

4723-2-01

Definitions.

(A) For purposes of Chapters 4723-1 to 4723-27 of the Administrative Code, and except as otherwise provided, the following definitions shall apply:

- (1) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.
- (2) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
- (3) "Applicant" means an individual who applies to the board for a license, temporary permit, or certificate, or renewal, reinstatement or reactivation of a license or certificate, to practice as:
 - (a) A registered nurse or licensed practical nurse;
 - (b) A dialysis technician intern;
 - (c) A certified dialysis technician;
 - (d) A medication aide;
 - (e) A community health worker; ~~or~~
 - (f) An advanced practice registered nurse; ~~or~~ [or](#)
 - (g) [A doula.](#)
- (4) "Service member" means any person who is serving in the armed forces.
- (5) "Merchant marine" includes the United States army transport service and the United States naval transport service.
- (6) "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed

forces or who has been transferred to the reserve with evidence of satisfactory service.

4723-2-03

Fee waivers available to service members, veterans, or spouses of service members or veterans.

- (A) A licensed practical nurse or registered nurse, who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)~~(10)~~(9) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)~~(15)~~(14) of section 4723.08 of the Revised Code, if the following are met:
- (1) The licensee presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee or certificate holder was honorably discharged or separated under honorable conditions;
 - (2) The licensee is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
 - (3) The licensee meets the requirements for license or certificate renewal required by section 4723.24 of the Revised Code.
- (B) A licensed practical nurse or registered nurse, who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The licensee presents the board with satisfactory evidence that the licensee did not renew their license because their spouse's military service caused them to be absent from the state of Ohio;
 - (2) The licensee presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee's spouse was honorably discharged or separated under honorable conditions; and
 - (3) The licensee meets the requirements for license renewal required by section 4723.24 of the Revised Code.
- (C) An advanced practice registered nurse who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's service in the armed forces, shall be eligible for renewal and reinstatement without payment

of the late application fee required by division (A)~~(10)~~(9) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)~~(15)~~(14) of section 4723.08 of the Revised Code, if the following are met:

- (1) The licensee presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions;
 - (2) The licensee is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
 - (3) The licensee meets the requirements for license renewal required by section 4723.42 of the Revised Code.
- (D) An advanced practice registered nurse, who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)~~(10)~~(9) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)~~(15)~~(14) of section 4723.08 of the Revised Code, if the following are met:
- (1) The licensee presents the board with satisfactory evidence that the licensee did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
 - (2) The licensee presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee's spouse was honorably discharged or separated under honorable conditions; and
 - (3) The licensee meets the requirements for license renewal required by section 4723.42 of the Revised Code.
- (E) A dialysis technician certificate holder, who submits a renewal application on March first or later, or whose certificate lapsed, due to the holder's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The certificate holder presents the board with satisfactory evidence that, not

more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions;

- (2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
 - (3) The certificate holder meets the requirements for certificate renewal required by section 4723.77 of the Revised Code and rule 4723-23-05 of the Administrative Code.
- (F) A dialysis technician certificate holder, who submits a renewal application on March first or later, or whose certificate lapsed, due to the holder's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)~~(10)~~(9) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)~~(15)~~(14) of section 4723.08 of the Revised Code, if the following are met:
- (1) The certificate holder presents the board with satisfactory evidence that the certificate holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
 - (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder's spouse was honorably discharged or separated under honorable conditions; and
 - (3) The certificate holder meets the requirements for license renewal required by section 4723.77 of the Revised Code and rule 4723-23-05 of the Administrative Code.
- (G) A community health worker certificate holder, who submits a renewal application on April first or later, or whose certificate lapsed due to the holder's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-26-04 of the Administrative Code ~~and division (A)(10) of section 4723.08 of the Revised Code,~~ and the reinstatement fee required by paragraph ~~(H)~~(E)(2) of rule 4723-26-04 of the Administrative Code and division (A)~~(15)~~(14) of section 4723.08 of the Revised Code if the following conditions are met:
- (1) The certificate holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board,

the certificate holder was honorably discharged or separated under honorable conditions; and

- (2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care.
- (H) A community health worker certificate holder, who submits a renewal application on April first or later, or whose certificate lapsed, due to the holder's spouse's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-26-04 ~~of the Administrative Code and division (A)(10) of section 4723.08 of the Revised Code~~, and the reinstatement fee required by paragraph ~~(H)~~(E)(2) of rule 4723-26-04 of the Administrative Code and division ~~(A)(15)~~(14) of section 4723.08 of the Revised Code, if the following are met:
- (1) The certificate holder presents the board with satisfactory evidence that the holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
 - (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the holder's spouse was honorably discharged or separated under honorable conditions; and
 - (3) The certificate holder meets the requirements for certificate renewal required by section 4723.85 of the Revised Code.
- (I) A medication aide certificate holder who submits a renewal application after March first, or whose certificate lapsed due to the holder's service in the armed forces shall be eligible for renewal and reinstatement by paying the renewal fee set forth in paragraph (A)(2) of rule 4723-27-10 of the Administrative Code without payment of the late application fee set forth in paragraph (A)(3) of rule 4723-27-10 of the Administrative Code ~~and division (A)(10) of section 4723.08 of the Revised Code~~ or the reinstatement fee specified in paragraph (A)(4) of rule 4723-27-10 of the Administrative Code, if the following conditions are met:
- (1) The certificate holder presents the board with satisfactory evidence that not more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions; and
 - (2) The certificate holder is not suffering a mental or physical impairment that may

affect the individual's ability to provide safe care.

(J) A medication aide certificate holder who submits a renewal application after March first, or whose certificate lapsed, due to the holder's spouse's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-27-05 of the Administrative Code ~~and division (A)(10) of section 4723.08 of the Revised Code~~, and the reinstatement fee required by paragraph (H)(2) of rule 4723-27-05 of the Administrative Code and division (A)~~(15)~~(14) of section 4723.08 of the Revised Code, if the following are met:

- (1) The certificate holder presents the board with satisfactory evidence that the holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
- (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the holder's spouse was honorably discharged or separated under honorable conditions; and
- (3) The certificate holder meets the requirements for certificate renewal required by rule 4723-27-05 of the Administrative Code and section 4723.651 of the Revised Code.

(K) A doula certificate holder, who submits a renewal application on April first or later, or whose certificate lapsed due to the holder's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-24-03 of the Administrative Code, and the reinstatement fee required by paragraph (E)(2) of rule 4723-24-03 of the Administrative Code and division (A)(14) of section 4723.08 of the Revised Code if the following conditions are met:

- (1) The certificate holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions; and
- (2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care.

(L) A doula certificate holder, who submits a renewal application on April first or later, or whose certificate lapsed, due to the holder's spouse's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late

application fee required by rule 4723-24-03 of the Administrative Code, and the reinstatement fee required by paragraph (E)(2) of rule 4723-24-03 of the Administrative Code and division (A)(14) of section 4723.08 of the Revised Code, if the following are met:

- (1) The certificate holder presents the board with satisfactory evidence that the holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
- (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the holder's spouse was honorably discharged or separated under honorable conditions; and
- (3) The certificate holder meets the requirements for certificate renewal required by section 4723.89 of the Revised Code.

4723-2-04

Military duty time extension and factors to be considered.

- (A) Upon receipt of an application from a licensed nurse, dialysis technician, certified community health worker, ~~or~~ medication aide, or doula that is accompanied by proper documentation certifying that the individual has been called to active duty during a current or prior reporting period, and certifying the length of that active duty, the individual shall receive an extension of the current continuing education reporting period equal to the total number of months spent in active duty during the current reporting period. For purposes of this rule, any portion of a month served on active duty shall be considered one full month.
- (B) In determining whether the requirements of this chapter are met, the board shall consider relevant education, training, or service completed by a licensee or certificate holder as a member of the armed forces.

4723-16-10

Settlements.

- (A) Any matter that is the subject of an investigation may be settled at any time by the board.
- (B) A settlement shall be authorized on behalf of the board by the supervising member for disciplinary matters. In cases assigned for hearing, the parties may inform the board hearing committee or the hearing examiner that a settlement has been reached in lieu of proceeding with the hearing, and the board hearing committee or hearing examiner may continue the hearing pending ratification of the agreement by the board.
- (C) A settlement agreement shall be in writing and shall be submitted for ratification to the board.
- (D) A settlement agreement shall not be effective until the agreement is ratified by the board and signed by respondent, respondent's legal counsel, ~~it~~ if any, and the president of the board.

4723-16-13

Authority and duties of board hearing committee or hearing examiners.

- (A) Adjudication hearings may be conducted before the board, a board hearing committee or a hearing examiner appointed by the board.
- (B) The hearing examiner shall be licensed to practice law in Ohio and may be an employee of the board or an independent contractor.
- (C) The board hearing committee shall be composed of at least three board members, and one or more alternates, appointed by the board at a public meeting, to serve for a term of one year. One board hearing committee member shall preside and be responsible for conduct of the hearing. The presiding board member shall also be responsible for approving the report and recommendation discussed in paragraph (H) of this rule. The board hearing committee may request advice on legal questions from a staff attorney employed by the board, or an attorney with whom the board contracts as a hearing examiner, related to procedural or evidentiary questions or in preparation of the report and recommendation. This legal consultation shall not be deemed an ex parte communication.
- (D) All hearings shall be open to the public, but the board hearing committee or hearing examiner conducting a hearing may close the hearing to the extent necessary to protect compelling interests or to comply with statutory requirements. In the event this occurs, the board hearing committee or hearing examiner shall state on the public record the reasons for closing the hearing.
- (E) If the hearing examiner or board hearing committee determines that permitting broadcasting, televising, recording or the taking of photographs in the hearing room would not distract participants, impair the dignity of the proceedings, violate patient confidentiality or otherwise materially interfere with the achievement of a fair administrative hearing, the broadcasting, televising, recording or taking of photographs during hearing proceedings open to the public may be permitted under the following conditions and upon request:
 - (1) Requests for permission for the broadcasting, televising, recording or taking of photographs in the hearing room shall be made in writing and submitted to the hearing examiner or board hearing committee prior to the start of the hearing, and shall be made part of the record of the proceedings;
 - (2) Written permission is granted prior to the start of the hearing by the hearing examiner or board hearing committee and is made part of the record of the proceedings;
 - (3) The filming, videotaping, recording or taking of photographs of witnesses who

object shall not be permitted; and

- (4) Any film, video, photograph or audio recording created during a hearing, except for an audio recording made by the court reporter hired by the board to prepare the stenographic hearing record, shall not be part of the record of the proceeding.
- (F) The board hearing committee or hearing examiner shall conduct hearings so as to prevent unnecessary delay, maintain order and ensure the development of a clear record. The authority of the board hearing committee or hearing examiner conducting a hearing includes, but is not limited to, the following:
- (1) Administering oaths or affirmations;
 - (2) Ordering that subpoenas be issued or that depositions in lieu of live testimony be conducted;
 - (3) Examining witnesses and ~~directly~~ directing witnesses to testify;
 - (4) Making rulings on admissibility of evidence;
 - (5) Making rulings on procedural motions, whether such motions are oral or written;
 - (6) Holding prehearing conferences, as discussed in rule 4723-16-05 of the Administrative Code;
 - (7) Requesting briefs, before, during or after a hearing;
 - (8) Issuing scheduling orders for exchange of documents and filing deadlines;
 - (9) Determining the order of the hearing;
 - (10) Requiring or disallowing oral or written opening statements and closing arguments;
 - (11) Consolidating two or more matters involving the same respondent into one hearing;

