

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4723-23-10

Rule Type: Amendment

Rule Title/Tagline: Requirements for approval and reapproval of a testing organization that conducts an examination of a dialysis technician.

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?** 4723.74, 4723.79
5. **What statute(s) does the rule implement or amplify?** 4723.751
6. **What are the reasons for proposing the rule?**

The rule is amended to reduce the time for dialysis technician training from 12 months to 6 months.

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

The rule relates to minimum requirements for dialysis technician testing organization examinations, approval/re-approval. The rule is amended to reduce the time for

dialysis technician training from 12 months to 6 months and to update a reference to an application/form.

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

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.**

Not Applicable

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

In order to be approved as a dialysis technician testing organization, approval by the Board of Nursing is required.

- 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 the minimum requirements for testing organizations set forth in the rule may result in withdrawal of the testing organization's approval status.

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

An application for testing organization approval/re-approval must be submitted to the Board of Nursing.