

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

Agency Name

Division

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4723-27-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Certification as a medication aide.**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? **Yes**

Bill Number: **HB119**General Assembly: **127**Sponsor: **Dolan**

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: **4723.69**

5. Statute(s) the rule, as filed, amplifies or implements: **4723.61 to 4723.69**

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

The 2007 budget bill, House Bill 119, extended the term of the medication aide pilot program so that it now ends on the 31st day after the board submits a required program report. The amendments provide that the program report must be submitted no later than the 181st day after the board issues the 75th medication aide certificate. Until this triggering event occurs, the actual termination date of the program cannot be determined. The current rules in this chapter include numerous references to June 30, 2007 and July 1, 2007, when the pilot was to have ended and the statewide use of medication aides was to begin. Given the statutory changes,

these references must be replaced with the revised pilot program termination date. Since this date cannot be determined with certainty until the board issues the 75th medication aide certificate, it is necessary to use a more generic reference. Accordingly, this rule includes a definition of the term "pilot program end date." This is defined by reference to Revised Code section 4723.64, under which the final date will eventually be established.

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:

References to July 1, 2007 are changed to "pilot program end date."

In paragraph (A)(1)(f), language is changed to mirror a change included in the related statute. The only applicants who will be required to obtain the FBI component of a criminal records check are those who have not lived in Ohio for at least five years.

The language that creates an interim medication aide certificate is also revised to reflect the fact that there is no identified pilot program end date, and thus no identified date upon which the interim certificates could begin to be issued.

In new paragraph (E) language is added to recognize the title "Medication Aide-Certified" and the acronym "MA-C" in response to concerns expressed by some constituencies regarding the prior informal use of "Certified Medication Aide" and "CMA" in this context.

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:

Not Applicable.

12. 119.032 Rule Review Date: **5/1/2011**

(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 increase expenditures.

Unknown

Prior law called for an end to the pilot program on July 1, 2007. House Bill 119 extends the pilot and makes other related changes. The board will incur certain expenses associated with determining and publicizing the program end date and facility reporting dates, as well as in modifying applications for pilot program certificates, interim certificates, and "full" certificates.

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:

These changes should not have a financial impact on medication aides or applicants.

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**