(6) A curriculum plan, on a form prescribed by the director or the director's designee, for each curriculum standard listed in the appendix to rule 3701-18-12 of the Administrative Code.

(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 3701-18-12 of the Administrative Code;

(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;

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

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

(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

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

(7) A description of the overall evaluation methodology and a sample copy of a skills checklist to be used to determine successful performance of a skill; and

(8) The overall plan for scheduling and implementing both the classroom instruction and clinical experience portions of the program.

(D) 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 receive priority expedited licensure processing within five business days of receipt and before all other applications. The acceptable proof of service member/veteran status documents are:

(1) The acceptable proof of service member/veteran status documents are:

(a) Department of defense identification card (active, retired, temporary disability retirement list (TDRL));

(b) DD214 military discharge certificate indicating disposition of discharge;

(c) Report of separation from the national archives national personnel records center in St. Louis, Missouri; or

(d) Veterans identification card from the department of veterans affairs.

(2) All acceptable proof documents, except veterans identification card, must show the veteran status as honorable, general, general under honorable conditions, or discharged or released under conditions other than dishonorable.

(E) If an applicant proposes to offer two or more programs simultaneously, using different primary instructors or different teams of primary instructors, the applicant shall file a separate application and pay a separate application fee for each such program. A separate application is not required if the applicant wishes to list individuals to serve as substitutes when the regular primary instructors are unavailable. Any such individuals shall possess the qualifications required by the applicable provisions of this chapter.

(F) The director or the director's designee may request any additional information necessary to assess compliance with the applicable criteria for program approval established by this chapter. The applicant shall provide any requested additional information within the time specified by the director or the designee. The director or designee shall mail a written notice to the applicant either approving or proposing to deny approval of a TCEP within sixty days of receipt of the application.

(G) No applicant shall obtain or attempt to obtain approval of a TCEP fraudulently or deceptively.

Supplemental Information

**Rule 3701-18-05. Application requirements for reapproval of training and competency evaluation program.**

(A) A long-term care facility, employee organization, person, or government entity seeking reapproval of a TCEP shall make an application to the director or the director's designee for reapproval of the program and shall provide any documentation requested by the director or designee, in accordance with this rule.

(B) The application for reapproval of a TCEP shall be:

(1) Filed no later than the sixtieth day before the expiration date of the program's initial approval or most recent reapproval; and

(2) Accompanied by a nonrefundable application fee of three hundred dollars.

(C) The application for reapproval shall be submitted using an electronic reporting system approved by the director and shall include all of the following items:

(1) The name and address of the program;

(2) The program's approval number;

(3) The enrollment for the twenty-four months preceding submission of the renewal application;

(4) The number of completed programs held during the twenty-four months preceding submission of the renewal application;

(5) A list of the current program coordinator and primary instructors, the date the program coordinator last served as a program coordinator, and the date each primary instructor last taught;

(6) Copies of any new or revised contracts with long-term care facilities for provision of clinical experience, if the contracts have not been submitted already under paragraph (B) of rule 3701-18-06.1 of the Administrative Code, or documentation of any other changes in the manner in which or the site at which the TCEP provides clinical experience. A facility-based TCEP is not required to submit a copy of a written agreement with the long-term care facility that operates the program;

(7) A statement, signed by the program coordinator, certifying that the program currently is in compliance with sections 3721.29, 3721.30 and 3721.31 of the Revised Code and this chapter; and

(8) The overall plan for scheduling and implementing both the classroom instruction and clinical experience portions of the program.

(D) The director or the director's designee may request any additional information necessary to assess compliance with the applicable criteria for program reapproval established by this chapter. The applicant shall provide any requested additional information within the time specified by the director or the designee. Within sixty days after receiving an application for reapproval, the director or the designee shall provide written notice to the applicant either approving or proposing to deny the reapproval of the TCEP.

(E) No applicant shall obtain or attempt to obtain reapproval of a TCEP fraudulently or deceptively.

