

**MEMORANDUM**

TO: Tom Dilling, Ohio Board of Nursing

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: June 26, 2015

RE: CSI Review – Youth Sports Concussion Rule (OAC 4723-8-11)

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 one new rule proposed by the Ohio Board of Nursing. The rule package was filed with the CSI Office on May 28, 2015 and the public comment period was held open until June 19, 2015.

The proposed rule outlines youth concussion assessment and clearance guidelines recommended by the Ohio Youth Sports Concussion & Head Injury Return to Play Guidelines Committee. The Committee was made up of professional licensees with expertise in treating youth sports concussions and head injuries. The Committee also relied upon and directed licensees to meet the "Zurich Guidelines" which is the international consensus statement on concussions in sports. The rule sets forth the minimum education requirements necessary for a certified registered nurse practitioner or clinical nurse specialist to assess and clear youth athletes to return to practice or competition.

The rule requires licensees to obtain an additional two hours of continuing nursing education in the detection of concussions, its clinical features, assessment techniques, and the principles of safe return to play protocols. Ohio Administrative Code (OAC) 4723-8-11 is in response to House Bill

487 of the 130th General Assembly. The CSI Office questioned the additional two-hour continuing education requirement because the report produced by the Committee in Ohio and the Zurich Guidelines do not mandate continuing education but encourage affected licensed professionals to have some form of ongoing education related to concussions. However, no concerns were raised by stakeholders during the public comment period. The CSI Office contacted the Ohio Nurses Association and no feedback was provided. Ultimately, the Nursing Board and its stakeholders are in the best position to determine the appropriate levels of continuing education for specific subjects, so with the information available the CSI Office defers to the Board's decision to require these hours.

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