

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Health

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-40-05-22

RULE TITLE: Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs

REASON FOR RULEMAKING: The proposed changes will help alleviate the current shortage of nursing assistants. The goal is to open the market to additional test administrators, as the inability of the currently contracted vendor to meet testing demand from the recent graduates of nursing assistant training programs has created a bottleneck limiting their entry into the industry.

ANY FINDINGS REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS:

The Rhode Island Department of Health (RIDOH) received two public comments in support of RIDOH's proposed amendments to the hospice regulations.

In addition, RIDOH received public comment with two suggested changes to RIDOH's proposed amendments. The first public comment encouraged a performance clause and contractual penalties if the new test administrator does not meet the State's expectations. RIDOH's response is that the testing contract with the State of Rhode Island is a zero-dollar contract that is not suitable for the imposition and collection of contractual penalties. RIDOH believes that opening the market to competition will provide a market-based enforcement mechanism where an underperforming vendor will lose its market share to more efficient and accessible competitors in the space. This comment will not be accepted at this time.

The second suggested change received through public comment suggested the implementation of a reporting requirement on enrollment and outcome data for nursing assistant training programs. The commenter noted that a reporting requirement would more effectively quantify the intent of RIDOH's proposed amendment #2." (Amendment #2 places an obligation upon the training programs to assist their graduates in registering for and successfully completing the mandated testing.) RIDOH's response is that the data suggested is largely available to RIDOH through the training programs' approval of applicants who have completed training to register for the examinations. RIDOH's analysis of the testing process suggests that the programs' ongoing duty to

assist applicants in navigating the testing and registration process, once implemented, is believed to be the most direct and cost-effective way to eliminate registration barriers.

CHANGES TO THE TEXT OF THE RULE:

There are no changes to the text of the rule post-comment period.

REGULATORY ANALYSIS:

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.