**Rule 3701-18-08. Special requirements for training and competency evaluation programs.**

(A) Each approved TCEP shall meet the special requirements prescribed by this rule, in addition to complying with the other applicable provisions of this chapter.

(B) ~~Each~~ If applicable, each approved TCEP shall maintain a written agreement with at least one long-term care facility that provides for access by the program to the facility and its residents for the clinical experience portion of the program. A facility-based program is not required to have a contract with the long-term care facility that operates the program but shall provide assurance of compliance with the other requirements of this paragraph. The long-term care facility or facilities used by the program shall meet all of the following requirements:

(1) Each facility shall be located in Ohio;

(2) The facility or facilities shall have residents who have a variety of care needs and conditions of the type for which nurse aides will be caring. The number of residents and variety of care needs and conditions shall be sufficient to accommodate the trainees in meeting the learning objectives established for the clinical experience portion of the TCEP without causing undue burden to the residents or the facility;

(3) Each facility shall meet the requirements of rule 3701-18-10 of the Administrative Code; and

(4) Each facility shall not have had occur any of the events set forth in paragraph (C) of rule 3701-18-06 of the Administrative Code.

If an approved TCEP uses laboratory or a site that is not a long-term care facility for the clinical experience portion of the program, it shall ensure that the site is appropriately designed and equipped for clinical experience.

(C) Each approved TCEP shall ensure that each trainee is identified clearly as a trainee during all of the clinical experience portion of the program and during any other direct contact with residents or patients that occurs while enrolled in the program. At minimum, this identification shall consist of wearing an easily identifiable name tag that is legible and that states that the individual is a trainee.

(D) Each approved TCEP shall require that any absence be made up within sixty calendar days. Absences from the sixteen hours of classroom instruction required by paragraph (A)(4) of rule 3701-18-12 of the Administrative Code shall be made up before the trainee provides any nursing and nursing related services involving direct contact with residents or patients. This training may be done by a different approved TCEP other than the original training source, however, the program coordinator or a primary instructor of a TCEP shall document that arrangements were made for coverage of missed material and that the missed material was made up satisfactorily. Material missed from the sixteen hours of TCEP instruction required by paragraph (A)(4) of rule 3701-18-12 of the Administrative Code shall be made up hour-for-hour;

(E) An approved TCEP shall not allow any trainee to cheat or behave in a manner that is disruptive to the operation of the program.

(F) Each approved TCEP shall establish and implement a method by which the trainee may evaluate the program.

(G) Each approved TCEP shall provide to the trainees the registration forms for the state-administered test as required by paragraph (A) of rule 3701-18-24 of the Administrative Code. Each program shall also assist trainees in completing the registration forms, unless the trainee does not choose to register for the state-administered test.

(H) Before accepting money from individuals seeking to enroll in the program, each approved TCEP shall inform the prospective enrollee of the circumstances under which money paid by the prospective enrollee will be refunded. No TCEP shall charge an individual, who is employed by or who has received an offer of employment from a long-term care facility on the date in which the individual begins the TCEP, for participating in the program including any charge for textbooks, other required course materials, or a test.

**Rule 3701-18-09. Personnel requirements for training and competency evaluation programs.**

(A) Each approved TCEP shall be administered by a program coordinator who possesses the qualifications prescribed by paragraph (B) of this rule. The program shall enter into a written agreement with the program coordinator providing for his or her service in that capacity, except a facility-based TCEP is not required to have a written agreement if the program coordinator is an employee of the facility operating the program. If a program coordinator leaves the program, the program:

(1) Shall notify the director immediately;

(2) May complete the program currently in progress; and

(3) Shall not begin a new program until the program contracts with a qualified replacement or substitute and that individual begins functioning as the program coordinator.

