

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

Agency Name

Division

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4723-8-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Standard care arrangement for a certified nurse-midwife,
certified nurse practitioner, and clinical nurse specialist.****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? **Yes**Bill Number: **HB314**General Assembly: **130**Sponsor: **Reps. Baker and
Kunze**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: **4723.431**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed pursuant to the five-year rule review process required by Ohio Revised Code (ORC) Section 119.032. The rule also addresses an amendment required in response to HB 314 of the 130th General Assembly.

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 specifies what components are required to be present in a written standard care arrangement in a collaborative practice relationship. Rule 8-04 (C)(12): For APRNs holding prescriptive authority, language is added to require provisions in the standard care arrangement to address prescribing opioids to minors consistent with HB 314 (130th GA), and for obtaining and reviewing OARRS reports. (E): Requirement added that APRNs retain standard care arrangements for a minimum of six years.

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>.

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. 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:

To amend paragraph (C)(7)(a) of the rule to state that the standard care arrangement shall be reviewed "every two years" and on an "biennial" basis; and to amend paragraph (E) to require the standard care arrangement to be retained "three" years rather than "six"; based on written comments received and testimony given by interested parties.

12. Five Year Review (FYR) Date: **10/15/2015**

(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.

0

No impact

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:

The requirements of H.B. 314 (130th GA) regarding prescribing opioids to minors

as cross referenced in the rule may require an additional time expenditure. Requiring that the standard care arrangements be kept for a period of time should be minimal in cost as technology provides for scanned copies to be stored and is consistent with electronic record storage within the health care industry.

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? **No**

Statutes require that APRNs practice in a collaborative arrangement and document their agreement in a written standard care arrangement.

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? **No**

The rule itself does not impose a sanction. However, ORC 4723.28(B)(16) states that a licensee may be subject to disciplinary action for violating a Board rule.

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

Consistent with statute, the rule requires that the written standard care arrangement be made available to the Board upon request. The rule also requires that the written SCA be kept for 6 years as a record for purposes of compliance reference on an as needed basis.