- (12) Preparing entries, proposed findings, and reports and recommendations to the board, as discussed in paragraph (H) of this rule; and
 - (13) Based upon a conflict in schedule, complexity of the issues involved, or for reasons of administrative efficiency, the board hearing committee may reassign the matter to a hearing examiner, or a hearing examiner may reassign to another hearing examiner or to the board hearing committee.
 - (14) In the sole discretion of the board hearing committee or hearing examiner, the hearing may be conducted by live, real-time video conference if requested and agreed upon by both parties. The board hearing committee or hearing examiner shall issue instructions as to how the proceeding is to be conducted. The video conference platform selected must enable the parties, hearing examiner, court reporter and witnesses to see and converse with each other and to display documentary and physical evidence. The video conference platform selected must be widely available to the general public without charge, and accessible to the public to watch and listen to the hearing, upon request, unless the hearing or portions thereof are closed to the public by the hearing examiner according to paragraph (D) of this rule.
- (G) The board hearing committee or hearing examiner may recommend in the report and recommendation that factual or legal allegations set forth in the notice of opportunity for hearing issued to respondent be dismissed, however, the authority of the board hearing committee or hearing examiner does not include authority to grant motions for dismissal of, or to otherwise dismiss, factual or legal allegations, or to modify, compromise or settle factual or legal allegations.
- (H) Within one hundred twenty days of the date an adjudication hearing is closed, the board hearing committee or hearing examiner assigned to the case shall submit a written report to the board setting forth the proposed findings of fact and conclusions of law, or in the case of the board hearing committee, conclusions, and a recommendation of action to be taken by the board. A copy of the written report shall be mailed by certified mail to representatives of record for both parties. Either party may, within ten days of receipt of the report and recommendation, file written objections. Written objections, if filed in a timely manner, shall be considered by the board in determining whether to approve, modify or reject the report and recommendation.
- (I) At a board meeting scheduled after the time for filing objections to a report and recommendation has passed, the board may approve, modify or reject the report and recommendation of the board committee or hearing examiner. Members of the board hearing committee that heard a case shall abstain from voting on a matter heard as members of the board hearing committee.

4723-25-05

Distribution of grants to prelicensure and postlicensure nurse education programs.

- (A) Except as provided in paragraphs (B), (C), and (D) of this rule, nurse education grant program funds available for distribution in a two year grant cycle shall be distributed as follows:
- (1) Approximately ~~fifteen per cent~~ one third of the available funds shall be awarded in grants to prelicensure education programs for licensed practical nurses approved by the board under section 4723.06 of the Revised Code, if the program allows students, following licensure as a licensed practical nurse, to transition into a registered nursing program approved by the board during the student's second year (a one plus one program);
 - (2) Approximately ~~thirty five per cent~~ one third of the available funds shall be awarded in grants to prelicensure education programs for registered nurses approved by the board under section 4723.06 of the Revised Code; and
 - (3) Approximately ~~fifty per cent~~ one third of the available funds shall be awarded in grants to postlicensure nurse education programs approved or accredited as described in paragraph (H) of rule 4723-25-02 of the Administrative Code, for the purpose of preparing nursing faculty or instructional personnel.
- (B) The board has discretion to reallocate funds among one or more of the three grant categories set forth in paragraphs (A)(1) to (A)(3) of this rule to one or more other grant categories if no grant proposals are submitted in a category, if none of the proposals received in a category meet the funding criteria established in section 4723.063 of the Revised Code, or if funds remain in a category after all eligible grant applications have been considered by the board.
- (C) A nurse education program may submit one grant proposal in each of the grant proposal categories set forth in paragraphs (A)(1) to (A)(3) of this rule for the same grant cycle.
- (D) Grant awards shall not exceed two hundred thousand dollars per grant, per grant cycle.
- (E) While no grant is guaranteed for renewal in subsequent grant periods, the board may elect to renew a grant approved for initial funding if both of the following conditions are met:
- (1) A new grant proposal is submitted within the time frame for the next grant cycle; and

(2) The new proposal meets the standards contained in the request for proposals for the next grant cycle.

(F) Total awards to a nurse education program from each of the three grant categories set forth in paragraphs (A)(1) to (A)(3) of this rule shall not exceed one million dollars between January 2, ~~2014~~ 2024 and December 31, ~~2023~~ 2033.

4723-26-01

Definition of terms.

For the purpose of this chapter, the following definitions apply:

- (A) "Administrator" means the individual who is administratively responsible for a community health worker training program.
- (B) "Board" means the Ohio board of nursing.
- (C) "Certificate to practice" means the certificate issued by the board in accordance with section 4723.85 of the Revised Code.
- (D) "Clinical experience" means a task or activity planned to meet course objectives or outcomes and to provide community health worker students with the opportunity to practice cognitive, psychomotor, and affective skills related to the delivery of care by community health workers. This experience may take place in a community setting or other appropriate site.
- (E) "Community health worker" and "certified community health worker" mean an individual who satisfies both of the following:
 - (1) As a community representative, advocates for clients in the community by assisting them in accessing community health and supportive resources through the provision of such services as education, role modeling, outreach, home visits, or referrals; and
 - (2) Holds a certificate to practice issued or renewed by the board under section 4723.85 of the Revised Code.
- (F) "Continuing education" means a planned learning activity that builds upon a community health worker's precertification education program and enables a community health worker to acquire or improve skills, knowledge or behavior that promotes professional or technical development or the enhancement of career goals and is approved by the board under Chapter 4723-14 of the Administrative Code.
- (G) "Curriculum" means the standard minimum curriculum to be used in a board-approved training program for community health workers as provided in rule 4723-26-13 of the Administrative Code.
- (H) "Delegation" means the transfer of responsibility for the performance of selected nursing tasks from a registered nurse to a community health worker.
- (I) "Didactic" means the component of an educational program that provides

faculty-interactive instruction and includes lecture, verbal instruction, or other means of exchanging theoretical information between instructor and students.

- (J) "Inactive certificate" means the status of the certificate of an individual who has ~~made a written request that the board place the certificate~~ placed their certificate on inactive status. An individual with an inactive certificate does not hold a current, valid certificate.
- (K) "Laboratory experience" means an activity planned to meet course objectives or outcomes and to provide a community health worker student with the opportunity to practice cognitive, psychomotor, and affective skills in the delivery of care, that takes place in a learning resource center or other appropriate location.
- (L) "Lapsed certificate" means the status of a certificate of an individual who did not meet all of the requirements of certificate renewal and has not ~~requested~~ placed the certificate on inactive status prior to the renewal deadline. ~~that the board place the certificate on inactive status.~~
- (M) "Patient" means the recipient of a nursing task delegated by a registered nurse and may include an individual, group, or community.
- (N) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a registered nurse.
- (O) "Representative of the board" means an employee of the board or an individual designated by the board to act on its behalf.
- (P) ~~"Site visit"~~ "Survey" means an announced or unannounced ~~visit to~~ survey of a community health worker training program by a representative of the board to determine whether the program meets or maintains the minimum standards required by the board. The survey may include a site visit.
- (Q) "Supervision by a registered nurse" means initial and ongoing direction, procedural guidance, observation, and evaluation by a registered nurse who is continually available in person, or by some form of telecommunication, of the nursing tasks performed by a community health worker. For purposes of Chapter 4723-26 of the Administrative Code, supervision by a registered nurse is not required when a community health worker is performing non-nursing tasks.

4723-26-03

Community health worker certification by endorsement.

(A) An applicant for community health worker certification by endorsement shall satisfy the following:

- (1) Submit a completed "Certified Community Health Worker by Endorsement Application," and the certification application fee required by sections 4723.08 and 4723.88 and Chapter 4796. of the Revised Code;
- (2) Submit to a criminal records check completed by the bureau of criminal identification and investigation;
- (3) The applicant has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's practice as a community health worker;
- (4) The applicant has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying;
- (5) Submit any other documentation required by the board.

(B) Pursuant to section 4796.03 of the Revised Code, the board shall issue a community health worker certificate in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a substantially similar out-of-state occupational license to engage in practice as a community health worker, or, holds a government certification to engage in practice as a community health worker from one of the uniformed services or from a state that does not issue a license for practice as a community health worker, if the applicant:

- (1) Has held the license or government certification for at least one year immediately preceding the date the application is submitted to the board;
- (2) Has been actively engaged in practice as a community health worker for at least one of the five years immediately ~~preceeding~~ preceding the date the application is submitted to the board;
- (3) Is in good standing in all jurisdictions in which the applicant holds the license or government certification; and

- (4) Was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the license or government certification.

The applicant shall have verification of licensure or government certification to practice as a community health worker submitted directly to the board from the issuing state or uniformed services. The applicant shall also have verification of having been actively engaged in practice as a community health worker for at least one of the past five years submitted directly to the board by the employer or employer designee for whom the applicant practiced as a community health worker.

- (C) Pursuant to section 4796.04 of the Revised Code, the board shall issue a community health worker certificate in accordance with Chapter 4796. of the Revised Code to an applicant who has held a private certification as a community health worker in a state that does not issue an occupational license or governmental certification to practice as a community health worker, if the applicant:

- (1) Held the private certification for at least two years immediately preceding the date the application is submitted;
- (2) Has been actively engaged in practice as a community health worker in a state that does not issue an occupational license or government certification to practice as a community health worker, for at least two of the five years immediately preceding the date the application is submitted; and
- (3) Is in good standing with the private organization that issued the private certification.

The applicant shall have verification of private certification as a community health worker submitted directly to the board by the private organization that issued the certification. The applicant shall also have verification of having been actively engaged in practice as a community health worker for at least two of the past five years, submitted directly to the board by the employer or employer designee for whom the applicant practiced as a community health worker.

- (D) Pursuant to section 4796.05 of the Revised Code, the board shall issue a community health worker certificate in accordance with Chapter 4796. of the Revised Code to an applicant who, for at least three of the five years immediately preceding the date the application is submitted to the board, has been actively engaged in practice as a community health worker, in either:

(1) A state that does not issue an occupational license or government certificate to practice as a community health worker, or

(2) Service of the uniformed services.

The applicant shall have verification of having been actively engaged in practice as a community health worker for at least three of the past five years submitted directly to the board by the employer or employer designee or the uniformed services for whom the applicant practiced as a community health worker.

(E) The board may propose to deny certification by endorsement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

(F) If an applicant for certification by endorsement as a community health worker fails to meet the requirements for certification within one year from the date the application is received, or the application remains incomplete for one year, the application shall be considered void and the fee forfeited. The application shall state the circumstances under which forfeiture may occur.

