

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

Agency Name

Division

Joe Kirk

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4723-9-12

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Standards and procedures for review of OARRS.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB83**General Assembly: **129**Sponsor: **Oelslager and
Tavares**

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, 4723.487**

5. Statute(s) the rule, as filed, amplifies or implements: **4723.50, 4723.487**

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 Senate Bill 83 of the 129th 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 governs standards and procedures for review of Ohio Automated RX Reporting System reports. The drug carisoprodol has been stricken from paragraph (A)(1)(b) as carisoprodol is now covered under schedule II controlled substances.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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. 119.032 Rule Review Date: **10/1/2015**

(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

Not applicable.

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 requires an advanced practice nurse holding an current valid Certificate to Prescribe (CTP) to access the Ohio Automated Rx Reporting System (OARRS) prior to issuing a controlled substance or Tramadol prescription if the patient exhibits certain signs of drug abuse or diversion. In addition, the advanced practice nurse prescriber shall consult with their collaborating physician prior to the prescribing of similar drugs at the next visit.

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 the rule may be grounds for disciplinary action pursuant to ORC 4723.28 (B)(16).

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

The rule requires a record of any Ohio Automated Rx Reporting System (OARRS) information to be kept documented in the patient's medical record.