(B) A program coordinator for an approved TCEP shall:

(1) Possess a current, valid license to practice nursing as a registered nurse issued under Chapter 4723. of the Revised Code or other state code. In the case of a facility-based TCEP, a director of nursing who meets the qualifications of paragraph (B) of this rule may serve as the program coordinator, but shall not serve as a primary instructor or perform skills testing;

(2) Have a minimum of two years of nursing experience as a licensed registered nurse, at least one of which shall be in the provision of long-term care facility services; and

(3) Have successfully completed a TTT program approved by the director or the director's designee pursuant to division (D) of section 3721.31 of the Revised Code and paragraph (A) of rule 3701-18-16 of the Administrative Code. An individual shall be considered to meet the requirements of this paragraph if he or she has received the training manual required by paragraph (D) of rule 3701-18-21 of the Administrative Code from an approved TTT program and if he or she:

(a) Received, before September 30, 1989, an approval number as a "teaching network instructor" from the "Ohio teaching network program" sponsored by the nursing home areawide training centers established under section 3721.41 of the Revised Code;

(b) Possesses a bachelor's or master's degree or a doctorate in education or possesses a currently valid vocational education certificate for teaching health occupations issued by the Ohio board of education. For the purposes of this paragraph, "vocational education certificate" means either a permanent certificate issued under section 3319.26 of the Revised Code, a professional certificate issued under section 3319.25 of the Revised Code, a provisional certificate issued under section 3319.24 of the Revised Code, or a one-year vocational certificate issued under former section 3319.281 of the Revised Code;

(c) Possesses the qualifications prescribed by paragraphs (C)(1)(a), (C)(1)(b), (C)(1)(c), and (C)(1)(d) of rule 3701-18-18 of the Administrative Code and either has taught an entire approved twenty-eight hour TTT program; or

(d) Has been granted a variance from part or all of the requirements of this paragraph pursuant to paragraph (G) of this rule.

An individual who met the requirements of paragraph (A) of rule 3701-18-04.1 of the Administrative Code as it existed before September 5, 1993 and who has not had any lapse of twenty-four or more consecutive months in service as a program coordinator of an approved and operating TCEP shall be considered to meet the requirements of this paragraph.

(C) The program coordinator of an approved TCEP shall be responsible for the overall administration and accountability of the program, which includes being accessible to the primary instructors and trainees whenever the program is operating and assuring the program's compliance with the applicable provisions of this chapter.

(D) An approved TCEP shall arrange for individuals to serve as primary instructors in accordance with the applicable provisions of this rule.

(1) The primary instructors of a TCEP collectively shall be responsible for providing the instruction required by rule 3701-18-12 of the Administrative Code and for supervising instruction by guest lecturers.

(2) Programs may use individuals who possess the qualifications of a primary instructor as substitutes in cases of absences, vacations, and emergencies.

(3) In the case of a facility-based TCEP for which the facility's director of nursing serves as the program coordinator, he or she shall not serve as a primary instructor or perform skills testing.

(E) Each TCEP shall arrange for the services of a sufficient number of primary instructors to provide the classroom instruction and to maintain, at minimum, a ratio of one primary instructor for every ~~eight~~ ten trainees for the clinical experience portions of the program. Each primary instructor shall meet all of the following requirements:

(1) Shall possess a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as either a registered nurse or a licensed practical nurse;

(2) Registered nurses, shall have a minimum of ~~two years~~ one year of experience in caring for the elderly or chronically ill of any age. This experience may be obtained through employment in a long-term care facility, geriatrics department, home health agency, hospital providing care to chronically ill individuals, or other long-term care setting. Experience in evaluating, in a long-term care setting, the clinical skills of individuals providing care shall be considered experience in caring for the elderly or chronically ill. Licensed piratical nurses, shall have a minimum of ~~two years~~ one year of experience in caring for the elderly or chronically ill of any age obtained through employment in a long-term care facility; and

(3) Shall possess the qualifications prescribed by paragraph (B)(3) of this rule or have been granted a variance from those qualifications pursuant to paragraph (G) of this rule.

(4) The program coordinator may serve as a primary instructor except in a facility-based TCEP in which the facility's director of nursing is the program coordinator.

