

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 775

Representative McClain

Cosponsors: Representatives Scherer, Riedel, Becker, Seitz

A BILL

To amend section 3721.30 of the Revised Code 1
regarding online training for state tested nurse 2
aides. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3721.30 of the Revised Code be 4
amended to read as follows: 5

Sec. 3721.30. (A) (1) A competency evaluation program 6
approved by the director of health under division (A) of section 7
3721.31 of the Revised Code or conducted by the director under 8
division (C) of that section shall evaluate the competency of a 9
nurse aide in the following areas: 10

(a) Basic nursing skills; 11

(b) Personal care skills; 12

(c) Recognition of mental health and social service needs; 13

(d) Care of cognitively impaired residents; 14

(e) Basic restorative services; 15

(f) Residents' rights; 16

(g) Any other area specified by rule of the director.	17
(2) Any competency evaluation program approved or	18
conducted by the director may include a written examination, but	19
shall permit a nurse aide, at the nurse aide's option, to	20
establish competency in another manner approved by the director.	21
A nurse aide shall be permitted to have the competency	22
evaluation conducted at the long-term care facility at which the	23
nurse aide is or will be employed, unless the facility has been	24
determined by the director or the United States secretary of	25
health and human services to have been out of compliance with	26
the requirements of subsection (b), (c), or (d) of section 1819	27
or 1919 of the "Social Security Act," 49 Stat. 620 (1935), 42	28
U.S.C.A. 301, as amended, within the previous two years.	29
(B) A training and competency evaluation program approved	30
or conducted by the director under section 3721.31 of the	31
Revised Code shall consist of training and competency evaluation	32
specified by the director in rules adopted under division (C) of	33
this section, including a minimum of seventy-five hours divided	34
between skills training and classroom <u>or online</u> instruction in	35
the following topic areas:	36
(1) Basic nursing skills;	37
(2) Personal care skills;	38
(3) Recognition of mental health and social service needs;	39
(4) Care of cognitively impaired residents;	40
(5) Basic restorative services;	41
(6) Residents' rights;	42
(7) Needs of various groups of long-term care facility	43
residents and patients;	44

(8) Other topic areas specified by rule of the director.	45
(C) In accordance with Chapter 119. of the Revised Code,	46
the director shall adopt rules establishing procedures and	47
criteria for approval of competency evaluation programs and	48
training and competency evaluation programs. The requirements	49
established by rules shall be no less stringent than the	50
requirements, guidelines, and procedures established by the	51
United States secretary of health and human services under	52
sections 1819 and 1919 of the "Social Security Act." The	53
director also shall adopt rules governing all of the following:	54
(1) Procedures for determination of an individual's	55
competency to perform services as a nurse aide;	56
(2) The curriculum of training and competency evaluation	57
programs;	58
(3) The clinical supervision and physical facilities used	59
for competency evaluation programs and training and competency	60
evaluation programs;	61
(4) The number of hours of training required in training	62
and competency evaluation programs;	63
(5) The qualifications for instructors, coordinators, and	64
evaluators of competency evaluation programs and training and	65
competency evaluation programs;	66
(6) Requirements that approved competency evaluation	67
programs and training and competency evaluation programs must	68
meet to retain approval;	69
(7) Standards for successful completion of a competency	70
evaluation program or training and competency evaluation	71
program;	72

(8) Procedures and criteria for review and reapproval of competency evaluation programs and training and competency evaluation programs;	73 74 75
(9) Fees for application for approval or reapproval of competency evaluation programs, training and competency evaluation programs, and programs to train instructors and coordinators for training and competency evaluation programs and evaluators for competency evaluation programs;	76 77 78 79 80
(10) Fees for participation in any competency evaluation program, training and competency evaluation program, or other program conducted by the director under section 3721.31 of the Revised Code;	81 82 83 84
(11) Procedures for reporting to the nurse aide registry established under section 3721.32 of the Revised Code whether or not individuals participating in competency evaluation programs and training and competency evaluation programs have successfully completed the programs.	85 86 87 88 89
(D) In accordance with Chapter 119. of the Revised Code, the director may adopt rules prescribing criteria and procedures for approval of training programs for instructors and coordinators for training and competency evaluation programs, and for evaluators for competency evaluation programs. The director may adopt other rules that he <u>the director</u> considers necessary for the administration and enforcement of sections 3721.28 to 3721.34 of the Revised Code or for compliance with requirements, guidelines, or procedures issued by the United States secretary of health and human services for implementation of section 1819 or 1919 of the "Social Security Act."	90 91 92 93 94 95 96 97 98 99 100
(E) No person or government entity shall impose on a nurse	101

aide any charge for participation in any competency evaluation 102
program or training and competency evaluation program approved 103
or conducted by the director under section 3721.31 of the 104
Revised Code, including any charge for textbooks, other required 105
course materials, or a competency evaluation. 106

(F) No person or government entity shall require that an 107
individual used by the person or government entity as a nurse 108
aide or seeking employment as a nurse aide pay or repay, either 109
before or while the individual is employed by the person or 110
government entity or when the individual leaves the person or 111
government entity's employ, any costs associated with the 112
individual's participation in a competency evaluation program or 113
training and competency evaluation program approved or conducted 114
by the director. 115

Section 2. That existing section 3721.30 of the Revised 116
Code is hereby repealed. 117