

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

Agency Name

Division

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**4723-23-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Dialysis technician certificate.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **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: **4723.79**5. Statute(s) the rule, as filed, amplifies or implements: **4723.75, 4723.751**

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

This rule is being filed pursuant to the five-year rule review process required by Ohio Revised Code (ORC) Section 119.032.

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:

The rule establishes the requirements for obtaining a certificate to practice to practice as a dialysis technician. Paragraph (A): Change to update effective date of form.

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:

The rule states that the materials are available to the public at <http://www.nursing.ohio.gov/forms.htm>.

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:

The material referenced is a form that is readily available on a public website. Forms contain data (e.g., calendar dates, references to statutes) that are updated from time to time, and it is infeasible, and not a good use of state resources, to file new rules and hold public rule hearings, each time changes are made to forms. In addition, some forms referenced are representative samples, as the forms used by individuals are mailed to them directly and contain secure passwords to access and file the form on the Ohio eLicense Center electronic database, and it is infeasible to attach forms containing personal identifiers to public rule filings.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **10/15/2015**

(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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No impact

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

Not applicable

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:

Minimal cost associated with completion of forms to obtain a certificate to practice as a dialysis technician.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to

R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

As required by statute, the rule requires that the dialysis technician applicant has successfully completed a training program as a dialysis technician intern and passed an examination.

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? **No**

Failure to comply with the terms of this rule precludes the Board from issuing a certificate to practice as a dialysis technician.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

To obtain a certificate to practice as an Ohio certified dialysis technician an applicant who meets the qualifications set forth in ORC 4723.75 shall:(1) Submit an application on a form specified by the board, located at <http://www.nursing.ohio.gov/forms.htm> (revised 2015), that includes the name and address of each dialysis training program approved by the board in which the applicant has been enrolled and the dates during which the applicant was enrolled in each program;(2) Submit an application fee of thirty-five dollars (required by statute); and (3) As required by ORC 4723.75, submit to a criminal records check. (B) Prior to the board determining an applicant is eligible for a dialysis technician certificate, the board must receive documentation that demonstrates the applicant is competent to practice as a dialysis technician. This may be established by one of the following routes: (1) The board has received:(a) Written notice of the applicant's successful completion of a dialysis technician training program, approved by the board under ORC 4723.74, submitted directly by the program administrator or designee;(b) Written attestation, submitted directly to the board by the applicant's employer or employers, that the applicant has performed dialysis care for not less than twelve months immediately prior to the date of application for certification; and (c) Written notice, submitted to the board directly by a testing organization approved by the board, that the applicant has passed a certification examination demonstrating competence to perform dialysis care not later than eighteen months after successfully completing a dialysis training program approved by the board under ORC 4723.74, as required by division (B)(1)(b) of section 4723.75 of the Revised Code; or (2) The board has received:(a) Written notice, submitted to the board directly by a testing organization approved by the board, that

the applicant has passed a certification examination in another jurisdiction demonstrating competence to perform dialysis care;(b) Written attestation, submitted directly to the board by the applicant's employer or employers, that the applicant has been employed to perform dialysis care in another jurisdiction for not less than twelve months immediately prior to the date of application for certification; and (c) Evidence satisfactory to the board that the applicant has completed two contact hours of education that is directly related to ORC Chapter 4723. or rules adopted by the board, and that meets the requirements set forth in paragraph (C) of rule 4723-14-01 of the Administrative Code for category A education.