4723-26-04

Renewal of community health worker certificate.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) The board shall provide on-line access to a "Community Healthworker Renewal Application" to every holder of a current, valid certificate, except when the board is aware that the individual may be ineligible for certificate renewal for any reason, including those reasons set forth in section 4723.092 of the Revised Code. Failure of the certificate holder to receive an application for renewal from the board does not excuse the certificate holder from the requirements of section 4723.85 of the Revised Code and this chapter, except as provided in section 5903.10 of the Revised Code.
- (B) To renew a certificate to practice as a community health worker a holder of a current, valid certificate shall meet the continuing education requirements set forth in rule 4723-26-05 of the Administrative Code and submit:
- (1) A completed on-line "Community Healthworker Renewal Application"; and
 - (2) A renewal fee of thirty-five dollars.
- (C) If a completed renewal application is not submitted on-line on or before March first of each odd numbered year, the application shall be considered late and a late fee of fifty dollars shall be imposed in addition to the thirty-five dollar renewal fee.
- (D) A certificate holder with a current, valid certificate may ~~request that the certificate be placed~~ place the certificate on inactive status at any time by submitting to the board ~~an written statement or~~ electronic request ~~asking that the~~ to place the certificate ~~be placed~~ on inactive status.
- (E) To reactivate an inactive certificate or reinstate a lapsed certificate the certificate holder must meet the continuing education requirements set forth in rule 4723-26-05 of the Administrative Code and submit:
- (1) A completed "Community Healthworker Reactivation and Reinstatement Application" including all required documentation; and
 - (2) A reactivation fee in the amount of thirty-five dollars.
- (F) A certificate holder who has placed a community health worker certificate on inactive status is not required to pay a renewal fee unless the holder seeks to reactivate the

certificate. If the certificate holder placed a certificate on inactive status after March second of the year in which the certificate was to be renewed, and notifies the board on or before March thirty-first of the same renewal year of the intent to reactivate, the certificate holder must still pay the late processing fee required by paragraph (C) of this rule.

- (G) If a certificate to practice as a community health worker is not renewed by March thirty-first of each odd numbered year and the certificate holder has failed by that time to request that the certificate be placed on inactive status, the certificate will lapse.
- (H) When a community health worker certificate is inactive or lapsed, the individual shall not represent or imply to the public that he or she is certified by the board as a community health worker.
- (I) An individual who continues to represent to the public that he or she is a certified community health worker during the time that his or her certificate is inactive or lapsed, may be subject to disciplinary action by the board in accordance with rule 4723-26-11 of the Administrative Code.
- (J) A community health worker certificate holder who is a service member or veteran, as defined in rule 4723-2-01 of the Administrative Code, or who is the spouse or surviving spouse of a service member or veteran, may be eligible for a waiver of the late application fee and the reinstatement fee according to rule 4723-2-03 of the Administrative Code.

4723-26-05

Continuing education requirements.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) Except in the case of the first renewal of a current, valid certificate to practice as a community health worker, to be eligible to renew a certificate, a community health worker shall complete fifteen contact hours of continuing education during each renewal period. For each reporting period, at least one of the required hours of continuing education must be directly related to Chapter 4723. of the Revised Code and the rules of the board in Chapters 4723-1 to 4723-27 of the Administrative Code. To qualify as continuing education directly related to Chapter 4723. of the Revised Code and the rules of the board, the continuing education must be approved by an OBN approver, or offered by an OBN approved provider unit headquartered in the state of Ohio. For each reporting period, at least one of the required hours of continuing education must be directly related to establishing and maintaining professional boundaries. This requirement applies to the reporting period set forth in paragraph (B) of this rule.
- (B) A community health worker who ~~requests that~~ places the certificate to practice as a community health worker ~~be placed~~ on inactive status shall not be required to meet the continuing education requirement for the period of time the certificate is on inactive status. To reactivate the certificate the community health worker shall complete fifteen hours of continuing education that meet the requirements as set forth in paragraph (A) of this rule, during the twenty-four months immediately prior to the application for reactivation.
- (C) The holder of a lapsed certificate shall complete fifteen hours of continuing education that meet the requirements of paragraph (A) of this rule during the twenty-four months immediately prior to the application for reinstatement of the certificate.
- (D) A community health worker shall verify completion of the continuing education required by this rule on the "Community Health Worker Renewal Application" or "Community Health Worker Reactivation and Reinstatement Application" for certificate renewal, reactivation or reinstatement, and at the discretion of the board, may be required to show proof of completion of the approved continuing education. Failure to verify or provide proof of completion shall result in ineligibility to renew, reactivate or reinstate a certificate until proof of completion of the continuing education requirements is provided to the board.
- (E) A community health worker who earns more than the number of contact hours of continuing education required for a single reporting period cannot apply the excess hours to satisfy future continuing education requirements.

- (F) A community health worker who is ineligible to renew or reinstate a certificate due to failure to meet the continuing education requirements, may be required to show completion of up to thirty contact hours of continuing education, that meets the requirements of this rule, before their certificate is renewed or reinstated by the board. The continuing education shall be obtained within the forty-eight months immediately prior to the application for renewal or reinstatement.
- (G) A community health worker may use a waiver to satisfy the continuing education requirement only one time, and must notify the board in writing requesting the waiver. Once requested the waiver cannot be rescinded and use of the waiver shall be documented on the community health worker's certification record.
- (H) The calculation of contact hours based on credit hours earned in an academic institution shall be made according to paragraph (B) of rule 4723-14-04 of the Administrative Code.
- (I) Educational activities that satisfy the requirements of this rule are the same as those set forth in rule 4723-14-05 of the Administrative Code.
- (J) The board may conduct a retrospective audit of any holder of a certificate to practice as a community health worker to determine compliance with this rule. The audit shall be conducted according to rule 4723-14-07 of the Administrative Code. A community health worker shall retain proof of completion of approved continuing education for a period of six years.
- (K) A community health worker certificate holder who is engaged in active military duty may be eligible for an extension of time to complete continuing education as provided in rule 4723-2-04 of the Administrative Code.

Disciplinary actions against certified community health workers; investigations.

- (A) The board of nursing, by the vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required by a community health worker training program, or committed fraud, misrepresentation, or deception in applying for a community health worker certificate: deny, revoke, suspend, or place restrictions on a certificate issued by the board; reprimand or otherwise discipline a certificate holder; or impose a fine of not more than five hundred dollars per violation.
- (B) By the vote of a quorum, the board may impose one or more of the following sanctions on an individual who applies for or holds, a community health worker certificate: deny, revoke, suspend, or place restrictions on a community health worker certificate, or reprimand or otherwise discipline a holder of a community health worker certificate. The sanctions may be imposed for any of the following:
- (1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, in Ohio or another state or jurisdiction, including but not limited to nursing, practice as a dialysis technician, nurse aide, community health care worker or medication aide, for any reason other than a failure to renew;
 - (2) Performing a nursing task as a certified community health worker having failed to renew a community health worker certificate issued under Chapter 4723. of the Revised Code, or while a community health worker certificate is under suspension or inactive;
 - (3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, of a misdemeanor committed in the course of performing care as a certified community health worker;
 - (4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or any crime involving gross immorality or moral turpitude;
 - (5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial

diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;

- (6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;
- (7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;
- (8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;
- (9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to comply with the standards of safe care established in rule 4723-26-10 of the Administrative Code;
- (10) Impairment of the ability to comply with standards of safe care established in rule 4723-26-10 of the Administrative Code because of the use of drugs, alcohol or other chemical substances;
- (11) Impairment of the ability to comply with standards of safe care established in rule 4723-26-10 of the Administrative Code because of a physical or mental disability;
- (12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;
- (13) Misappropriation or attempted misappropriation of money or anything of value in the course of performing care as a certified community health worker;
- (14) Adjudication by a probate court of being mentally ill or mentally incompetent.

The board may restore the person's community health worker certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency;

- (15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate his chapter;
 - (16) Violation of Chapter 4723. of the Revised Code or any rules adopted under it;
 - (17) Violation of any restrictions placed on a community health worker certificate by the board;
 - (18) Failure to use universal and standard precautions including those set forth in Chapter 4723-20 of the Administrative Code;
 - (19) Engaging in activities that exceed those permitted under sections 4723.81 to 4723.88 of the Revised Code or this chapter;
 - (20) Failure by a certified community health worker to conform to the standards of safe care established in rule 4723-26-10 of the Administrative Code;
 - (21) Aiding and abetting a person in that person's practice of nursing without a license, or practice as a dialysis technician or certified medication aide without a certificate issued under this chapter;
 - (22) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other [than](#) the spouse of the certified community health worker in any of the following:
 - (a) Sexual contact, as defined in section 2907.01 of the Revised Code;
 - (b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning; or
 - (23) Assisting suicide as defined in section 3795.01 of the Revised Code.
- (C) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code and Chapter 4723-16 of the Administrative Code. The board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to

conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

(D) In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code:

(1) The board is not required to hold a hearing, but may adopt, by vote of a quorum, a final order that contains the board's findings; and

(2) In the final order, the board may order any of the sanctions listed in paragraph (A) or (B) of this rule.

(E) If a criminal action is brought against a certified community health worker for an act or crime described in paragraphs (B)(3) to (B)(7) of this rule and the action is dismissed by the trial court other than on the merits:

(1) The board shall conduct an adjudication to determine whether the certified community health worker committed the act upon which the action was based.

(2) If the board determines on the basis of the adjudication that the certified community health worker committed the act, or if the certified community health worker fails to participate in the adjudication, the board may take action as though the certified community health worker had been convicted of the act.

(F) If the board takes action on the basis of a conviction, plea, or a judicial finding as described in paragraphs (B)(3) to (B)(7) of this rule that is overturned on appeal, the certified community health worker may, on exhaustion of the appeal process, petition the board for reconsideration of its action.

(1) On receipt of the petition and supporting court documents, the board shall temporarily rescind its action.

(2) If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action.

(3) If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the certified

community health worker committed the act on which the original conviction, plea, or judicial finding was based.

- (a) If the board determines on the basis of the adjudication that the certified community health worker committed such act, or if the certified community health worker does not request an adjudication, the board shall reinstate its action.
 - (b) If the board determines that the certified community health worker did not commit such act, the board shall permanently rescind its action.
- (G) The board may investigate an individual's criminal background in performing its duties under this rule and sections 4723.81 to 4723.88 of the Revised Code. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.
- (H) During the course of an investigation the board may compel any certified community health worker, or applicant under section 4723.84 of the Revised Code, to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability perform delegated nursing tasks. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.
- (I) If the board finds that an individual is impaired in accordance with paragraph (H) of this rule, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certified community health worker certificate.
- (1) The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the performance of delegated nursing tasks in accordance with standards established under rule 4723-26-10 of the Administrative Code.
 - (2) For purposes of this paragraph, any certified community health worker or applicant under this rule shall be deemed to have given consent to submit to a

mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

- (J) The provisions of division (I) of section 4723.28 of the Revised Code apply to information, investigations and adjudications involving certified community health workers or applicants under sections 4723.81 to 4723.88 of the Revised Code and this chapter.
- (K) The provisions of section 4723.29 of the Revised Code apply with respect to any matter that the board has authority to investigate, inquire into, or hear under sections 4723.81 to 4723.88 of the Revised Code and this chapter.
- (L) When the board refuses to grant a community health worker certificate to an applicant, revokes a certificate, or refuses to reinstate a certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a community health worker certificate and the board shall not accept from the individual an application for reinstatement of the certificate or for a new certificate.
- (M) No unilateral surrender of a community health worker certificate issued under Chapter 4723. of the Revised Code shall be effective unless accepted by majority vote of the board. No application for a community health worker certificate issued under Chapter 4723. of the Revised Code may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action is not removed or limited when an individual has a certificate classified as inactive or fails to renew a certificate.

