



Ohio Board of Nursing

Mike DeWine, Governor
Jon Husted, Lt. Governor

Marlene Anielski, Executive Director

To: Jacob Ritzenthaler, Business Advocate, Common Sense Initiative (CSI) Office

From: Anita DiPasquale, Advisory Attorney, Ohio Board of Nursing

Date: September 22, 2023

Regarding: CSI Review – 2023 Rules (OAC 4723-1-03, 4723-4-01 through 4723-4-09, 4723-5-04, 4723-5-20, 4723-6-01 through 4723-6-06; 4723-7-06, 4723-7-07, 4723-7-08, 4723-9-08, 4723-9-10, 4723-9-11, 4723-9-13, 4723-9-14, 4723-11-03; 4723-14-01, 4723-14-12, 4723-14-17, 4723-17-01, 4723-17-03, through 4723-17-07, 4723-18-01 through 4723-18-10, 4723-20-01 through 4723-20-07, 4723-23-01, 4723-23-02, 4723-23-03, 4723-23-04, 4723-23-09, 4723-26-03, 4723-27-04, 4723-27-06, and 4723-27-11)

On behalf of the Board of Nursing, thank you for CSI's review of the above rules package and for the recommendation that the Board proceed with filing the proposed rules.

Consistent with CSI's recommendation, the Board intends to proceed in filing the proposed rules with the Joint Committee on Agency Rule Review, ***except that the Board does not intend to file Rules in Chapter 4723-9, Prescriptive Authority, at this time*** (Rules 4723-9-08, 4723-9-10, 4723-9-11, 4723-9-13, 4723-9-14).

Section 4723.51, ORC, requires the Board to adopt rules establishing standards for APRNs in medication-assisted treatment of substance use disorder (MAT), consistent with current standards of care, and, consistent with MAT rules adopted by the State Medical Board of Ohio. Last week, the SMBO circulated draft amended MAT rules for public comment. Based on changes in federal law, and anticipated changes in SMBO MAT rules, OBN anticipates proposing similar, possibly extensive, additional changes to Rules 4723-9-13, *Medication-assisted treatment*, and, to 4723-9-14, *Standards and procedures for withdrawal management for drug or alcohol addiction*. There may be incidental changes to other rules in Chapter 4723-9 such as changing cross references, conforming definitions, etc.

For these reasons, the Board does not intend to file Rules in Chapter 4723-9, *Prescriptive Authority*, with JCARR at this time. Once the additional Chapter 9 rule changes have gone through stakeholder and Board processes, any Chapter 9 rule with new changes will be resubmitted to CSI, along with a new BIA, for review.