

**MEMORANDUM**

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

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

**DATE:** October 9, 2015

**RE:** **CSI Review – Nursing Board Rule Updates and Technical Changes (OAC 4723-1-03, 4723-1-10, 4723-5-01, 4723-7-09, 4723-7-10, 4723-14-03, and 4723-16-12)**

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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 one new and six amended rules proposed by the Ohio Board of Nursing. The rule package was filed with the CSI Office on August 25, 2015 and the public comment period was held open until September 4, 2015.

The rule package provides requirements for licensure renewal and documents, criminal records checks, confidentiality of personal information, terminology, volunteer's certificate, and continuing education for licensed nurses. The rules are being amended to correct errors, update technical corrections due to legislation, and update form reference effective dates. The new draft rule, Rule 4723-7-10, is proposed to comply with recently-enacted House Bill 320 which requires the holder of a volunteer's certificate to certify completion of continuing nursing education in order to renew the certificate.

The Board performed stakeholder outreach with the Ohio Nurses Association and Ohio Association of Advanced Practice Nurses during the development of the draft language. The rule package was also discussed during meetings of the Board Advisory Group on Nursing Education

and the Board Advisory Group on Continuing Education. The Board provided details of the suggested input in the BIA. No comments were submitted during the CSI public comment period.

The BIA identifies licensees and health care employers as the impacted industry. Rule 4723-7-10 creates new impacts on volunteer's certificate holders by requiring the certificate holders to complete twenty-four hours of continuing education. The Board estimates that the cost to complete the requirements can vary from \$10 to \$200, depending on the course. The recently-enacted law does not prescribe the amount of continuing education hours but states that it is necessary to renew a volunteer's certificate. The BIA states that the continuing education requirements are consistent with other licensure continuing education requirements. Additionally, no comments were submitted to the CSI office to indicate the amount of hours required is unnecessarily burdensome.

Because the rule package was not submitted as a statutory five-year review requirement, the Board was only required to analyze the costs associated with the amendments. The majority of the amendments are technical and administrative but there are amendments relating to continuing education that will impact licensees. The continuing education impacts relate to human trafficking courses and volunteer's certificates. The Board states that these amendments are required by statute.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **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