

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4723-23-08

Rule Type: Amendment

Rule Title/Tagline: Requirements for a dialysis technician training program approved by the board.

Agency Name: Board of Nursing

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 10/15/2020
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?** 4723.79
5. **What statute(s) does the rule implement or amplify?** 4723.74
6. **What are the reasons for proposing the rule?**

The Board's Advisory Group on Dialysis recommended the rule be revised to reflect changes in the learning environment.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule sets forth requirements for a dialysis technician training program approved by the Board. The revised rule refers to "theoretical" instruction instead of "classroom" and deletes "classroom setting."

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

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

JCARR is recommending that the response to Question #16 be amended due to information provided in response to a subpart to 16.

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

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**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. 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

Failure to meet the requirements of this Rule for a dialysis technician training program may result in denial of approval, subject to a hearing pursuant to ORC Chapter 119.

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

Board approval is required to operate a dialysis technician training program.

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

The Rule requires periodic reports to the Board for a training program to maintain accreditation as a provider.