(F) No approved TCEP shall permit an individual to serve as program coordinator or a primary instructor if he or she has not served as either a program coordinator or as a primary instructor of at least one TCEP or faculty member of at least one TTT program within the previous twenty-four consecutive months, unless the individual meets both of the following requirements:

(1) Currently possesses the qualifications prescribed by paragraph (B) or (E) of this rule, as applicable; and

(2) Within the previous twenty-four months has successfully completed instruction from a TTT program approved by the director or the director's designee under division (D) of section 3721.31 of the Revised Code and paragraph (A) of rule 3701-18-16 of the Administrative Code that covers TTT program curriculum topic areas II and VIII, and standards II.4 and VI.3, as prescribed in the appendix to rule 3701-18-21 of the Administrative Code.

(G) The director or the director's designee may grant a variance from part or all of the requirements of paragraph (B)(3) of this rule, if the individual who is to serve as the program coordinator or primary instructor provides documentation evidencing training or education achievements and teaching experience comparable to that specified in paragraph (B)(3) of this rule. The director or designee may grant a waiver from the requirement of paragraph (F) of this rule, if the individual provides documentation evidencing that he or she, during the twenty-four month period, has provided or coordinated training comparable to a TCEP or had other comparable experience.

(1) The request for a variance or waiver shall be made in writing to the director or the designee. The director or designee may establish conditions that the individual must meet for the variance or waiver to be operative.

(2) An individual whose request for a variance or waiver has been denied may request an informal conference with the director or designee concerning the denial, if requested within thirty days of the mailing of the notice of denial, but denial of a request for a variance or waiver does not entitle the individual to a hearing under Chapter 119. of the Revised Code.

(H) The program coordinator or a primary instructor shall personally supervise all clinical experience. As used in this paragraph, "personally supervise" means to be present physically on the floor where the trainee is providing services, to be available at all times to respond to requests for assistance from the trainee, and to be within a distance which allows the coordinator or instructor periodically to observe the trainee providing services.

(I) The program coordinator of a TCEP may arrange for an individual or individuals to serve as guest lecturers to provide training in their areas of expertise and within their scopes of practice, if needed to meet planned program objectives for a particular portion of the program. A guest lecturer shall not conduct any skills testing or other form of evaluation. No more than thirty hours of the total classroom instruction may be taught by guest lecturers or by a combination of guest lecturers and media presentations. Each guest lecturer shall be registered, certified, or licensed to practice in his or her area of expertise in Ohio, if required by law, or shall be otherwise appropriately qualified. Each guest lecturer also shall have knowledge of current developments relevant to the instruction he or she will provide.

(J) An approved TCEP's guest lecturers may include but are not limited to licensed health professionals, dietitians, sanitarians, ombudsmen, counselors, activities specialists, gerontologists, fire safety experts, residents, or nurse aides. Nurse aides who serve as guest lecturers shall possess the qualifications prescribed by division (B) or (C) of section 3721.28 of the Revised Code and paragraph (B) or (C) of rule 3701-17-07.1 of the Administrative Code, as applicable. Guest lecturers providing instruction concerning direct care of long-term care facility residents shall have had at least one year of experience caring for the elderly or chronically ill of any age. Guest lecturers shall not supervise any clinical experience.

~~(K) Approved programs may use videotapes, films, audio tapes, interactive videodiscs, or similar media to augment classroom instruction.~~

~~(1) When a program uses a videotape, film, audio tape, interactive videodisc, or similar medium for a portion of the classroom instruction, a primary instructor or guest lecturer shall be available in person, at minimum, at the conclusion of the presentation to respond to questions and generate discussion about the presentation.~~

~~(2) Not more than thirty hours of the minimum number of hours of classroom instruction for a TCEP may be taught through use of videotape, films, audio tapes, interactive videodiscs, or similar media, or through a combination of guest lecturers and media presentations. Videotapes, films, audio tapes, interactive videodiscs, or similar media or a combination of media presentations shall not be used for more than two consecutive hours or, for more than a total of six hours in any day, or more than fifteen of the thirty hour total.~~

~~(3) Use of an interactive videodisc system does not relieve a program of its responsibility to conduct the evaluation of the trainee required by rule 3701-18-13 of the Administrative Code.~~

**Rule 3701-18-12. Training and competency evaluation program curriculum criteria.**

(A) An approved TCEP shall provide a combined total of at least seventy-five hours of instruction that, at minimum, addresses each of the topic areas listed in paragraphs (A)(4) and (A)(5) of this rule for at least the specified period of time and the TCEP curriculum standards prescribed by the appendix to this rule.

