

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4723-7-10  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Volunteer's certificate.  
**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, 4723.26
5. **What statute(s) does the rule implement or amplify?** 4723.24, 4723.28
6. **What are the reasons for proposing the rule?**

ORC 4723.26 required that the Board adopt rules to provide for volunteer's certificates to practice nursing. The rule establishes the process to obtain a volunteer's certificate.

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

The rule establishes the process to obtain a volunteer's certificate. The change in paragraph (B) is to delete obsolete language and insert current language referencing the advance practice registered nurse license.

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 for an individual with a lapsed license to practice nursing as a volunteer, a volunteer's certificate 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

A certificate holder who practices with a lapsed or inactive certificate or who fails to practice according to prevailing standards of safe care, or who fails to meet the requirements of ORC 4723.26, may be subject to disciplinary action including a fine of \$500, according to ORC 4723.28.

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

In order to obtain a volunteer's certificate, evidence of obtaining continuing education, at the applicant's cost, must be submitted to the Board.