

**Dipasquale, Anita**

---

**From:** Ritzenthaler, Jacob  
**Sent:** Thursday, October 3, 2024 3:02 PM  
**To:** Dipasquale, Anita  
**Subject:** CSI Recommendation Memo  
**Attachments:** CSI REC Nursing 10-3-24.pdf

**Follow Up Flag:** Follow up  
**Due By:** Friday, October 4, 2024 9:30 AM  
**Flag Status:** Flagged

Hello Anita,

Attached is the CSI Recommendation Memo for the Nursing Board's rule package submission. After you've had a chance to review the Recommendation, please send the Board's Response Memo. For your convenience, please send all Response Memos to [CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov).

Thanks! And as always, please contact me if you have any questions or concerns.

**Jacob Ritzenthaler**  
**Business Advocate**  
Common Sense Initiative  
Office of Lt. Governor Jon Husted  
Office: 614.644.0810  
[Jacob.Ritzenthaler@governor.ohio.gov](mailto:Jacob.Ritzenthaler@governor.ohio.gov)



**JON HUSTED**  
LT. GOVERNOR OF OHIO





# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Joseph Baker, Director

## MEMORANDUM

**TO:** Anita DiPasquale, Ohio Board of Nursing

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** October 3, 2024

**RE:** **CSI Review – Five Year Review Rules Packet 2 (OAC 4723-2-01 through 4723-2-05, 4723-11-04, 4723-16-01 through 4723-16-10, 4723-16-12, 4723-16-13, 4723-25-01 through 4723-25-18, and 4723-26-01 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 Board as provided for in ORC 107.54.

### Analysis

This rule package consists of fourteen amended rules, thirty-five no-change rules, and one new rule proposed by the Ohio Board of Nursing (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on August 27, 2024, and the public comment period was held open through September 11, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 27, 2024.

Ohio Administrative Code (OAC) Chapter 4723-2 establishes requirements concerning the provision of public notice. OAC 4723-2-01 lists relevant definitions and is amended to include doulas. OAC 4723-2-03 establishes fee waivers that are available to service members, veterans, and spouses and is amended to include waivers for doula certificate holders whose renewal period has lapsed due to military service. OAC 4723-2-04 sets forth time extensions for military duty and is amended to include doulas. OAC 4723-2-02 and 4723-2-05 establish requirements for processing applications from service members or veterans and the issuance of temporary military licenses. These rules are proposed without changes. OAC 4723-11-04 is a new rule that states that, if an applicant for

multistate licensure fails to meet the requirements for licenses within one year of the application or the application remains incomplete for one year, then the application is considered void, and the application fee is forfeited. OAC Chapter 4723-16 contains rules for Board hearings, including respondent representation, continuances, motions, witnesses, evidence and factors considered by the Board, subpoenas, ex parte communication, settlements, addressing the Board, and Board hearing committee authorities and duties. OAC 4723-16-10 concerns the settlement of investigations and is amended to make minor language changes. OAC 4723-16-13 sets forth the authority and duties of hearing committee or examiners and is amended to make minor language updates. OAC 4723-16-01, 4723-16-02, 4723-16-03, 4723-16-04, 4723-16-05, 4723-16-06, 4723-16-07, 4723-16-08, 4723-16-09, and 4723-16-12 are proposed without changes.

OAC Chapter 4723-25 establishes requirements for the Nurse Education Grant Program (NEGP), which uses funding to create partnerships that increase the enrollment capacity in nurse education programs. OAC 4723-25-05 sets forth requirements for the distribution of grants to prelicensure and postlicensure nurse education programs. The rule is amended to update the funding percentages for prelicensure programs for licensed practical nurses, prelicensure programs for registered nurses, and postlicensure programs to one-third of the available funds for each type of program. The other rules in the chapter, which set forth requirements for program administration, eligibility, requests for proposals, grant review, and the use of funds, are proposed without changes. OAC Chapter 4723-26 establishes requirements concerning community health workers. OAC 4723-26-01 lists relevant definitions and is amended to update definitions concerning inactive licenses and program surveys. OAC 4723-26-03 sets forth requirements for the certification of community health workers by endorsement and is amended to fix a typographical error. OAC 4723-26-04 and 4723-26-05 establish requirements for the renewal of a community health worker certificate and continuing education requirements and are amended to make minor updates to rule language. OAC 4723-26-11 lists the disciplinary actions available to the Board for violations and is amended to make minor language changes. OAC 4723-26-12 provides standards for community health worker training programs and includes amendments that reorganize and clarify requirements for programs to maintain written policies addressing enrollment, service member applicants, student progression, and program completion. OAC 4723-26-13 sets forth standards for training program curriculum and is amended to include competency in social determinants of health, recognizing signs of human trafficking, and support group facilitation skills. The rule is also amended to require programs to maintain written agreements with cooperating entities. OAC 4723-26-14 establishes procedures for obtaining approval or reapproval of a community health worker training program and is amended to align program survey requirements with those of nursing education programs. The remaining rules in OAC Chapter 4723-26 are proposed without changes.

During early stakeholders outreach, the Board reviewed the proposed rules during meetings of the Advisory Group on Community Health Workers, the Board's Advisory Group on Rules, and other

public meetings. In response to stakeholder feedback received during that time, the Board made changes to the rules concerning community health worker training programs. During the CSI public comment period, the Board received several comments that noted typographical errors that were corrected by the Board.

The business community impacted by the rules includes all applicants for licensure or certification, community health workers, and training programs. The adverse impacts created by the rules include the completion and submission of applications and fees, completion of continuing education, compliance with requirements for training program curriculum and administration, and submission of information concerning NEGP funding. The Board notes that amendments to the rules have reduced the regulatory burden on stakeholders, including the addition of doulas to the types of licensees to whom waivers for military service are permitted and the alignment of program survey requirements for community health worker training programs with those of nursing education programs. The Board states that the adverse impacts created by the rules are necessary to ensure the health and safety of the public through effective regulation of licensees and certificate holders.

### **Recommendations**

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

### **Conclusion**

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