(1) Within each topic area, the program shall address each standard as identified in the appendix. The instruction for each standard shall be comparable to the material specified in the appendix.

(2) The curriculum shall be designed to address the day-to-day attitudes and behaviors that promote the healthy functioning of residents, both physically and emotionally, and shall focus on the restoration and maintenance of the resident in as independent as possible a status. The approved TCEP shall have as its objective the development of nurse aides who are able to do all of the following:

(a) Form a relationship, communicate, and interact competently on a one-to-one basis with residents;

(b) Demonstrate sensitivity to residents' emotional, social, and mental health needs through skillful, directed interactions;

(c) Exhibit behavior in support and promotion of residents' rights; and

(d) Demonstrate observational and documenting skills needed in the assessment of residents' health, physical condition, and well-being.

(3) The curriculum content shall address the needs of various populations such as persons with Alzheimer's disease, dementia, mental illness, or intellectual disability and non-elderly persons with other disabilities. The curriculum content also shall include consideration of ethnic, racial, and cultural factors that affect the provision of care in a long-term care facility. Facility-based TCEPs shall adapt the content of the classroom instruction and clinical experience to the facility's specific resident population or anticipated future population. A facility-based TCEP's curriculum also may include content relevant to the populations of other facilities if the program includes trainees from other facilities.

(4) Before the trainees provide any nursing or nursing-related services involving direct contact with residents, the program shall provide at least sixteen hours of classroom instruction, which may include laboratory simulation, addressing the following topic areas for at least the specified period of time:

(a) Introduction to the program - one-half hour;

(b) Communication and interpersonal skills - four and one-half hours;

(c) Infection control - two and one-half hours;

(d) Safety and emergency procedures - six and one-half hours;

(e) Promoting residents' independence - one hour; and

(f) Respecting residents' rights - one hour.

(5) The fifty-nine minimum hours of instruction after completion of the instruction required by paragraph (A)(4) of this rule shall address at least each of the topic areas listed in this paragraph for at least the specified period of time, and shall include sixteen to twenty-five hours of clinical experience. The clinical experience shall be provided in an Ohio long-term care facility, a laboratory, or another setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse, and shall address each subject matter component, as listed in the appendix to this rule, within each topic area. The hours of clinical experience may be allocated among the subject matter components of the topic area in whatever manner best accommodates the needs of the program's trainees. The fifty-nine minimum hours of instruction required by this paragraph, including the clinical experience, shall address the following topic areas:

(a) Basic nursing skills - nineteen hours, including between six and ten hours of clinical experience;

(b) Personal care skills - twenty-two and one-half hours, including between seven to eight hours of clinical experience;

(c) Mental health and social service needs - eleven and one-half hours, including between two and four hours of clinical experience;

(d) Basic restorative services - four hours, including between one and two hours of clinical experience; and

(e) Residents' rights - two hours, including not more than one hour of clinical experience.

(6) The minimum of seventy-five hours of instruction required by paragraph (A) of this rule shall not include time spent in either of the following:

(a) The orientation program or the in-service education that a long-term care facility is required to provide pursuant to section 3721.29 of the Revised Code and paragraph (K) of rule 3701-17-07.1 of the Administrative Code; or

(b) The test conducted by the director or the director's designee under division (C) of section 3721.31 of the Revised Code and rule 3701-18-22 of the Administrative Code.

(B) Each approved TCEP shall establish behaviorally stated objectives and measurable performance criteria for each standard and subject matter component listed in the appendix to this rule. The relevant objectives shall be reviewed with the trainees at the beginning of each portion of the program so that each trainee will be able to state what he or she will be expected to do to complete that part of the program successfully.

