



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Holly Fischer, Ohio Board of Nursing

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: October 9, 2019

RE: CSI Review – Technical Change Rules (OAC 4723-1-03, 4723-5-04, 4723-5-10, 4723-5-11, 4723-5-21, 4723-6-01, 4723-6-02, 4723-6-03, 4723-7-05, 4723-7-06, 4723-8-08, 4723-9-10, 4723-9-13, 4723-20-01, 4723-20-03, and 4723-20-07)

On behalf of Lt. Governor Jon Husted, 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 sixteen amended rules proposed by the Ohio Board of Nursing (Board). This rule package was submitted to the CSI Office on September 4, 2019 and the public comment period was held open through September 18, 2019. No comments were received during this time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 4, 2019.

The rules in this package set forth requirements for various Chapters within the Board's scope and are largely being amended to implement technical changes. OAC 4723-1-03 establishes requirements for the Board to maintain records and is being amended to update the names and locations of online forms. OAC Chapter 4723-5 establishes requirements for nurse education programs, including program status, staff qualifications, and record keeping. OAC 4723-5-04, 4723-5-10, 4723-5-11, and 4723-5-21 include amendments that remove experience requirements for preceptors and duplicative information. OAC Chapter 4723-6 sets forth requirements for the alternate program for chemical dependency/ substance abuse and the rules included in this package

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feature amendments that replace the term “chemical dependency” with “substance use disorder.” OAC 4723-7-05 and 4723-7-06 establish requirements for endorsements and are being amended to remove the submission of evidence of nursing education program completion to ease the burden of application. OAC 4723-8-08 details the process for renewal of an advanced practice registered nurse (APRN) license. The rule is being amended to change the renewal period to odd-numbered years and update application submission forms. OAC 4723-9-10 sets forth the standards of prescribing for APRNs designated as clinical nurse specialists, nurse-midwives, or nurse practitioners. The rule includes amendments to include the exclusionary formulary in the text of the rule, as well as updates to terms and the inclusion of oncologists and hematologists. OAC 4723-9-13 is being updated to reflect changes to OAC 4723-9-10 and to make the requirements consistent with medication-assisted treatment rules of the State Medical Board of Ohio. OAC 4723-20-01, 4723-20-03, and 4723-20-07 are being amended to update paragraph references.

During early stakeholder outreach, the Board sent the rules to interested parties via an online stakeholder list. The Board also discussed the rules during public meetings the Board and its committees. No comments were received during this time or during the CSI public comment period.

The business community impacted by these rules includes APRNs licensed by the Board to prescribe controlled substances. Adverse costs created by the rules include fees for application and renewal of licenses and penalties for violations of the rules. Fees for APRNs, as established in ORC 4723.08, cost \$150 initially and \$135 upon license renewal. Penalties for violations of the rules can include suspension or revocation of a license.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Board of Nursing should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.