

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

Agency Name

Division

Holly R. Fischer

Contact

**17 South High Street Suite 400 Columbus OH
43215-7410**

Agency Mailing Address (Plus Zip)

614-995-4934

Phone

Fax

hfischer@nursing.ohio.gov

Email

4723-9-12

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Standards and procedures for review of OARRS.**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: **HB341**General Assembly: **130**Sponsor: **Rep. Smith**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: **4723.487, 4723.50**5. Statute(s) the rule, as filed, amplifies or implements: **4723.487, 4723.50**

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 is amended as a result of HB 341 (130th GA) that imposed new requirements for CTP holders related to the State Board of Pharmacy's Ohio Automated RX Reporting System (OARRS) that apply when personally furnishing or prescribing benzodiazepines and opioid analgesics.

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 establishes certain conditions that require an APRN CTP holder to access OARRS when prescribing opioids or benzodiazepines. Changes to statute in HB 341 require changes in the rule to incorporate statutory mandates for OARRS use and statutory exceptions to use requirements. Updates have been incorporated into the rule to enhance identification of #red flags# that have been incorporated in proposed revisions to the Rule. Language has been added to establish standards for prescribers when prescribing controlled substances to persons who have exhibited signs of "red flags." Finally, language has been added to achieve consistency with language the Medical Board is currently proposing in its parallel rule (4731-11-11, OAC) since APRN prescribing also involves collaborative practice.

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. Five Year Review (FYR) Date:

(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:

There are no fees associated with OARRS use. The cost of checking OARRS is minimal when incorporated into the periodic use of OARRS technology under certain conditions. The OARRS reports can be obtained by delegated prescriber staff to assist the process and lower cost.

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 governs those licensees who have a current, valid 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 requires those persons prescribing controlled substances, including opioids and benzodiazepines, to access the OARRS system and maintain documentation of their use of OARRS and reasons for prescribing under certain circumstances.