

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? Yes
 - 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 sets forth the requirements for an organization to be approved by the board as a testing organization conducting examinations of a dialysis technician candidates.

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

The rule sets forth the requirements for an organization to be approved by the board as a testing organization conducting examinations of a dialysis technician candidates. The

word "candidate" is added for clarification as the testing is conducted for prospective dialysis technicians (candidates) rather than already certified dialysis technicians.

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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule states that information regarding the availability and effective date of the materials incorporated by reference in the rule can be found in paragraph (G) of Rule 4723-1-03. Rule 4723-1-03 states that the materials are available to the public at <http://www.nursing.ohio.gov/forms.htm>. The material is a digital application into which data is entered to fill out a form or its equivalent, and the form or application merely collects information and does not establish principles of law or policy. Additionally, 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.

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

In order to be approved as a testing organization for dialysis technician candidates leading to Ohio certification, approval by the Board is required and an application must be submitted to the Board.
 - 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 meet the requirements in the rule may result in loss of Board approval.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

In order to be approved and reapproved as a testing organization for dialysis technician candidates leading to Ohio certification, approval by the Board is required and an application must be submitted to the Board.
 - 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