

**MEMORANDUM**

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

**FROM:** Emily Kaylor, Regulatory Policy Advocate

**DATE:** October 7, 2016

**RE:** CSI Review – Five Year Review (OAC 4723-5-01 through 4723-5-06, 4723-5-08 through 4723-5-17, 4723-5-19 through 4723-5-21, 4723-5-23 through 4723-5-25, 4723-7-01 through 4723-7-10, 4723-13-01 through 4723-13-03, 4723-13-05 through 4723-13-07, and 4723-27-01 through 4723-27-10)

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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 30 amended and 18 no-change rules proposed by the Ohio Board of Nursing. The rule package was filed for its statutorily-required five-year review on August 24, 2016 and the public comment period was held open until September 15. No comments were submitted during the CSI public comment period.

The rule package regulates nursing education programs, nursing exams and licensure, delegation of nursing tasks, and medication administration by a certified medication aide. Some of the amendments reflect statutory changes while others are non-substantive language clarifications or reference updates.

The Board performed extensive stakeholder outreach as described in the BIA. They explain where changes were made in agreeance with the stakeholders and where they chose to keep the rules as the Board had them. No comments were submitted during the CSI review process.

The BIA identifies nursing students, individuals licensed by ORC 4723, education training programs, certified medication aides, and healthcare employers as the impacted industry. The BIA states that the adverse costs are the time and resources it takes to meet various conditions for licensure, license renewal, and approval of training programs. Some fees are established in OAC 4723-27-10 and range from 15 to 1,000 dollars depending on the application. Additionally, there are disciplinary actions that can be taken against licensees for not adhering to the rules.

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