

**MEMORANDUM**

TO: Tom Dilling, Ohio Board of Nursing

FROM: Travis Butchello, Regulatory Policy Advocate

DATE: October 11, 2017

RE: **CSI Review – Five Year Rule Review (OAC 4723-1-01 through 4723-1-11, 4723-3-01, 4723-3-02, 4723-14-01, and 4723-14-03 through 4723-14-18)**

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 15 amended and 15 no-change rules proposed by the Ohio Board of Nursing as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on September 15, 2017 and the public comment period was held open through October 2, 2017. No comments were received during this time.

The rule package covers the regulation of nursing education and practice. The amended rules implement changes required by House Bill 290 of the 131st General Assembly and specifically allow nurses to satisfy a portion of their continuing education (CE) requirements by providing healthcare services without compensation to indigent and uninsured persons. The Board contends that the purpose of the rules is to actively safeguard the health of the public through the regulation of the nursing practice.

As part of the early stakeholder outreach process, the Board discussed the rule package at its public Board meetings and held interested party meetings with multiple industry stakeholders.

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Specifically, the Board convened the Advisory Group on Continuing Education who reviewed the CE rules. The Board did not receive any major concerns from stakeholders but did receive some minor technical clarifications which they summarized in the BIA and generally adopted.

No comments were received during the CSI public comment period.

The rules impact nursing students, continuing education providers, nursing education and training programs, healthcare employers, and other entities. Specifically, the Board notes in the BIA that compliance with the new options for CE credit may require some administrative time so that documentation can be obtained and uploaded with a license renewal application. The Board did not specify the costs of compliance. In addition, continuing education programs must be approved by the Board which includes licensure, conditions for licensure, and renewal of licenses. While the Board did not estimate the cost of compliance with the aforementioned adverse impact, they note in the BIA that such costs are inherent in engaging in the business of being a Board approved CE program and that fees for applications to become a provider and approver of CE credit are minimal. Lastly, the Board contends in the BIA that the regulatory intent of the rules justifies the adverse impact because CE requirements are necessary so that nurses meet the educational standards and ensure public safety through the competency of licensees.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

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