

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

Agency Name

Division

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4723-8-08

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Certificate of authority renewal; notification of national recertification.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB488**General Assembly: **130**Sponsor: **Dovilla, Landis**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: **4723.42, 4723.47**

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

This rule is being filed according to the enactment of House Bill 488 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 deals with certificate of authority renewal and notification of national recertification. Obsolete language is being deleted as the Board is adopting new rules to consolidate references to fee waivers available to service members, veterans, and their spouses.

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:

Not Applicable.

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.

0.00

The Board relocated information previously addressed in multiple sections of Chapter 4723 of the Ohio Administrative Code (OAC), to a single chapter. By placing information specific to military service members and their spouses in the Chapter 4723-2, OAC, the Board intends to help service members and their spouses more easily identify and utilize these provisions. As the rule reflects pre-existing fee waiver benefits, the Board anticipates no net impact on revenues or expenditures. However, by relocating the rule it is possible that the Board will see a negligible decrease in revenues due to an increased identification and utilization of these provisions by service members and their spouses.

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:

Not applicable.

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 certificate of authority renewal and notification of national recertification.

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 comply with the terms of this rule may be grounds for disciplinary action pursuant to ORC 4723.28 or non-renewal of certification.

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

Renewal of a certificate of authority requires completion of the renewal application, payment of a fee, and completion of required continuing education. When a certificate of authority holder is recertified by a national certifying organization, the certificate of authority holder shall request that the national certifying organization provide satisfactory documentation of recertification directly to the Board.