

## 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:**

**Address:** 17 South High Street Suite 660 Columbus OH 43215-7410

**Contact:** Holly R. Fischer **Phone:** 614-995-4934

**Email:** hfischer@nursing.ohio.gov

#### 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? 4723.07**
5. **What statute(s) does the rule implement or amplify? 4723.06, 4723.08, 4723.09, 4723.10**
6. **What are the reasons for proposing the rule?**

The Rule sets forth requirements for licensure for foreign educated nurse graduates. The rationale for the Rule is to provide clear information to license applicants and ensure consistency in requirements.
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 licensure for foreign educated nurse graduates. The Rule is revised to remove language as required by HB 263. Paragraph (B) is revised to add language clarifying what kind of evidence may be submitted by a foreign educated endorsement applicant to demonstrate "working knowledge of the English language," as the lack of clarity has proven confusing to applicants. Note that unlike exam applicants, endorsement applicants are not required to pass the English proficiency exam, although that is one method of establishing a working knowledge of English. The historic rationale for the Board not requiring the proficiency exam for endorsement applicants was based on the assumption that an endorsement applicant would have actual working experience as a nurse in the United States.

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.

0

Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The fee for licensure as a nurse is \$75.00 (see 4723.08 ORC).

- 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 license is required to practice 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**

If an application is not completed a license will not be issued resulting in inability to practice as a nurse.

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

The fee for licensure as a nurse is \$75.00 (see 4723.08 ORC). The application requires disclosure of information.

- 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**

The fee for licensure as a nurse is \$75.00 (see 4723.08 ORC).

**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