

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

Agency Name

Division

Holly Fischer

Contact

**17 South High Street Suite 400 Columbus OH
43215-0000**

Agency Mailing Address (Plus Zip)

614-995-4934

Phone

Fax

hfischer@nursing.ohio.gov

Email

4723-7-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Authorization to test, accommodations, retesting, and notification.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
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: **4723.07**
5. Statute(s) the rule, as filed, amplifies or implements: **4723.06, 4723.08, 4723.09, 4723.10**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Pursuant to Revised Code sections 106.03 and 106.031, every five years state agencies are required to review each of their rules and determine whether to continue without change, amend, or rescind them.
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:

The rule concerns authorization to test, accommodations, retesting, and notification. Changes include cross-reference to rule 4723-1-03 and to be consistent with the January 2016 accommodations guidelines established changes in the NCSBN NCLEX Member Board Manual. A paragraph is amended to state that the Board "may" send reports of the (NCLEX) testing results to nursing education programs instead of "shall" send. The word "current" is added prior to "disability diagnosis" to clarify that the diagnosis needs to be as of the time the applicant intends to take the NCLEX.

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:

The rule states that the materials are available to the public at <http://www.nursing.ohio.gov/forms.htm> and are cross-referenced in rule 4723-1-03.

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:

The material referenced is a form that is readily available on a public website and is cross-referenced in rule 4723-1-03. 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 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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **12/19/2016**

(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 have no impact on revenues or expenditures.

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This rule will have no impact on revenues or expenditures.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

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:

No cost anticipated.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

The rule deals with authorization to test, accommodations, retesting and notification of results to gain initial licensure as a nurse.

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 pass the licensure examination, or meet the requirements to take the examination will result in denial of authorization to test or licensure. An applicant must take the examination within one year from the date the authorization to test was issued, or the authorization will become void.

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

Retesting requires the applicant to submit a new application and fee.