

**Rule Summary and Fiscal Analysis (Part A)****Board of Nursing**

Agency Name

Division

**Cynthia Snyder**

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**4723-13-05**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Criteria and standards for a licensed nurse delegating to a  
trained unlicensed person.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4723.07**

5. Statute(s) the rule, as filed, amplifies or implements: **4723.01, 4723.07**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year review

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the criteria and standards to be used by a licensed nurse when delegating nursing tasks to unlicensed persons. In several provisions within this

rule the phrase "trained unlicensed person" is changed to "unlicensed person" consistent with the change in rule 4723-13-01 where the two definitions are combined into one.

In paragraph (C), new language is added to clarify that a licensed nurse may delegate to unlicensed persons the administration of medications in two categories only: over-the-counter topical medications to be applied to intact skin; and over-the-counter eye drops, ear drops, and suppositories.

In paragraph (F) language is revised to clarify that the delegating nurse is accountable for the decision to delegate to an unlicensed person. This language works in conjunction with the new definition of "delegating nurse" in rule 4723-13-01, and reflects the fact that a new nurse assuming responsibility for a patient for whom a delegated nursing task is provided, is accountable for his/her decision to continue or discontinue the delegation. In paragraph (G), the language clearly requires that any licensed nurse who determines that a delegated nursing task is not being performed correctly is obligated to intervene.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously

filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **10/11/2006**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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None

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

None

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

