



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 – Five Year Review Rules (OAC 4723-2-01 through 4723-2-04, 4723-16-01 through 4723-16-10, 4723-16-12, 4723-16-13, 4723-17-01, 4723-17-03, 4723-17-05, 4723-17-06, 4723-17-07, 4723-25-01 through 4723-25-18, 4723-26-01, 4723-26-02, and 4723-26-04 through 4723-26-14)

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 nineteen amended rules and thirty-three no-change 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. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 4, 2019.

Ohio Administrative Code (OAC) Chapter 4723-2 establishes licensing requirements for active duty military members and veterans. OAC 4723-2-01 and 4723-2-03 establish definitions used throughout the Chapter and fee waivers for service members and veterans. The rules are being amended to remove unnecessary references. OAC 4723-2-02 and 4723-2-04 concern applications and time extensions and are proposed without changes. OAC Chapter 4723-16 sets forth requirements for hearings. OAC 4723-16-07 concerns evidence and factors to be considered by the Board during hearings and is being amended to update the term "chemical dependency" to

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“substance use disorder.” OAC 4723-16-08 sets forth requirements for subpoenas issued by the Board and includes amendments that increase the amount of time subpoenas must be filed before the hearing date from thirty days to forty-five days. OAC Chapter 4723-17 establishes requirements for intravenous therapy courses for licensed practical nurses. OAC 4723-17-01 details the definitions used throughout the Chapter and includes amendments that update terminology and referenced rules. OAC 4723-17-03 establishes the guidelines for intravenous therapy procedures, including allowed and disallowed procedures and the limitations for performance of any procedures. The rule is being amended to include physician assistants among the individuals approved for directing procedures. OAC 4723-17-06 addresses minimum curriculum requirements for intravenous therapy continuing education courses and is being amended to update references to authorizing statute. OAC 4723-17-07 requires proof of completion of an approved intravenous therapy course and includes amendments that update the required form to be submitted to the Board and remove language regarding continuing education courses for nurses licensed by endorsement. OAC Chapter 4723-25 establishes the Nurse Education Grant Program, which offers funding opportunities to nurse education programs to increase enrollment capacity. The amendments made to the rules in this Chapter are largely concerned with updates to terminology and providing explicit reference to proper forms. OAC Chapter 4723-26 sets forth guidelines for community health workers. Amendments to the rules in this Chapter include updates to terminology and providing explicit reference to proper forms.

During early stakeholder outreach, the Board discussed the rules and proposed amendments during multiple public meetings, as well as notifying stakeholders via an interested parties email list. No comments were received during this time or during the CSI public comment period.

The business community impacted by these rules includes nurses licensed through ORC 4723, community health workers, providers of continuing education, and nurse education providers seeking funding through the Nurse Education Grant Program. The adverse costs created by the rules include application and certification fees, penalties for violations of the rules, and the time and effort necessary to meet the requirements of the rules for education providers and applicants for grant funds. Fees for community health workers cost \$35 to apply for and renew certification. Community health worker training programs must pay a fee of \$350 when seeking approval from the Board. The rules also require the completion of continuing education courses for licensed and certified individuals, which can vary in cost depending on the provider.

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.