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Hearing Date: 6/6/2022

Today's Date: 6/6/2022

Agency: Ohi Department of Public Safety, Bureau of Motor Vehicles

Rule Number(s): Chapter 4501:1-7

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. The Ohio Association of Advanced Praticice Nurses (OAAPN) submitted a written comment that was received May 24, 2022.

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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

OAAPN requested a change to rule 4501:1-7-02 in paragraph (C) and (E), replacing “physician or chiropractor” with “health care provider as defined in Section 4503.44 (A)(3) of the Revised Code.”

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s).
If no comments were incorporated, explain why not.

The BMV agrees to make this change, and it will be revise filed on June 6, 2022.



May 20, 2022

Ohio Department of Public Safety
Office of Legal Services
1970 West Broad Street, Suite 531 C
Columbus, Ohio 43223

SENT BY CERTIFIED MAIL

RE: Comments to Proposed Rule OAC 4501:1-7-02, "Conditions for issuance of license plates, removable windshield placards and temporary removable windshield placards for persons with disabilities."

To Whom It May Concern:

The Ohio Association of Advanced Practice Nurses ("OAAPN") would like to provide comments on the proposed rule OAC 4501:1-7-02. OAAPN is a trade organization that represents Ohio's advanced practice registered nurses ("APRNs"), including nurse practitioners, certified nurse midwives, clinical nurse specialists, and certified registered nurse anesthetists. Ohio's APRNs serve Ohio patients in a variety of settings including, but not limited to, hospitals, freestanding birthing centers, clinics, federally qualified health centers, physician practices, and APRN-owned practices.

OAC 4501:1-7-02 describes the conditions for issuance of license plates, removable windshield placards, and temporary removable windshield placards for persons with disabilities. OAAPN, on behalf of its members, request that the Ohio Department of Public Safety consider the suggestions below regarding the proposed rule to ensure that the new rule aligns with corresponding statutes and the scope of practice of APRNs.

1) OAC 4501:1-7-02~~(D)~~(C) & ~~(G)~~(E)

OAAPN requests the following amendments to proposed subsections (C) and (E) of Rule 4501:1-7-02:

- ~~(D)~~(C) Upon satisfactory proof to the bureau of motor vehicles from a placardholder's personal ~~physician or chiropractor~~ health care provider that the person is no longer eligible under section 4503.44 of the Revised Code and after notice from the bureau, the person shall forward the removable windshield placard or the temporary removable windshield placard to the bureau of motor vehicles for cancellation.
- ~~(G)~~(E) If an applicant for a removable windshield placard is a veteran of the armed forces of the United States who is eligible under section 4503.44 of the Revised Code, and whose disability is service-connected, the registrar shall, upon receipt of a completed BMV form 4531 "Application for Removable Windshield Placard for Active Duty Military / Veterans With Disabilities," the requisite documentation from the ~~physician or chiropractor~~ health care provider, and a letter from the department of veterans' affairs stating the veteran's disability is service-connected, issue the placard.

Suggested deletions are struck, and suggested addition are blue and bold.

The proposed rule language restricts applicants seeking windshield placards to obtaining appropriate documentation from physicians and chiropractors only. This does not match with the ability, codified in ORC 4503.44, for physicians, physician assistants, advanced practice registered nurses, optometrists, and chiropractors (aka "health care providers") to sign BMV Form 4531 and any other paperwork required by the ODPS.

Per ORC 4503.44(A)(3), "health care provider" means a "physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor as defined in this section except that an optometrist shall only make determinations as to division (A)(1)(g) of this section." Additionally, BMV Form 4531, referenced in the proposed rules, states "[p]ursuant to R.C. 4503.44(A)(3), health care provider means 'a physician, physician assistant, advanced practice nurse, optometrist, or chiropractor as defined in this section.'" As a result, there is no reason why any section of OAC 4501:1-7-02 should require a physician's or chiropractor's signature over that of any other health care provider.

Additionally, APRNs commonly provide primary care and many other services to veterans and patients with disabilities who would utilize windshield placards. APRNs providing these services are in a similar position to physicians and chiropractors to understand which patients are eligible for a windshield placards according to the requirements in ORC 4503.44. Also, from a practical perspective, if a veteran or disabled patient is unable to regularly attend appointments or access healthcare services, it is very restrictive to require them to see a physician or chiropractor for this purpose when an APRN or physician assistant may be more available and accessible. For all of these reasons, we request that the references to physicians and chiropractors in OAC 4501:1-7-02 be replaced with "health care provider" as defined in ORC 4503.44.

Thank you for your consideration. OAAPN would be happy to discuss the proposed rule and our comments further.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Shank".

Kelly Shank, APRN, ANP-C
President - OAAPN