

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

Agency Name

Division

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**4723-9-09**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Standards of prescribing for nurses with a certificate to  
prescribe.****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: **HB170 and  
314**General Assembly: **130**Sponsor: **Reps. Johnson and  
Stinziano and Reps. Baker  
and Ku**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: **4723.50**5. Statute(s) the rule, as filed, amplifies  
or implements: **4723.481, 4723.488**

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 amends language following the passage of HB 170 of the 130th GA (Reps. Johnson and Stinziano)

and HB 314 of the 130th GA (Reps. Baker and Kunze).

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 sets standards for APRNs prescribing drugs with a current CTP. Added (L) to cross-reference language added by HB 170 (130th GA, effective March 11, 2014, which authorizes CTP holders to personally furnish or prescribe Naloxone - Section 4723.488, ORC). Added (M) to cross reference. Language added by HB 314 (130th GA) regarding prescribing opioid analgesics to minors.

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

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:

No anticipated cost of compliance

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 requires a current CTP

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**

The rule states that under certain conditions the licensee may have to check the OARRS system to comply with laws governing controlled substances. In addition, a nurse holding a current valid certificate to prescribe shall satisfy all requirements for prescribing set forth in rule 4729-5-30 of the Administrative Code, and shall include the nurse's prescriber number on each prescription.