(A) To be approved by the board in accordance with division (G) of section 4723.88 of the Revised Code, a community health worker training program shall employ or contract with a person to serve as program administrator. Such person shall meet one of the following criteria:

(1) Hold a license or certificate to practice as one of the following health care professionals:

(a) A dentist licensed under Chapter 4715. of the Revised Code;

(b) A nurse licensed under Chapter 4723. of the Revised Code;

(c) An optometrist licensed under Chapter 4725. of the Revised Code;

(d) A pharmacist licensed under Chapter 4729. of the Revised Code;

(e) A physician assistant certified under Chapter 4730. of the Revised Code;

(f) A physician licensed under Chapter 4731. of the Revised Code;

(g) A psychologist licensed under Chapter 4732. of the Revised Code;

(h) A chiropractor licensed under Chapter 4734. of the Revised Code;

(i) A nursing home administrator licensed under Chapter 4751. of the Revised Code;

(j) A counselor, social worker, or marriage and family therapist licensed under Chapter 4757. of the Revised Code; or

(k) A dietitian licensed under Chapter 4759. of the Revised Code.

(2) Hold credentials as an education professional that are recognized by:

(a) The Ohio department of education;

(b) The chancellor of higher education; or

(c) A nationally or regionally recognized accreditation body for programs of

postsecondary education.

(B) The administrator of a community health worker training program shall be responsible for the following:

(1) Assuring that the community health worker training program establishes written policies addressing the issues set forth in paragraph (C) of this rule;

(2) Assuring that the policies of the program are implemented as written;

(3) If the curriculum includes nursing tasks. ~~Assuring~~ assuring that the nursing tasks included in the curriculum of an approved community health worker training program are taught by an individual who:

(a) Has held an Ohio license to practice registered nursing for a minimum of two years;

(b) Is not prohibited by law from teaching nursing tasks;

(c) Satisfies one of the following:

(i) Has experience in working directly with community health workers for a minimum of six months prior to entering into an instructor role; or

(ii) Within six months after assuming instructor responsibilities in the community health worker training program, successfully completes the community health worker program coursework.

(4) Assuring that the training program utilizes other licensed health care professionals to provide portions of the relevant classroom and clinical instruction in accordance with the professional's educational background and licensed scope of practice.

(C) The program administrator of the ~~A~~ community health worker training program shall ~~adopt~~ establish and implement written program policies that address all of the following:

(1) Student enrollment. ~~Criteria for students to enroll and continue in the program that establish a basic level of ability necessary for an individual to safely~~

~~perform the essential functions of a community health worker;~~

- (2) Student re-enrollment; ~~Criteria for student re-enrollment in the program;~~
- (3) The process for determining the amount of credit to be granted to an applicant with experience in the armed forces of the United States or in the national guard, or in a reserve component. The program shall have a process in place to: ~~Criteria for successful completion of the program;~~
 - (a) Review the individual's military education and skills training;
 - (b) Determine whether any of the military education or skill training is substantially equivalent to the curriculum established in 4723-26 of the Administrative Code;
 - (c) Award credit to the individual for any substantially equivalent military education or skills training;
- (4) Student progression, which shall include the following.~~A process for determining that a student has sufficient knowledge and understanding to competently provide the care and services of a community health worker including both nursing tasks and non-nursing tasks.~~
 - (a) The level of achievement a student must maintain in order to remain in or to progress in the program;
 - (b) A process for determining that a student has sufficient knowledge and understanding to competently provide the care and services of a community health worker including both nursing tasks, if nursing tasks are in the curriculum, and non-nursing tasks.
 - ~~(a) A registered nurse shall provide written verification that a community health worker student has been taught the skills necessary to perform delegated nursing tasks;~~
 - ~~(b) A registered nurse or other qualified community health worker training program instructor or administrator shall provide written verification that a student has been taught skills necessary to provide the non-nursing tasks provided by a community health worker.~~
- (5) Requirements for completion of the program;
 - (a) A registered nurse shall provide written verification that a community health worker student has been taught the skills necessary to perform delegated nursing tasks, if nursing tasks are included in the curriculum;

(b) A registered nurse or other qualified community health worker training program instructor or administrator shall provide written verification that a student has been taught skills necessary to provide the non-nursing tasks provided by a community health worker.

~~(5)~~(6) A process for maintaining student records including:

- (a) The date a student began the program;
- (b) The date a student completed the program; and
- (c) The competency check lists for each individual student.

~~(6)~~(7) An accurate, timely process to provide verification to the board that a student seeking certification as a community health worker has successfully completed the approved training program;

~~(7)~~(8) A process for program evaluation that includes feedback from students, instructors and employers of individuals who have successfully completed the community health worker training program;

~~(8)~~(9) Designation of those persons with authority to notify the board regarding student enrollment, re-enrollment, and completion of the program;

~~(9)~~(10) A process for addressing the unexpected vacancy of the administrator of the program; and

~~(10) For individuals with experience in the armed forces of the United States, or in the national guard or in a reserve component, the program shall have a process in place to:~~

- ~~(a) Review the individual's military education and skills training;~~
- ~~(b) Determine whether any of the military education or skills training is substantially equivalent to the curriculum established in Chapter 4723-26 of the Administrative Code;~~
- ~~(c) Award credit to the individual for any substantially equivalent military education or skills training.~~

(D) When the administrator of an approved community health worker training program vacates the position or is replaced, an authorized representative of the program shall

provide written notice to the board within thirty days after the position is vacated and within thirty days after a new person assumes the role.

- (E) An approved training program shall not initiate a new [cohort of students for the community health worker training program](#) unless an administrator who meets the requirements of paragraph (A) of this rule is in place.

- (F) When a decision is made to close a community health worker training program, the board shall be notified in writing of the decision and provided with the following information:
 - (1) The tentative date of closing;

 - (2) The location of the program's records, including but not limited to, student records; and

 - (3) The name and address of the custodian of the records.

4723-26-13

Standard curriculum for community health worker training programs.

- (A) An approved curriculum for a training program for community health workers shall be the standard minimum curriculum set forth in paragraph (B) of this rule and shall satisfy all of the following:
- (1) Include a program philosophy, program objectives or outcomes, course objectives or outcomes, teaching strategies, and core competencies or other evaluation methods that are:
 - (a) Consistent with the law regulating the practice of the community health worker;
 - (b) Internally consistent;
 - (c) Implemented as written; and
 - (d) Distributed to community health worker students;
 - (2) Include a curriculum plan showing the sequence of courses, laboratory experiences, and units of credit or number of clock hours allotted to theory and laboratory experiences; and
 - (3) Include a curriculum content that is a minimum of one hundred hours of didactic instruction and one hundred thirty hours of clinical experience. Relevant laboratory experiences may be integrated into the curriculum.
- (B) As part of the instruction required in paragraph (A) of this rule, related clinical and laboratory experiences shall provide a community health worker with an opportunity to practice cognitive, psychomotor, and affective skills in the performance of a variety of basic tasks and activities with individuals or groups across the life span. Portions of the relevant clinical experience shall be provided in a community setting similar to the settings in which a community health worker will provide services.
- (C) The standard minimum curriculum for community health workers shall include courses, content, and expected outcomes, relative to the defined role of the community health worker, in the following major areas:
- (1) Health care, including expected competencies in the areas of:

- (a) The physical, mental, emotional and spiritual impacts on health;
 - (b) Basic anatomy and physiology of major body systems;
 - (c) Substance use and affects on health;
 - (d) Signs indicating a change in a client's health status;
 - (e) Obtaining accurate vital signs;
 - (f) Basic cardiopulmonary resuscitation skills;
 - (g) Medical terminology;
 - (h) Documentation methods; ~~and~~
 - (i) Utilization of local health and referral systems; ~~and~~
 - (j) Social determinants of health.
- (2) Community resources, including expected competencies in the areas of:
- (a) Referral methods to assist various target population groups;
 - (b) Utilization of community resources and their referral processes;
 - (c) Utilization of resources related to entitlement programs;
 - (d) Recognizing and reporting signs of family violence, human trafficking, abuse and neglect; and
 - (e) Recognizing and making appropriate referral for signs of mental health and addiction problems.
- (3) Communication skills, including expected competencies in the areas of:
- (a) Interpersonal communication skills and support group facilitation skills;

- (b) Effective interview techniques;
 - (c) Effective written communications to health care and service care providers; and
 - (d) Utilization of appropriate ~~telephone~~ telecommunication technique.
- (4) Individual and community advocacy, including expected competencies in the areas of:
- (a) Recognition of diversity, and the role of the community health worker in an interdisciplinary team;
 - (b) Supporting development of self care skills in various target population groups;
 - (c) Utilization of skills to assure that different target population groups receive needed services; and
 - (d) Methods of serving as a community liaison between different target population groups and local agencies and providers.
- (5) Health education, including expected competencies in the areas of:
- (a) Educating on healthy lifestyle choices, including nutrition, exercise, and stress management to reduce health risk factors;
 - (b) Educating on adverse health consequences of smoking, drinking, and drugs of abuse;
 - (c) Educating on the importance of oral health care across the lifespan;
 - (d) Explaining basic prevention and wellness topics; and
 - (e) Explaining age-appropriate safety and injury prevention techniques.
- (6) Service skills and responsibilities, including expected competencies in the areas of:

(a) Protocols and policies regarding:

- (i) Confidentiality;
- (ii) Care coordination;
- (iii) Documentation;
- (iv) Submission of documentation for review by a supervisor; and
- (v) Release of client information.

(b) Skills necessary to carry out an effective home visit, including:

- (i) Personal safety;
- (ii) Emotional dynamics;
- (iii) Setting appropriate boundaries with clients;
- (iv) Time management; and
- (v) Conflict management skills.

(c) Performance of basic clerical, computing, and office skills necessary in the role of the community health worker.

(D) The standard minimum curriculum for community health workers shall also educate students on needs throughout the span of a lifetime including the following:

(1) Content related to the family during childbearing years, including expected competencies in the areas of:

- (a) Health education related to the childbearing years; and
- (b) A basic understanding of related anatomy, physiology, and appropriate health care.