**Appendix to Rule 3701-18-12**

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DEFINITIONS

Applicant

A long-term care facility (LTCF), employee organization, person or government entity that submits an application for a Training and Competency Evaluation Program (TCEP) or a Train-the-Trainer Program (TTT) in accordance with Chapter 3701-18 of the Ohio Administrative Code (OAC).

Classroom Instruction

The training and information, excluding the clinical experience, provided by a TCEP. Classroom instruction may include laboratory demonstration/return demonstration.

Clinical Experience (Paragraph (C) of OAC rule 3701-18-01)

The portion of a TCEP during which nurse aide trainees provide nursing and nursing-related services to residents in an Ohio LTCF, a laboratory, or another setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse as part of the training process and under the supervision of the program coordinator or primary instructor.

Competency Evaluation Program (CEP)

See definition under “Test”.

Director

The director of health. The director may delegate any of the authorities or duties under Chapter 3701-18 of the OAC to any employee of the Ohio Department of Health or any person or governmental entity with whom the director has executed a contract for that purpose.

Facility-based (Paragraph (G) of OAC rule 3701-18-01)

A TCEP that is owned, operated and conducted by a LTCF.

Guest Lecturer

An individual who meets the qualifications of paragraph (J) of rule 3701-18-09 of the OAC and assists the primary instructor or program coordinator of a TCEP by providing instruction in his or her area of expertise. A guest lecturer shall not perform any skills testing or other evaluation and shall not supervise any clinical experience.

Laboratory Demonstration/Return Demonstration

The use of individuals and equipment in a classroom setting for instructional purposes to approximate the care of residents in an LTCF.

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APPLICATION

Anyone may apply to conduct a TCEP as long as they meet the requirements specified in Chapter 3701-18 of the OAC. Such training programs may be either facility based or non-facility based. ~~In the case where a TCEP is not based in an LTCF, the TCEP must make arrangements with an LTCF for the provision of the clinical experience.~~

It is strongly suggested that persons who intend to provide TCEPs approved by the ODH consider the trainee mix before they start the TCEP. People who will attend the TCEP come from a variety of educational backgrounds and levels of experience. Whenever possible, it is preferable to group the individuals who will be attending the program into groups of persons with similar backgrounds. This allows the persons providing the program to better target subject matter to the group than if they group has a wide variety of educational backgrounds and levels of experience.

There are other important definitions, distinctions and requirements which must be met by facility-based and non-facility-based TCEPs. This information can be found in Chapter 3701-18 of the OAC.

Questions concerning the TCEP should be addressed to: The Ohio Department of Health, ATTENTION: NATCEP Unit, 246 North High Street, Columbus, Ohio 43215. Telephone: (614)752-8285; Fax (614)564-2596, E-mail: natcep@odh.ohio.gov.

INTRODUCTION

Chapter 3701-18 of the OAC for the State of Ohio establishes the requirements for Ohio’s Nurse Aide Training and Competency Evaluation Program. These requirements mandate, that as of Jan. 1, 1990, all NAs working on a regular basis in Ohio’s LTCFs must complete a 75-hour TCEP and pass a competency evaluation test conducted by the director. The objective of this NA training and competency evaluation requirement is the provision of quality services to residents in LTCFs by NAs who are able to:

1. Form relationships, communicate and interact competently on a one-to-one basis with LTCF residents as part of the team implementing resident care objectives;

2. Demonstrate sensitivity to the residents’ physical, emotional, social and mental health needs through trained, directed interactions;

3. Assist residents in attaining and maintaining functional independence;

4. Exhibit behavior in support and promotion of residents’ rights; and

5. Demonstrate observation and documentation skills needed in support of the assessment of the long-term care residents’ health, physical condition and well-being.

