



## Ohio Administrative Code

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

Effective: November 24, 2022

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Compliance with this rule by an approved program is established by:

(A) Maintaining 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 is to provide assurance of compliance with the other requirements of this paragraph. The long-term care facility or facilities used by the program is to:

(1) Be located in Ohio;

(2) 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 are to 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) Meet the requirements of rule 3701-18-10 of the Administrative Code; and

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

(B) Ensuring 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 through the use of, at minimum, wearing an easily identifiable name tag that is legible and that states that the individual is a trainee.

(C) Requiring 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 are to 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, a primary instructor of a TCEP are to 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 are to be made up hour-for-hour;

(D) Not allowing any trainee to cheat or behave in a manner that is disruptive to the operation of the program.

(E) Establishing and implementing a method by which the trainee may evaluate the program.

(F) Providing trainees with registration forms for the state-administered test as required by paragraph (A) of rule 3701-18-24 of the Administrative Code and assisting trainees in completing the registration forms, unless the trainee does not choose to register for the state-administered test.

(G) Before accepting money from individuals seeking to enroll in the program, informing the prospective enrollee of the circumstances under which money paid by the prospective enrollee will be refunded. No TCEP may 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.

(H) If the TCEP desires to conduct clinical experiences in a laboratory setting in addition to, or instead of a nursing home as required by paragraph (B) of this rule, submitting a completed variance request to the director. A completed variance request includes:

(1) The location of the laboratory in which clinical experiences will take place; and

(2) A description of the laboratory and equipment therein.

The director may grant a variance under this paragraph after considering the TCEP's variance request and historical passage rate the TCEP's trainees on the state competency exam. An approved variance



is valid for five years, at which time all variances will be reviewed, and a determination made whether to make them permanent. If a variance request is denied, the director sends, within thirty days of denial, the reason for denial to the requesting TCEP. The director may revoke a variance at any time if the director determines the health and safety of nursing home residents is in jeopardy, or the TCEP's trainee passage rate falls below the state average pass rate.