

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4723-7-04

Rule Type: Amendment

Rule Title/Tagline: Requirements for licensure for foreign educated nurse graduates.

Agency Name: Board of Nursing

Division:

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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, 4723.08, 4723.09, 4723.10
6. **What are the reasons for proposing the rule?**

ORC 4723.07 requires the Board to adopt rules to establishing licensing criteria. The rule establishes criteria for applicants educated in foreign countries to obtain a license to practice nursing.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule establishes criteria for applicants educated in foreign countries to obtain a license to practice nursing. The change in the rule would expedite licensure by

endorsement for foreign educated applicants by eliminating additional document requirements, since endorsement applicants would already have been licensed in another U.S. jurisdiction.

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. 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 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

In order to practice nursing in Ohio, a license is required.

- 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 4723.99 provides penalties for the unlicensed practice of nursing.

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

ORC 4723.08 requires an application fee for a nursing license.