

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4723-13-05

Rule Type: Amendment

Rule Title/Tagline: Criteria and standards for a licensed nurse delegating to an unlicensed person.

Agency Name: Board of Nursing

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/14/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4723.07
5. **What statute(s) does the rule implement or amplify?**
4723.01,4723.03,4723.07,4723.48,4723.489
6. **What are the reasons for proposing the rule?**

The Rule establishes criteria and standards for a licensed nurse to delegate tasks to an unlicensed person. The rationale for the Rule is to protect patients by ensuring safety standards for delegation.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The Rule establishes criteria and standards for a licensed nurse to delegate tasks to an unlicensed person. Rule 4723-13-02(D)(1) is revised to update cross-references. Paragraph (E)(5) is revised to correct a typographical error. Paragraph (C) is revised to update a cross reference to a statute. Rule 4723-13-05(E)(6)(g) and (F)(2)(c) are revised to add clarification requested by interested parties. Members of the Ohio Nursing Collaboration (consisting of Ohio Family to Family, Ohio Department of Developmental Disabilities/DODD, Ohio Department of Medicaid, and family members) requested language to underscore that when delegating a nursing task, a licensed nurse shall consider the total number of delegated nursing tasks to be performed for an individual. This concept is consistent with Rule 4723-13-07(C)(2), which references the types and number of nursing tasks that will be delegated.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

A license is required to practice as a nurse and to delegate nursing tasks.
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Failure to comply with standards of delegation to an unlicensed person may result in a cause of disciplinary action according to 4723.28(B)(16) ORC.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable