

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

Agency Name

Division

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**4723-14-12**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**OBN approver policies and statements.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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, 4723.69, 4723.79**

5. Statute(s) the rule, as filed, amplifies or implements: **4723.24, 4723.651, 4723.77**

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

This rule is being revised to provide greater clarification to board licensees and certificate holders, as well as to continuing education approvers and providers.

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 policies that must be established and implemented by OBN

approvers. Paragraph (A)(4) is expanded to require that an approver's policies for approval and reapproval of providers or activities ensure that the process is completed prior to the date of the activity, and that the content of the proposed activity satisfies the standards for continuing education contained in rule 4723-14-01(C). Additional new language appears as paragraphs (A)(8) and (A)(9). This language requires that policies of an approver ensure that the primary purpose of an activity is not to promote the sale of items or services, and provide for the disclosure of any financial involvement by a commercial entity in the continuing education activity.

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:

The refiled rule includes two changes. The first is the addition of new language in paragraph (A)(19). This language was originally proposed in rule 4723-14-17, but more appropriately fits within this rule. It provides that an OBN approver is required to develop a policy for investigation and documentation of complaints made about a provider or provider unit.

A second change is the addition of paragraph (E). This is also new language proposed originally in rule 4723-14-17. It requires an OBN approver to establish a means to review a provider unit during its three year approval period including, but not limited to, on-site visits or documentation review.

12. 119.032 Rule Review Date: **10/16/2007**

(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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The board is already responsible for review of the policies of OBN approvers and applicants. The changes in this rule will not effect present costs.

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

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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:

Costs to OBN approvers and applicants will vary. The changes proposed in this rule will not increase costs to approvers or providers.

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**