

**MEMORANDUM**

TO: Tom Dilling, Ohio Board of Nursing

FROM: Sydney King, Regulatory Policy Advocate

DATE: October 3, 2014

RE: **CSI Review – Nursing Board Five Year Rule Review (OAC Chapters 4723-16, 4723-17, 4723-25, and 4723-26)**

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 twenty-seven amended and twenty-one no-change rules proposed by the Ohio Board of Nursing. The rules are being reviewed under the five-year review process required by ORC 119.032. The rule package was filed with the CSI Office on August 28, 2014, and the comment period for the rules closed on September 22, 2014.

The rules under review establish requirements for the board hearing process, intravenous therapy education, nurse education program grant programs, and licensing of community health workers. The rule package includes regulations for community health care worker certificate and grant applications, forms, continuing education programs and courses, a community health care worker's scope of care, and the review process for nurse education program grants.

According to the BIA, the Board performed significant stakeholder outreach. This process included several interested party meetings. Stakeholders included the Ohio Nurses Association, the Ohio Association of Advanced Practice Nurses, and an advisory group on continuing education. The BIA details the recommendations of the stakeholders and many of the proposed edits were

incorporated into the rules. No comments were received during the CSI public comment period.

The BIA identifies education and training program providers, community health care workers, and health care employers as the impacted industries. The BIA cites administrative costs to licensing and education programs, and certificate fees to community health care workers as the adverse impacts. Additionally, the nursing education programs are required to submit an application in order to be considered for the grant. Several additional adverse impacts were identified in the CSI review. These included application requirements, written policy requirements, requirements regarding delegation of nursing duties to a community health care worker, supervisor requirements for a community health care worker, and penalties for noncompliance.

The CSI Office inquired about an amendment that excluded certain types of health care agencies for preference in the grant program. According to the Board, the amendment was to reflect statutory law, which establishes a list of providers receiving preference for the grant but does not exclude other health care agencies from eligibility.

The Board states the rules are necessary to comply with statutory law and to establish baseline requirements for education in order to ensure consumers are receiving quality health care.

Upon review of the proposed rules and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

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