

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4723-5-08  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Requirements for seeking conditional approval.  
**Agency Name:** Board of Nursing  
**Division:**  
**Address:** 17 South High Street Suite 660 Columbus OH 43215-7410  
**Contact:** Holly R. Fischer  
**Email:** hfischer@nursing.ohio.gov **Phone:** 614-995-4934

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 12/19/2021
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?** ORC 4723.07
5. **What statute(s) does the rule implement or amplify?** ORC 4723.06
6. **What are the reasons for proposing the rule?**

ORC 4723.06 requires the Board to adopt rules to establish minimum standards for conditional approval of new pre-license nursing education programs.

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

The rule sets for the minimum standards for conditional approval of a new pre-license nursing education program. The change in paragraph (J) is to correct a typographical error.

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 information regarding the availability of materials referenced in the rule is located in Rule 4723-1-03(G), OAC, which provides the public a website link to all the materials, <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.

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**

ORC 4723.06 requires the Board to establish minimum standards for conditional approval of a new pre-license nursing education program, and issue conditional approval to applicants in order to operate a program.

**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**

ORC 4723.06 requires the Board to establish minimum standards for conditional approval of a new pre-license nursing education program, and states that if the program fails to meet those standards, the Board shall conduct an adjudication according to ORC Chapter 119., to determine whether to withdraw conditional approval status.

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

Applicants for conditional approval to operate a pre-license nursing education program must provide the information detailed in the rule as part of the application process.