

**3701-18-06 Criteria for training and competency evaluation program approval and reapproval; approval period.**

- (A) The director or the director's designee shall approve an application for approval or reapproval as a TCEP if the applicant complies with the criteria, standards and requirements for an approved TCEP established by sections 3721.30 and 3721.31 of the Revised Code and by the applicable provisions of rules 3701-18-04 to 3701-18-13 of the Administrative Code.
- (B) The approval or reapproval of a TCEP expires two years after the date of issuance.
- (C) Except as provided in paragraphs (E) and (F) of this rule, the director or the director's designee shall not approve or reapprove a TCEP conducted by or in a long-term care facility which during the previous two years from submission of its application for approval or reapproval:
  - (1) Had its license revoked pursuant to Chapter 3721. of the Revised Code; or
  - (2) Was determined by the director or the secretary of the United States department of health and human services to have been out of compliance with the requirements of division (b), (c), or (d), of section 1819 or 1919 of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C.A., 301, as amended (1981). For the purposes of this paragraph, a facility is considered to have been determined to be out of compliance with the specified requirements if any of the following occurred during the previous two years;
    - (a) In the case of a long-term care facility certified as a skilled nursing facility under Title XVIII of the Social Security Act, it operated under a waiver of the medicare nurse staffing requirements established under Title XVIII of the Social Security Act;
    - (b) In the case of a long-term care facility certified as a nursing facility under Title XIX of the Social Security Act, it operated under a waiver of the medicaid nurse staffing requirements established under Title XIX of the Social Security Act, if the waiver was granted on the basis of a demonstration that the facility was unable to provide the nursing care required under the medicaid requirements for a period in excess of forty-eight hours per week;
    - (c) The long-term care facility was subject to an extended or partial extended medicare or medicaid certification survey;
    - (d) The long-term care facility's participation in the medicare or medicaid program was terminated;
    - (e) A civil money penalty or fine of not less than five thousand dollars was imposed upon the facility because of medicare or medicaid certification deficiencies;
    - (f) A denial of payment for medicare or medicaid admissions was imposed upon the facility because of medicare or medicaid certification deficiencies;
    - (g) A temporary manager or a special master was appointed for the facility

because of medicare or medicaid certification deficiencies; or

- (h) The facility was closed or its residents were transferred because of medicare or medicaid certification deficiencies.
- (D) In the case of an application for reapproval of a TCEP:
- (1) The director or the director's designee shall consider the proportion of the program's trainees taking the test conducted by the director or the director's designee under rule 3701-18-22 of the Administrative Code who successfully completed or passed the test.
  - (2) The director also may consider any deficiencies attributable to the training received from the TCEP that were cited during a survey of a long-term care facility for purposes of licensure under Chapter 3721. of the Revised Code or certification under Title XVIII or XIX of the Social Security Act.
- (E) The director or the director's designee shall reapprove a TCEP conducted by or in a long-term care facility which:
- (1) Was an approved program on September 1, 1994; and
  - (2) On or after September 1, 1994 has not been determined to be out of compliance with division (B), (C), or (D) of section 1819 or 1919 of the Social Security Act, as defined in paragraphs (C)(2)(a) to (C)(2)(h) of this rule; and
  - (3) Otherwise complies with the criteria, standards and requirements for an approved TCEP.
- (F) The director or the director's designee shall not revoke approval of a TCEP conducted by or in a long-term care facility which:
- (1) Was an approved program on September 1, 1994; and
  - (2) Subsequent to September 1, 1994 has not been determined to be out of compliance with division (B), (C), or (D) of section 1819 or 1919 of the Social Security Act, as defined in paragraphs (C)(2)(a) to (C)(2)(h) of this rule; and
  - (3) Otherwise complies with the criteria, standards and requirements for an approved TCEP.

Effective:

04/01/2012

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CERTIFIED ELECTRONICALLY

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Certification

03/22/2012

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Date

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