

**MEMORANDUM**

**TO:** Tom Dilling, Ohio Board of Nursing

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** October 9, 2014

**RE:** **CSI Review – Nursing Board Rules Updates and Technical Changes (OAC Chapters 4723-2, 4723-4, 4723-6, 4723-7, 4723-8, 4723-14, 4723-23, and 4723-27)**

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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This rule package consists of four new, two rescinded, and twenty-one amended rules proposed by the Ohio Board of Nursing. The amended rules are being reviewed under the five-year review process required by ORC 119.032. The rule package was filed with the CSI Office on August 28, 2014, and the comment period for the rules closed on September 22, 2014.

The rules under review establish requirements for examination and licensing of nurses; certification process for a certified nurse-midwife, certified nurse practitioner, clinical nurse specialist, or certified registered nurse anesthetist; certification for dialysis technicians and medication aides; and program standards for continuing education providers.

According to the BIA, the Board performed significant stakeholder outreach. This process included several interested party meetings. Stakeholders included the Ohio Nurses Association, the Ohio Association of Advanced Practice Nurses, and an advisory group on continuing education. The BIA details the recommendations of the stakeholders and many of the proposed edits were incorporated into the rules. The continuing education advisory group recommended using the word

“outcome” in place of the word “objective” for continuing education purposes. Outcome-directed education will focus on the result of the educational activities and will improve patient experiences. No comments were received during the CSI public comment period.

The BIA identifies education and training program providers for nurses, dialysis technicians, and certified medication aides; nurse licensees; certified dialysis technicians; and certified medication aides as the impacted industries. The BIA cites administrative costs for licensing and education programs, licensing fees for nurses and certificate fees for dialysis technicians and medication aides as the adverse impacts. The Board also stated that a licensee may incur the costs to participate in an alternative program for chemical dependency. Additional impacts, including license revocation and penalties, occur when cited for noncompliance to the rules. Several additional adverse impacts were identified in the CSI review. These included application requirements, continuing education requirements, requirements for a certificate to prescribe, requirements for use of the Ohio Automated Rx Reporting System (OARRS), and record maintenance for licensees and training program providers.

The four proposed new rules (Chapter 4723-2) are intended to comply with recently-enacted House Bill 488 by establishing procedures for the Board to address issues related to missed renewals and extension requests for continuing education requirements due to a licensee, certificate holder, or spouse serving in active duty in the military.

The Board states the rules are necessary to comply with statutory law and to establish baseline requirements for education in order to ensure consumers are receiving quality health care.

Upon review of the proposed rules and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impacts identified in the BIA.

### **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.

cc: Mark Hamlin, Lt. Governor’s Office