

**MEMORANDUM**

TO: Tom Dilling, Ohio Board of Nursing

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: October 10, 2012

RE: **CSI Review – Five-Year Review of Administrative Rules and Continuing Education (OAC 4723-1-01 through 4723-1-11; 4723-3-01 and 4723-3-02; 4723-14-01 through 4723-14-18; 4723-5-08, 4723-5-21 and 4723-5-23; and 4723-27-01 and 4723-27-08)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of 36 rules proposed by the Ohio Board of Nursing relating broadly to the issues of Board administration, personal information systems, and continuing education. A portion of the rule package is being reviewed under the five-year review requirement of ORC 119.032, and all the rules contain amendments except for three rules which have been submitted with no changes.

The BIA submitted by the Board with this rule package focuses largely on the rules pertaining to continuing education, as these are the rules that have a direct adverse impact to businesses, specifically the Board's license holders and providers of continuing education. The Board describes a stakeholder outreach process that included interested party meetings and the formation of an Advisory Group that met over a period of three years to review and recommend changes to the Board's continuing education requirements. The BIA details the recommendations of the

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Advisory Council and other stakeholders, which were generally incorporated into the proposed rules.

The Board notes that continuing education is necessary to ensure the competence of license holders and the safe practice of nursing in Ohio. Through the stakeholder outreach described above, the Board attempted to minimize the impact of these requirements on its licensees and providers of continuing education. The remaining impact in the form of continuing education costs and licensee time to comply are justified by the public purpose of the rule package.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board of Nursing should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.