

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4723-27-04

Rule Type: Amendment

Rule Title/Tagline: Medication aide certification.

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?** 10/14/2021
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 263 - 133
- Rep. Koehler
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4723.69
5. **What statute(s) does the rule implement or amplify?** 4723.61, 4723.64, 4723.65, 4723.651, 4723.652, 4723.653, 4723.66, 4723.67, 4723.68, 4723.69
6. **What are the reasons for proposing the rule?**

The Rule sets forth requirements for certification as a medication aide.
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 certification as a medication aide. The revision is to remove language consistent with HB 263 (133rd GA).

- 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. The forms referenced are representative samples, as the forms used by individuals are accessed using secure passwords necessary to file the form on the Ohio eLicense Center electronic database, and it is infeasible to attach forms containing security passwords and 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. 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?**

Medication aide certification requires an expense in the form of an application fee (set forth in Rule 4723-27-10) of \$50.00.

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.**

All Board of Nursing operations (licensing, investigations, disciplinary actions) are funded solely by license/license renewal fees.

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**

A certificate is required to practice as a medication aide.
 - 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 medication aide certificate application requirements would result in non-certification.
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The Rule sets for the information required to be provided on the medication aide certificate application and requires an application fee (set forth in Rule 4723-27-10) of \$50.00.
 - 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? Yes**

Medication aide certification requires an expense in the form of an application fee (set forth in Rule 4723-27-10) of \$50.00.

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