- (2) Content related to the family during pregnancy, including expected competencies in the areas of:
 - (a) Basic anatomy, physiology, and normal signs related to pregnancy;
 - (b) Recognition of warning signs during pregnancy requiring immediate reporting to the registered nurse supervisor; and
 - (c) Health education related to pregnancy, labor, and postpartum care.
- (3) Content related to the newborn, infant, and young child, including expected competencies in the areas of:
 - (a) Routine infant feeding and newborn care;
 - (b) Recognizing and reporting problems that can occur in early infancy;
 - (c) Immunization schedules and information regarding referral to appropriate health care facilities and practitioners;
 - (d) Basic methods to enhance typical child development; and
 - (e) Identification of potential developmental delays.
- (4) Content related to adolescents including expected competencies in the areas of:
 - (a) Age appropriate health education;
 - (b) Acute and chronic illnesses including, but not limited to asthma, obesity, and eating disorders; and
 - (c) High risk behaviors.
- (5) Content related to adults and seniors, including expected competencies in the areas of:
 - (a) The aging process;
 - (b) Prevention strategies;

- (c) Recommended screenings;
 - (d) Top causes of morbidity and mortality by age group; and
 - (e) Acute and chronic illnesses of adulthood including but not limited to heart disease, cancer, stroke, diabetes, and lung disease.
- (6) Content related to special health care and social needs of target population groups including:
- (a) Grandparents raising grandchildren;
 - (b) Adults caring for aging parents; and
 - (c) Children and adults with disabilities.
- (E) For purposes of paragraph (B) of this rule, students participating in a clinical practicum in a community setting shall be supervised by qualified instructional personnel ~~employed~~ utilized by, or under contract with, the community health worker training program.
- (F) When a program has any type of cooperative relationship, including but not limited to relationships with clinical agencies, a written agreement with the cooperating entity shall:
- (1) Exist and be current;
 - (2) Be signed by representatives of both the program and the entity with which it has entered into a cooperative relationship; and
 - (3) Be on file at the program.
- ~~(F)~~(G) It is the intent of the board that this curriculum is structured in such a way as to assure that participants who successfully complete a program that provides the curriculum may be able to utilize a portion of the credit hours earned toward additional career-related education.

4723-26-14

**Procedures for obtaining approval or reapproval of
community health worker training programs.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

The board shall approve and reapprove community health worker training programs as follows:

(A) A community health worker training program that seeks to be approved by the board shall submit to the board all of the following:

- (1) A completed "Community Health Worker Training Program Approval Application";
- (2) Payment of a program approval fee of three hundred dollars; and
- (3) Any other information requested by the board.

(B) A community health worker training program seeking reapproval by the board shall submit the following to the board within ninety days prior to the expiration of its current approval:

- (1) A completed "Community Health Worker Training Program Re-Approval Application";
- (2) Payment of a program reapproval fee of three hundred dollars; and
- (3) Any other information requested by the board.

(C) If the board determines that additional information is necessary to make a determination regarding an application for program approval or reapproval, the board shall provide written notice to the applicant requesting the information. An application will expire, and a new application must be submitted, if the requested information is not received by the board within one year of the date of the board's request.

(D) The board may conduct a [survey, which may include a](#) site visit, of a community health worker training program or applicant either prior to approving or reapproving a program application, or at any time during the two year period for which a program is approved.

- (E) At a regularly scheduled board meeting the board shall review the completed application for approval or reapproval and all other relevant documentation to determine whether a program complies with standards set forth in this chapter. If the board finds that the program meets all the requirements of this chapter it shall issue its approval or reapproval, in writing, to the applicant program.
- (F) Program approval shall extend for two years provided the program continues to meet the program standards set forth in this chapter.
- (G) After a survey is completed by a representative of the board, a report of the survey shall be completed and submitted to the program administrator. The survey report shall indicate requirements that were not met and maintained by the program, when applicable, and the date that the report will be considered by the board. The survey report may include recommendations for enhancement of the program. ~~If the board determines that an application for program approval or reapproval does not demonstrate that the applicant program meets or maintains the minimum standards set forth in this chapter, the board shall send to the administrator of the program a written report that identifies the specific deficiencies. The deficiency report must notify the applicant or program of a board meeting date, not less than ninety days in the future, at which the board will make a decision regarding the application.~~
- (H) If the survey report indicates that a requirement was not met and maintained, the program administrator may submit to the board documentation that the program is meeting and maintaining the requirements identified in the survey report as not being met and maintained. The program administrator's documentation must be submitted to the board not later than forty-five days prior to the date the board is to consider the survey report. ~~Within thirty days after receipt of the deficiency report, the administrator of the program may submit to the board either:~~
- ~~(1) A written plan of correction that sets forth the steps taken by the program to meet or maintain each minimum standard identified in the report as not being met or maintained; or~~
 - ~~(2) A written response to the report setting forth evidence that the program is meeting and maintaining each minimum standard identified in the report as not being met or maintained.~~
- ~~In order for the board to consider the program's response to the deficiency report, the program must submit the response not less than thirty days prior to the board meeting at which the board will consider the program's approval status.~~
- (I) When making a determine about a program's approval status, the board shall consider the survey report and any documentation submitted by the program administrator.

provided the documentation was submitted by the program administrator at least forty-five days prior to the board meeting.

- (H)(J) Based on the ~~deficiency~~ survey report and the program's response to the survey report, if any, the board may grant approval, grant provisional approval, continue approval, or propose to deny or withdraw approval of the program. The board shall deny or withdraw approval of a program according to the procedures set forth in Chapter 119. of the Revised Code. In the alternative, the board and applicant or program may enter into a consent agreement specifying terms and conditions the applicant or program must satisfy in order to achieve or maintain an approval status.
- (H)(K) If at any time a program with full approval fails to meet and maintain the minimum standards set forth in this chapter, the board ~~shall~~ may place the program on provisional approval. When a program is placed on provisional approval, the board shall specify the minimum standard or standards the program is not meeting or maintaining and shall establish the time period during which the program will be on provisional approval. When the time period for provisional approval has expired, the board shall reconsider the program's approval status.
- (H)(L) If a program on provisional approval continues to fail to meet or maintain minimum standards at the end of the time period established for provisional approval, the board may propose to continue provisional approval for a period of time specified by the board or may propose to withdraw approval, according to the procedures set forth in Chapter 119. of the Revised Code. In the alternative, the board and applicant or program may enter into a consent agreement specifying terms and conditions the applicant or program must satisfy in order to achieve or maintain an approval status.
- (H)(M) When a complete application for reapproval is submitted to the board in accordance with paragraph (B) of this rule, and the board fails to make a determination before the current program approval expires, the board shall issue a notice to the administrator of the program extending approval of the program until board action is taken on the reapproval application.

*** DRAFT - NOT YET FILED ***

4723-11-04

Application forfeiture.

If an applicant for multistate licensure fails to meet the requirements for licensure within one year from the date the application is received, or the application remains incomplete for one year, the application shall be considered void and the fee submitted with the application shall be forfeited. The application shall state the circumstances under which forfeiture may occur.



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Board of Nursing

Rule Contact Name and Contact Information: Anita DiPasquale, adipasquale@nursing.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

5-year review packet: Chapter 4723-2, Public Notice (Military Extensions and Waivers); Chapter 4723-16, Hearings; Chapter 4723-25, Nurse Education Grant Program; 4723-26, Community Health Workers. And New Rule 4723-11-04, MSL Application forfeiture.

Rule Number(s): 4723-2-01, 4723-2-02, 4723-2-03, 4723-2-04, 4723-2-05; 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, 4723-16-10, 4723-16-12, 4723-16-13; 4723-25-01, 4723-25-02, 4723-25-03, 4723-25-04, 4723-25-05, 4723-25-06, 4723-25-07, 4723-25-08, 4723-25-09, 4723-25-10, 4723-25-11, 4723-25-12, 4723-25-13, 4723-25-14, 4723-25-15, 4723-25-16, 4723-25-17, 4723-25-18; 4723-26-01, 4723-26-02, 4723-26-03, 4723-26-04, 4723-26-05, 4723-26-06, 4723-26-07, 4723-26-08, 4723-26-09, 4723-26-10, 4723-26-11, 4723-26-12, 4723-26-13, 4723-26-14, and 4723-11-04

Date of Submission for CSI Review: 8/27/24

Public Comment Period End Date: 9/11/24

Rule Type/Number of Rules:

New/ 1 rules

No Change/ 35 rules (FYR? 35)

Amended/ 14 rules (FYR? 14)

Rescinded/ 0 rules (FYR? n/a)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an

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adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. Requires specific expenditures or the report of information as a condition of compliance.
- d. Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Chapter 4723-2, Public Notice (Military Extensions and Waivers), is scheduled for five-year review by the Board. This chapter provides certain fee waivers based on military status of an applicant or applicant's spouse. Changes are proposed in Rules 4723-2-01, 4723-2-03, and 4723-2-04. In 4723-2-01(A)(3)(b), "dialysis technician intern" is deleted because OBN certification of DTIs was eliminated in HB 509 (134th GA). Doula is added as 4723-2-01(A)(3)(f), because 4723.89, ORC (135th GA), added doula certification to the certifications issued by OBN. In 4723-2-03, technical corrections were made to align the rule to correct references to the ORC. And paragraphs (K) and (L) were added to include doula certification applicants in the waivers available under Chapter 4723-2. Rule 4723-2-04 is amended to add doula certification applicants as those to whom Chapter 4723-2 waivers are available. No Change is recommended in the remainder of the rules in Chapter 4723-2.

- **Chapter 4723-16, Hearings**, is scheduled for five-year review by the Board. Changes are proposed in Rule 4723-16-10(D) and Rule 4723-16-13(F) to correct typographical errors. No change is recommended to the remaining rules in Chapter 4723-16.
- **Chapter 4723-25, Nurse Education Grant Program**, is scheduled for five-year review by the Board. Changes are proposed in 4723-25-05. 4723-25-05(A) is proposed to be amended to change the target percentages to be allocated to different types of nursing education programs (RN, LPN, graduate) as authorized by Section 4723.063(C)(6), ORC. And 4723-25-05(F) is proposed to be amended to reflect the relevant time period during which the grants may be awarded. No change is recommended to the remaining rules in Chapter 4723-25.
- **Chapter 4723-26, Community Health Workers (CHW)**, is scheduled for five-year review by the Board. Changes are proposed in the following rules in this chapter: 4723-26-01, is proposed to be amended in (J) to reflect the current process to place a certificate on inactive status and in (P) to align program survey terms and processes with those used for nursing education programs (in Chapter 4723-5); 4723-26-03 is proposed to be amended to correct a type; 4723-26-04 is proposed to be amended to reflect the current process to place a certificate on inactive status; 4723-26-05 is amended to reflect the current process to place a certificate on inactive status; 4723-26-11 is proposed to be amended to correct a typo; 4723-26-12 is proposed to be amended to clarify the rules as in (B)(3) and (E), including by re-ordering some of the content as in (C); 4723-26-13 is proposed to be amended to add topics to be included in the training program curriculum in (C), to clarify a term in (E), and to add a requirement in (F) that a program has a written agreement in place with any cooperating clinical entity (similar to the requirement for nursing education programs in Chapter 4723-5); and 4723-26-14 is proposed to be amended to align survey processes with those used for nursing education programs (in Chapter 4723-5). No change is recommended for the remainder of the rules in Chapter 4723-26.
- **Chapter 4723-11, Nurse Licensure Compact. New Rule 4723-11-04, Application forfeiture.** Consistent with processes for other licenses and certificates issued by the Board, this proposed new rule provides that if an applicant for a multistate license fails to meet the requirements for licensure within one year of the date of the application, or the application remains incomplete for one year, the application will be considered void and the fee forfeited.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

As to Chapter 4723-2: 4723.07, and 5903.04.

As to Chapter 16: 4723.07.

As to Chapter 4723-25: 4723.06, 4723.07, 4723.063, and 4723.063(C)(6).

As to Chapter 27, 4723.07, 4723.88.

As to Rule 4723-11-04, Section 4723.07, 4723.11.

4. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

No, the regulations do not implement a federal requirement.

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A.

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The mission of the OBN is to actively safeguard the health and safety of the public including through effective regulation of its certificate holders and licensees, of prelicensure nursing education programs, and continuing education standards. The Board proposes the attached rules in support of that mission.

7. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

OBN staff will interact with stakeholders and others through public outreach functions and social media; public inquiries; OBN Advisory Groups (comprised primarily of public members); and investigation of complaints filed with OBN. OBN will also continue to engage in ongoing review of rules, seeking input from staff and from stakeholders including but not limited to all licensees and certificate-holders. Also, OBN's Advisory Group on Rules will continue its review of proposed new rules, proposed amendments, and proposed rescission of rules as well as recommendations received from Advisory Groups and public comments.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation. No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

On January 24, 2024, and on May 23, 2024, the Advisory Group on Community Health Workers reviewed current and draft rules and provided input on the rules (Chapter 4723-26). In addition to members of the Advisory Group on Community Health Workers, public guests were also present at Advisory Group on Community Health Workers meetings. In addition, the all of the draft rules were published for comments by email to all licensees and certificate holders (approximately 300,000 individuals), and to an interested parties list and others. The draft rules were also posted prominently on the Board's homepage for review and comment. (April 29, 2024, communication attached). The comment period was left open until May 14, 2024. Comments received are attached.

On May 23, 2024, the Board's Advisory Group on Rules (comprised of 3 Board members and 2 public members, all are Board licensees) engaged in its review of the draft rules having considered the draft rules and the public/stakeholder comments received.

In advance of their July 24-25, 2024, meeting, the Board was provided with the draft rules with changes as recommended on May 23, 2024, by the Advisory Group on Rules and Minutes of the Advisory Group on Rules May meeting (attached). The Board reviewed the draft rules and directed staff to proceed with the rules.

[Note: There are references to proposed changes to Chapter 4723-5, OAC, in the request for comments and the minutes because this rule package originally included draft changes to Chapter 4723-5, OAC. Changes to Chapter 4723-5, OAC, are no longer included in this packet.]

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Stakeholder comments received are attached as are minutes of the Advisory Group on Community Health Workers. Several recommendations of from the Advisory Group on Community Health Workers were incorporated into the draft rules, particularly around topics that should be included in CHW training programs' curriculum.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

N/A. The proposed rules are based on the operational experiences regulating licensees and certificate holders, and approving training programs (Chapter 27), and operating the OBN for the health and safety of the public.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.***

N/A. The proposed rules are based on the operational experiences regulating licensees and certificate holders, and approving training programs (Chapter 27), and operating the OBN for the health and safety of the public.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Sections 4723.06, 4723.07, 4723.88, 4723.11, 4723.063, and 5903.04, ORC, place regulation of the subjects covered in these chapters, Chapter 4723-2, Public Notice (Military Extensions and Waivers); Chapter 4723-16, Hearings; Chapter 4723-25, Nurse Education Grant Program; Chapter 4723-26, Community Health Workers; and Chapter 4723-11, Nurse Licensure Compact, under the OBN and not under any other agency.

- 14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

OBN publishes guidance on a variety of topics including for example, licensure/certification requirements including fees; CE requirements; relevant available waivers; and practice. This guidance is published on the OBN website, on OBN social media, and in OBN's quarterly magazine and is also distributed to targeted groups. OBN also publishes a summary of all new rules and rule changes in Momentum, a quarterly magazine available on the OBN website social media. In addition, OBN staff are trained on implementation of new rules as needed to ensure consistent and predictable regulation.

Adverse Impact to Business

- 15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**
- a. Identify the scope of the impacted business community, and**
 - b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

a.) Impacted business communities would be all individuals who seek a license or certification issued by the board (Chapter 4723-2/Waivers), CHW applicants and certificate holders in particular, and those seeking to obtain or maintain approval of a CHW training program (Chapter 4723-26). Also impacted are those nursing education programs that choose to apply for NEGP grants (Chapter 25).

b.) The rules require individual applicants for certification or licensure, and applicants for renewal of certification or licensure, to complete applications online and to submit fees in order to obtain and renew the certificate or license. They are also required to attest to or provide proof of completion of continuing education for renewal of the certificate or license. Regarding CHW training programs, Chapter 4723-26, requires CHW training program applicants to complete an application and submit a fee for training program approval and to provide any additional information required by the board. Chapter 25, requires those nursing education programs that wish to voluntarily apply for an NEGP grant to submit a proposal in the prescribed format. Those nursing education programs that seek and are awarded a grant are also required to submit periodic reports regarding their use of the grant money.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

Chapter 4723-2, Public Notice (Military Extensions and Waivers), provides certain fee waivers based on military status of an applicant or applicant's spouse. Changes proposed add doula certification applicants as those to whom Chapter 4723-2 waivers are available.

Chapter 4723-25, Nurse Education Grant Program. Through the legislatively created NEGP program, the Board awards NEGP funding to nurse education program applicants that partner with health care facilities, community health agencies or patient centered medical homes to increase the nurse education programs' nursing student enrollment capacity. On its website, the Board provides detailed information and resources for those seeking and receiving grants. Only those entities that voluntarily seek an NEGP grant are required to submit applications and to comply with reporting requirements as to expenditure of funds that were awarded.

Chapter 4723-26, Community Health Workers (CHW). Rule 4723-26-14 is amended to align survey processes with those used for nursing education programs (in Chapter

4723-5) which may ease compliance for those entities that run both nursing education programs and CHW training programs.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Sections 4723.06, 4723.07 and 4723.88, (and Section 4796, ORC as to reciprocity); 4723.063, 4723.063(C)(6), and 4723.11, and 5903.04, ORC, place regulation of the subjects covered in these chapters, Chapter 4723-2, Public Notice (Military Extensions and Waivers); Chapter 4723-16, Hearings; Chapter 4723-25, Nurse Education Grant Program (NEGP); Chapter 4723-26, Community Health Workers; and Chapter 4723-11, Nurse Licensure Compact, under the OBN. The proposed rules are based on the operational experiences regulating licensees and certificate holders, and approving training programs (Chapter 26, Chapter 4723-11, Chapter 4723-2); administering the NEGP grant program (Chapter 25); hearings (Chapter 4723-16); and operating the OBN for the public health and safety of the public.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

OBN primarily regulates individual certificate holders and licensees rather than businesses entities but does regulate training programs (CHW/Chapter 26) and administers the NEGP grant program available to nursing education programs. While there are not alternative means to comply (such as alternate means of application for approval of a program or for a grant or for reporting use of grant monies) OBN staff and customer service personnel are available to respond to inquiries. OBN also publishes guidance on its website, on social media, in OBN's quarterly magazine, and to targeted groups. OBN also has an Advisory Group on Community Health workers and an Advisory Group on Nursing Education, which can serve as resources to share information about board requirements.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The rules in issue do not impose administrative fines or civil penalties for paperwork violations. Regarding applications, the applications remain open for sufficient time to allow applicants to correct deficiencies to avoid forfeiture of application fees paid. In addition, and more generally, Chapter 4723, ORC, does not require OBN to act on minor violations of Chapter 4723, ORC or the rules adopted under it, if the violations are committed by individuals licensed/certified under Chapter 4723, ORC, and the Board determines that the public is adequately protected by issuing a notice or warning to the alleged offender. See Section 4723.061, ORC.

20. What resources are available to assist small businesses with compliance of the regulation?

OBN publishes guidance on a variety of topics including, for example, licensure/certification requirements including fees; CE requirements; relevant available waivers; and practice standards. This guidance is published on the OBN website, on OBN social media, and in OBN's quarterly magazine and is also distributed to targeted groups. OBN also publishes a summary of all new rules and rule changes in Momentum, a quarterly magazine available on the OBN website and social media. In addition, OBN staff and customer service personnel are available to respond to inquiries.



To: Board Members
From: Anita DiPasquale, Advisory Attorney
Date: July 10, 2024
Re: Draft Rules, Packet 2: 5 year review rules Chapters 2, 16, 25, 26; and new rule 4723-11-04, NLC application and fee forfeiture rule
Cc: Nick Siniff

Attached are tracked proposed changes to the rules listed below. The original draft rules were published to stakeholders (all licensees and certificate holders) and interested parties for public comment on April 26, 2024. Comments received were provided to the Advisory Group on Rules before its review of the rules and are also attached. The Advisory Group on Rules met on May 23, 2024, to consider the draft rules and comments. Minutes from that meeting are attached. On May 23, 2024, the Advisory Group on Rules recommended that the Board adopt the attached draft rules.

NOTE: The draft rules initially published to stakeholders and interested parties on April 26, 2024, included draft changes to Chapter 4723-5, OAC, Nursing Education Program. Those draft changes are not included in this Agenda Item and are not before the Board today in order to allow for additional stakeholder input and consideration of any proposed changes.

Attached:

- May 23, 2024, Advisory Group on Rules draft minutes.
- April 26, 2024, Stakeholder Communication seeking comments.
- Draft Rules Packet Published April 26, 2024 (with two changes recommended by Advisory Group on Rules, see draft minutes).
- Public Comments Received following April 26, 2024, publication of draft rules.

1. **Chapter 4723-2, Public Notice (Military Extensions and Waivers)** is scheduled for five-year review by the Board. Tracked changes are proposed in Rules 4723-2-01, 4723-2-03, and 4723-2-04. All other rules are recommended for no change.

Rule 4723-2-01, Definitions.

Rule 4723-2-02, Processing applications from service members, veterans, or spouses of service members or veterans.

Rule 4723-2-03, Fee waivers available to service members, veterans, or spouses of service members or veterans.

Rule 4723-2-04, Military duty time extension and factors to be considered.

Rule 4723-2-05, Temporary military licenses.

2. **Chapter 4723-16, Hearings**, is scheduled for five-year review by the Board. A change is proposed in Rule 4723-16-13(F). All other rules are recommended for no change.

Rule 4723-16-01, General information.

Rule 4723-16-02, Hearing representation and appearances.

Rule 4723-16-03, Hearing continuances and motions for extensions of time.

Rule 4723-16-04, Motions.

Rule 4723-16-05, Prehearing processes.

Rule 4723-16-06, Witnesses.

Rule 4723-16-07, Evidence or factors to be considered by the board.

Rule 4723-16-08, Subpoenas for purpose of hearing.

Rule 4723-16-09, Ex parte communication.

Rule 4723-16-10, Settlements.

Rule 4723-16-12, Request to address the board regarding a hearing.

Rule 4723-16-13, Authority and duties of board hearing committee or hearing examiners.

3. **Chapter 4723-25, Nurse Education Grant Program**, is scheduled for five-year review by the Board. Changes are proposed in Rule 4723-25-05. Other rules are proposed for no change.

Rule 4723-25-01, Purpose of nurse education grant program.

Rule 4723-25-02, Definitions.

Rule 4723-25-03, Fund balance.

Rule 4723-25-04, Program administrative costs.

Rule 4723-25-05, Distribution of grants to pre-licensure and post-licensure nurse education programs.

Rule 4723-25-06, Eligibility criteria for funding consideration.

Rule 4723-25-07, Publication of notice for requests for proposals.

Rule 4723-25-08, Funding cycle.