In an LTCF setting that requires continuous 24-hour supervision over a period of years, the TCEP must address the residents’ nursing, psychosocial, physical and environmental needs to the same extent as the medical needs. The TCEP must teach the attitudes and behaviors (which reflect attitudes) that promote the healthy functioning of residents both physically and emotionally, and focus on the

**Rule 3701-18-13. Evaluation requirements for training and competency evaluation programs.**

(A) Each approved TCEP shall include a competency evaluation component which measures the skills of trainees through skills testing.

(1) Skills testing ~~performed in a long-term care facility~~ may be counted as part of the clinical experience portion of the minimum seventy-five hours of instruction. ~~Skills testing performed through laboratory simulation shall not be counted as part of the clinical experience portion.~~

(2) The competency evaluation component of a TCEP does not substitute for completion of the test conducted by the director or the director's designee under division (C) of section 3721.31 of the Revised Code and rule 3701-18-22 of the Administrative Code.

(B) The skills testing shall consist of the program coordinator or a primary instructor observing a trainee's ability to perform a specified task that could be expected of a nurse aide in a long-term care facility. The program coordinator or primary instructor shall determine whether the trainee properly executes the critical elements of the task essential for its successful completion. The results of skills testing shall be recorded on a checklist specific to the task being performed.

(C) The TCEP shall conduct skills testing for a sufficient number of tasks to evaluate adequately the trainee's knowledge and ability with respect to all matters on which he or she has received classroom instruction or clinical experience. The critical elements of the tasks on which the trainee is tested shall be based upon the objectives and performance criteria established under paragraph (B) of rule 3701-18-12 of the Administrative Code and shall be structured to permit evaluation of the trainee's practical application of the classroom instruction, including evaluation of communication and interpersonal skills.

(D) All skills testing and monitoring of clinical experience shall be conducted in the physical presence of the TCEP coordinator or a primary instructor who has clinical expertise and no service responsibilities for the facility during the skills testing. Guest lecturers shall not perform any skills testing. ~~The program coordinator of a facility-based program who is also the facility's director of nursing shall not perform skills testing.~~

(E) For a trainee to complete an approved TCEP successfully, all of the following standards, at minimum, shall be met:

(1) The trainee attended all classroom instruction and clinical experience or made up any missed portion of the classroom instruction or clinical experience in accordance with paragraph (D) of rule 3701-18-08 of the Administrative Code;

(2) If the program uses oral or written examinations, quizzes, or both to evaluate trainees, the trainee correctly answered an overall average of at least ~~eighty~~ seventy per cent on all examinations, quizzes, or both; and

(3) The program coordinator or the primary instructor who conducted the skills testing documented, by means of a checklist, that the trainee successfully completed skills testing for each task on which the trainee was tested, in accordance with paragraph (C) of this rule.

**Rule 3701-18-27. Completion of the state-administered competency evaluation program; reporting of results.**

(A) To complete the state-administered test successfully, a registrant shall do both of the following:

(1) Answer correctly at least ~~the percentage~~ seventy percent of questions on the examination component of the program ~~specified by the director or the designee~~; and

(2) Perform each of the skills evaluation tasks included in the performance demonstration component of the program satisfactorily.

(B) Except as provided in paragraph (B) of rule 3701-18-23 of the Administrative Code, if a registrant fails to complete one component of the program successfully but completes the other component successfully, the registrant need not retake the component that he or she completed successfully.

(C) Within thirty days after a registrant successfully completes the test, the director or the director's designee shall report his or her name and social security number to the nurse aide registry established under section 3721.32 of the Revised Code.

(1) For each such registrant, the director or the designee also shall report to the registry any information concerning the registrant's successful completion of a training and test that was submitted to the director or the director's designee under paragraph (G) of rule 3701-18-06.1 of the Administrative Code.

(2) The director shall issue a failing score report to each registrant who did not successfully complete the component or components. The report shall advise the registrant of the parts of the component that he or she did not pass and that he or she has at least three opportunities to successfully complete both components of the evaluation, so long as they are both completed within the timeframes set forth in paragraph (B) of rule 3701-18-24 of the Administrative Code.