Rule 4723-25-09, Grant proposal form.

Rule 4723-25-10, Grant review.

Rule 4723-25-11, Grant review criteria.

Rule 4723-25-12, Use of grant funds.

Rule 4723-25-13, Prohibited uses of grant funds.

Rule 4723-25-14, Acknowledgment of terms.

Rule 4723-25-15, Grantee reporting requirements.

Rule 4723-25-16, Reversion of funding.

Rule 4723-25-17, Grantee programs, products, or publications.

Rule 4723-25-18, Annual grantee report.

4. **Chapter 4723-26, Community Health Workers**, is scheduled for five-year review by the Board. Changes are proposed in Rules 4723-26-01, 4723-26-03,

4723-26-04, 4723-26-05, 4723-26-11, 4723-26-12, 4723-26-13, and 4723-26-14. Other rules are recommended for no change.

Rule 4723-26-01, Definition of terms.

Rule 4723-26-02, Community health worker certification.

Rule 4723-26-03, Community health worker certification by endorsement.

Rule 4723-26-04, Renewal of community health worker certificate.

Rule 4723-26-05, Continuing education requirements.

Rule 4723-26-06, Nurse delegation to community health workers.

Rule 4723-26-07, Prohibitions on delegation.

Rule 4723-26-08, Criteria and standards for a registered nurse delegating to a community health worker.

Rule 4723-26-09, Supervision of the performance of a nursing task performed by a community health worker.

Rule 4723-26-10, Standards of safe care provided by the community health worker.

Rule 4723-26-11, Disciplinary actions against certified community health workers; investigations.

Rule 4723-26-12, Standards for community health worker training programs.

Rule 4723-26-13, Standard curriculum for community health worker training programs.

Rule 4723-26-14, Procedures for obtaining approval or reapproval of community health worker training programs.

5. **New Rule 4723-11-04. MSL, Application forfeiture.**

Consistent with processes for other licenses, this proposed new rule provides that if an applicant for a multistate license fails to meet the requirements for licensure within one year of the date of the application, or the application remains incomplete for one year, the application will be considered void and the fee forfeited.



**Advisory Group on Rules DRAFT
Meeting Minutes May 23, 2024**

Members Attending: Candy Sue Rinehart, Board Member, Chair; Gina Woods, Board Member; Barbara Wadsworth, Board Member; Jesse McClain; Eric Snyder
Staff Attending: Anita DiPasquale; Kaylee Tribul; Lisa Emrich; Dean Heid; Jack Brubaker
Guests Attending: Summer Davis, OAAPN

Call to Order

Candy Sue Rinehart, Board member and Chair, called the meeting to order at 11:11 a.m. at the Ohio Department of Agriculture, Bromfield Administrative Building, 8995 East Main Street, Reynoldsburg, Ohio 43068.

Welcome

Candy Rinehart welcomed everyone and read the charge and purpose to the Group.

Materials provided in advance of the meeting included,

- ï Meeting Agenda
- ï Draft Advisory Group on Rules Meeting Minutes March 28, 2024
- ï Draft Advisory Group on Rules Meeting Minutes April 18, 2024
- ï Draft Rules Packet Published April 29, 2024
- ï Stakeholder Communication
- ï Comments Received
- ï Draft Education Advisory Group Meeting Minutes March 21, 2024

Approval of the March 28, 2024, Minutes

The minutes were approved by consensus as written.

Approval of the April 18, 2024, Minutes

The minutes were approved by consensus as written.

Rule Review

Lisa Emrich discussed the timeline of the Chapter 4723-5 revisions, and that the Advisory Group on Nursing Education had not yet reviewed two additional revisions favored by Board members pertaining to removing the "test within six months of program completion" in Rule 4723-5-23, OAC, and requiring programs to publish on their website homepage their last four years of NCLEX first time pass rates. The Advisory Group on Nursing Education will

have an opportunity to review these at its June 13, 2024, meeting and make any resulting recommendations directly to the Board at its July 2024 meeting. The Group then discussed proposed changes to Chapter 4723-5, proposed new rule 4723-11-04, and the proposed changes to the five-year review rules in Chapter 4723-2, Chapter 4723-16, Chapter 4723-25, and Chapter 4723-26.

Chapter 4723-2, Public Notice (Military Extensions and Waivers), is scheduled for five-year review by the Board. Changes are proposed in Rules 4723-2-01, 4723-2-03, and 4723-2-04

Chapter 4723-16, Hearings, is scheduled for five-year review by the Board. A change is proposed in Rule 4723-16-13(F).

Chapter 4723-25, Nurse Education Grant Program, is scheduled for five-year review by the Board. Changes are proposed in Rule 4723-25-05.

Chapter 4723-26, Community Health Workers, is scheduled for five-year review by the Board. Changes are proposed in Rules 4723-26-01, 4723-26-03, 4723-26-04, 4723-26-05, 4723-26-11, 4723-26-12, 4723-26-13, and 4723-26-14.

Chapter 4723-5, Nursing Education Program. Changes are proposed in Rules 4723-5-01, 4723-5-04, 4723-5-06, 4723-5-09, and 4723-5-23.

Chapter 4723-11, New Rule 4723-11-04. Application forfeiture. Consistent with processes for other licenses, if an applicant for a multistate license fails to meet the requirements for licensure within one year of the date of the application, or the application remains incomplete for one year, the application will be considered void and the fee forfeited.

Anita confirmed with the Group that everyone had received and reviewed all materials provided prior to the meeting including public comments. Following discussion, the Advisory Group on Rules agreed by consensus to the proposed new rule, 4723-11-04, and recommended all proposed changes be made, with the exception of the suggested changes listed below:

- Add the word survey to the title of 4723-5-06
- Remove the word visit from 4723-5-06(C)
- Suggestion to recommend the CHW Group use the updated terminology of “health-related social needs” in place of “social determinants of health” in 4723-26-13

Regarding Chapter 5, the Advisory Group noted that its recommendations are made with the proviso that the changes would be discussed with the Advisory Group on Nursing Education at its June 13, 2024 Meeting and that any recommendations from the Advisory Group on Nursing Education would be shared directly with the Board at its July Board Meeting.

Roadmap

Anita DiPasquale discussed the next steps in the process, stating that this second packet of

draft rules including changes agreed upon today would be presented to the Board at its July meeting for consideration. Following Board review and any changes, the draft rules will be filed with the Common Sense Initiative (CSI) which allows another opportunity for public comments. Public comments already received by the Board will also be submitted to CSI when the rules are filed. Once the CSI review is complete, the draft rules will be filed with JCARR. Anita clarified that the first packet including doula rules Chapter 4723-24 had gone to the Board yesterday and the packet will be filed with CSI as the next step. Looking ahead, Anita discussed the upcoming likely need to write new rules related to OPHP/monitoring, in addition to further review of Chapter 9, APRN Prescribing, which was started last year but was paused (due to reasons external to OBN).

Upcoming Meeting Dates: September 19, 2024

The Group agreed to set a tentative meeting date of September 19, 2024, at 11 am.

Adjourn

The Meeting adjourned at 12:50 p.m.

4/26/24



**Board of
Nursing**

Nursing.Ohio.gov

Mike DeWine, Governor Jon Husted, Lt. Governor Marlene Anielski, Executive Director

Dear Ohio Board of Nursing Stakeholder,

As a state rulemaking agency, the Ohio Board of Nursing (the Board) engages in administrative rule-making. Ohio law requires the Board to review each administrative rule at least once every five years to determine if the rule should remain unchanged, be amended, or be rescinded. In addition, the Board may propose to amend or rescind an existing rule, or, to adopt a new rule unrelated to the five-year review.

The Board is notifying you of the rules scheduled for five-year review in 2024, as well as other rules the Board may propose to adopt, amend, or rescind. The Board is making this notification to seek input from stakeholders and to assist in assessing any adverse impact on the business community. As a stakeholder your feedback is welcomed and encouraged.

All currently proposed rule changes are tracked and available for review [here](#).

To provide comments on any of the rules listed below, please respond on or before **Tuesday May 14, 2024**, to: Rules@Nursing.Ohio.gov. Include "**Rules 2024**" in the **subject line of all comments on rules**. All comments will be provided to the Board's Advisory Group on Rules for its consideration prior to its May 23, 2024, meeting.

- Chapter 4723-2, Public Notice (Military Extensions and Waivers)** is scheduled for five-year review by the Board. Changes are proposed in Rules 4723-2-01, 4723-2-03, and 4723-2-04.
Rule 4723-2-01, Definitions.
Rule 4723-2-02, Processing applications from service members, veterans, or spouses of service members or veterans.
Rule 4723-2-03, Fee waivers available to service members, veterans, or spouses of service members or veterans.
Rule 4723-2-04, Military duty time extension and factors to be considered. Rule 4723-2-05, Temporary military licenses.
- Chapter 4723-16, Hearings**, is scheduled for five-year review by the Board. A change is proposed in Rule 4723-16-13(F).
Rule 4723-16-01, General information.
Rule 4723-16-02, Hearing representation and appearances.
Rule 4723-16-03, Hearing continuances and motions for extensions of time.
Rule 4723-16-04, Motions.
Rule 4723-16-05, Prehearing processes.
Rule 4723-16-06, Witnesses.
Rule 4723-16-07, Evidence or factors to be considered by the board.

Rule 4723-16-08, Subpoenas for purpose of hearing.
Rule 4723-16-09, Ex parte communication.
Rule 4723-16-10, Settlements.
Rule 4723-16-12, Request to address the board regarding a hearing.
Rule 4723-16-13, Authority and duties of board hearing committee or hearing examiners.

3. **Chapter 4723-25, Nurse Education Grant Program**, is scheduled for five-year review by the Board. Changes are proposed in Rule 4723-25-05.

Rule 4723-25-01, Purpose of nurse education grant program.

Rule 4723-25-02, Definitions.

Rule 4723-25-03, Fund balance.

Rule 4723-25-04, Program administrative costs.

Rule 4723-25-05, Distribution of grants to pre-licensure and post-licensure nurse education programs.

Rule 4723-25-06, Eligibility criteria for funding consideration.

Rule 4723-25-07, Publication of notice for requests for proposals.

Rule 4723-25-08, Funding cycle.

Rule 4723-25-09, Grant proposal form.

Rule 4723-25-10, Grant review.

Rule 4723-25-11, Grant review criteria.

Rule 4723-25-12, Use of grant funds.

Rule 4723-25-13, Prohibited uses of grant funds.

Rule 4723-25-14, Acknowledgment of terms.

Rule 4723-25-15, Grantee reporting requirements.

Rule 4723-25-16, Reversion of funding.

Rule 4723-25-17, Grantee programs, products, or publications.

Rule 4723-25-18, Annual grantee report.

4. **Chapter 4723-26, Community Health Workers**, is scheduled for five-year review by the Board. Changes are proposed in Rules 4723-26-01, 4723-26-03, 4723-26-04, 4723-26-05, 4723-26-11, 4723-26-12, 4723-26-13, and 4723-26-14.

Rule 4723-26-01, Definition of terms.

Rule 4723-26-02, Community health worker certification.

Rule 4723-26-03, Community health worker certification by endorsement.

Rule 4723-26-04, Renewal of community health worker certificate.

Rule 4723-26-05, Continuing education requirements.

Rule 4723-26-06, Nurse delegation to community health workers.

Rule 4723-26-07, Prohibitions on delegation.

Rule 4723-26-08, Criteria and standards for a registered nurse delegating to a community health worker.

Rule 4723-26-09, Supervision of the performance of a nursing task performed by a community health worker.

Rule 4723-26-10, Standards of safe care provided by the community health worker.

Rule 4723-26-11, Disciplinary actions against certified community health workers; investigations.

Rule 4723-26-12, Standards for community health worker training programs.

Rule 4723-26-13, Standard curriculum for community health worker training programs.

Rule 4723-26-14, Procedures for obtaining approval or reapproval of community health worker training programs.

5. **Chapter 4723-5, Nursing Education Program.** Changes are proposed in Rules 4723-5-01, 4723-5-04, 4723-5-06, 4723-5-09, and 4723-5-23.

Rule 4723-5-01, Definitions.

Rule 4723-5-04, Procedure for board determination of a program's status.

Rule 4723-5-06, Survey visits, reports, and response by the administrator of a program to a survey visit report.

Rule 4723-5-09, Organization and administration of the program.

Rule 4723-5-23, Program NCLEX rates.

6. **New Rule 4723-11-04. Application forfeiture.** Consistent with processes for other licenses, this proposed new rule provides that if an applicant for a multistate license fails to meet the requirements for licensure within one year of the date of the application, or the application remains incomplete for one year, the application will be considered void and the fee forfeited.

Further review and consideration of comments

Stakeholder comments will be reviewed and considered by the Board's Advisory Group on Rules prior to making recommendations to the Board on how to proceed. Once the Board has made its determinations, an email will be sent to stakeholders notifying them that the proposed rules are being filed with the Common Sense Initiative (CSI). There will be additional opportunities to comment on the rules as the rule review process continues.

Important Links for your review:

[Ohio Board of Nursing](#)

[Common Sense Initiative \(CSI\) Office](#)

[Joint Committee on Agency Rule Review \(JCARR\)](#)

[Ohio Administrative Code \(OAC – Rules\)](#)

[Ohio Revised Code \(ORC - Laws\)](#)

Your consideration of rules that impact your profession may have wide ranging benefits for you, Ohio licensees, as well as the public and other stakeholders. Your participation

in the rule-making process directly benefits the Ohio Board of Nursing and is greatly appreciated. If you have any questions, feel free to contact us at Rules@Nursing.Ohio.gov

Thank you,

OHIO BOARD OF NURSING
8995 East Main Street
Reynoldsburg, Ohio 43068
www.Nursing.Ohio.gov



Board of Nursing

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Advisory Group on Certified Community Health Workers

Draft Meeting Minutes

May 23, 2024

Bromfield Administration Building Auditorium

Members Attending: Jenny Heiser, Chair, Ohio Board of Nursing Board Member; Ella Thomas; Juan Silva; Shaunta Stanford; Cathey Williams; Kathleen Davis Bellamy; Paul Isherwood; Luul Ahmed (Arrived at 1:28 pm)

Members Absent: Joan Thoman; Jasmine Robinson

Board Staff Attending: Lisa Emrich; Anita Dipasquale; Jack Brubaker; Lisa Hashemian; Chantelle Warne

Guests: None

Call to Order

Chair Jenny Heiser called the meeting to order at 1:05 pm.

Approval of January 2024 Meeting Minutes

The minutes were approved by consensus as written.

Outcome of Chapter 4723-26, OAC, Review by Advisory Group on Rules

Lisa Emrich said the Advisory Group on Rules reviewed and agreed with all recommended changes to Chapter 4723-26, of the Ohio Administrative Code (OAC). She said during the Rules Advisory Group discussion, it was suggested “social determinants of health” be replaced with “health-related social needs” which is the current term that CMS uses.

The Advisory Group discussed the suggested change and agreed by consensus to keep the verbiage “social determinates of health,” as it more accurately conveys that social conditions are the drivers of health outcomes and risks. The proposed rule revisions will be reviewed and considered by the Board at its July 2024 meeting.

Update, Doula Advisory Group

L. Emrich said that Substitute HB 101, effective April 30, 2024, changed the composition of the Doula Advisory Group. Board Member Joseph Quackenbush and two representatives of a doula certification program or organization established in Ohio were appointed by the Board to the Doula Advisory Group at the May Board meeting. The Board approved the draft doula rules. L. Emrich summarized the next steps in the doula rules process. The next Doula Advisory Group Meeting is scheduled for June 26, 2024, at the State Library of Ohio.

Update on the Center for Community Health Worker Excellence

L. Emrich noted that the Licensure Manager, Tracy Williams-Johnson, has been attending the Center for Community Health Worker Excellence Board of Directors Meetings and has provided the following update: The Center for Community Health Worker Excellence has been working to further define its mission and vision statement, which is *Ohio is the best state in the nation to learn, practice and thrive*. The budget will be confirmed by the end of the current fiscal year, and then discussion will need to take place on how it will be dispersed and used. A website will be established soon with plans to feature supervision and mentorship pathways and education. The Center for Community Health Worker Excellence Board of Directors Meeting dates are available on the Ohio Department of Health's website.

Agenda Building for 2025: Concerns, Goals and Activities in Meeting Charge

The Advisory Group discussed plans to continue to push-out information about CHWs to the public. The Ohio Association of Community Health Centers is hosting the 2024 CHW Statewide Conference at the Quest Event Center October 24 – 25. The conference and other CHW-related events may be published on the Ohio Board of Nursing's (OBN) website. Also, June 6 is CHW Day in Ohio.

Discussion ensued about drafting a Frequently Asked Questions (FAQ) resource page on the OBN website with the following topics and information: clarifying and providing examples of nursing tasks performed by a community health worker, further explaining the supervision of a CHW, certification renewal requirements, continuing education resources, providing a list of organizations that employ CHWs and how they are utilized, providing links to local associations, and a registry of certified CHWs for networking.

The Advisory Group members discussed the need for more professional development and mentorship opportunities. Discussion ensued about encouraging CHWs to explore additional training and seek out resources that may be beneficial to patients.

Chair J. Heiser suggested continuing to highlight CHWs career paths and successes for publication it in Momentum or on the website.

Discussion culminated in the idea of collecting data from CHW training programs to capture the number of individuals completing programs, any professional assistance provided to individuals following program completion, specializations, and available post-completion programs. L. Emrich said this type of data may already be collected through workforce questions within renewal applications. She will look into it.

Other

L. Emrich reviewed the current Advisory Group on Community Health Worker positions with terms ending at the end of the year. Applications for all of the Board's advisory groups will be published on the Board's website in October with appointments made at the November Board meeting.

Remaining 2024 Meeting

The Advisory Group rescheduled the September 19 meeting to November 14.

Adjourn

The meeting adjourned at 2:06 pm.



**Advisory Group on Certified Community Health Workers
Draft Meeting Minutes
January 25, 2024
Ohio Board of Nursing Board Room
Suite 660, 17 S High Street, Columbus, Ohio 43215**

Members Attending: Jenny Heiser, Chair, Ohio Board of Nursing Board Member; Luul Ahmed; Juan Silva; Joan Thoman; Kathleen Davis Bellamy; Paul Isherwood; Cathey Williams; Jasmine Robinson; Shaunta Stanford (arrived at 1:24 pm)

Members Absent: Ella Thomas

Board Staff Attending: Lisa Emrich; Dean Heid; Jack Brubaker; Lisa Hashemian; Chantelle Warne

Guests: None

Call to Order

Chair Jenny Heiser called the meeting to order at 1:05 pm.

Approval of July 2023 Meeting Minutes

The minutes were approved by consensus as written.

Five Year Review Proposed Draft Revisions Chapter 4723-26, OAC

Lisa Emrich explained the draft proposed changes to Chapter 4723-26, OAC and addressed Rule comments from the March 2023 Advisory meeting. The Advisory Group members discussed the following:

- **Rule 47233-26-01 (J) and (L):** Language was updated to reflect the electronic process of placing a certificate on inactive status.
- **Rule 47233-26-01(P):** The language “Site Visit” was changed to “Survey”.
- **Rule 47233-26-03(B)(2):** A typo was corrected.
- **Rule 47233-26-04(D):** Language was updated to reflect the electronic process of placing a certificate on inactive status.
- **Rule 47233-26-05(B):** Language was updated to reflect the electronic process of placing a certificate on inactive status
- **Rule 47233-26-11(B)(22):** Paul Isherwood noted a typo to the phrase “other the spouse”; it should state, “other than the spouse.”
- **Rule 47233-26-12(B)(3):** Added clarifying language, “If the curriculum includes nursing tasks.”
- **Rule 47233-26-12(C):** The content was reorganized for clarity and the word “written” was added to proceed “program policies.”
- **Rule 47233-26-13:** L. Emrich stated that with respect to adding content, the current Rule establishes the minimum content, and training programs are not prohibited from adding content to focus on specific areas. Lead poisoning was previously mentioned; however, it could perhaps be housed in one of the major areas already

listed. Kathleen Davis Bellamy stated that (C)(5) is specific to health education compared to the health care-related items of (C)(1).

- **Rule 47233-26-13(C)(3):** Luul Ahmed suggested adding “Facilitating Support Groups”.
- **Rule 47233-26-13:** K. Davis Bellamy suggested adding “social determinates of health”.
- **Rule 47233-26-13(E):** The term “utilized” was added to provide clarity.
- **Rule 47233-26-14(D):** A survey may include a site visit or a remote survey of the program.
- **Rule 47233-26-14(G), (H), and (I):** Added a timeline to submit reports to the Board.

Update, Doula Advisory Board

The Doula Advisory Board’s first meeting was held on January 9. The next meeting is Tuesday January 30 at State of Ohio Library at 10 am. Board staff is drafting administrative rules needed to implement the Doula Certification Program with the Doula Advisory Board’s input. These are public meetings.

Board of Nursing Office Move, Future Meeting Location

The Ohio Board of Nursing is moving to the Department of Agriculture campus in Reynoldsburg. The next Advisory Group on Certified Community Health Workers will be at a different location. The Group will be notified of all meeting updates in the near future.

Remaining 2024 Meetings

The remaining 2024 meetings are scheduled for May 23 and September 19.

Other

The Center for Community Health Worker Excellence Board met for the first time today and Marlene Anielski, Executive Director, attended on behalf of the Board.

Adjourn

The meeting adjourned at 2:06 pm.

Dipasquale, Anita

Rule: 4723-16-10

From: OBN Rules
Sent: Tuesday, May 7, 2024 9:20 AM
To: monique huzzie
Subject: RE: "Rules 2024"

Thank you for your comment. It will be provided to the Board's Advisory Group on Rules.

Thank you,
Anita A. DiPasquale, JD
Advisory Attorney
Education, Practice, & Licensure
OHIO BOARD OF NURSING
8995 East Main Street
Reynoldsburg, Ohio 43068
www.nursing.ohio.gov
Customer Service: 614-466-3947
How was your experience with the Ohio Board of Nursing?
[Customer Service Survey](#)



Check [here](#) for the latest updates on [COVID-19](#). For additional information call the Ohio Department of Health hotline at 1-833-4-ASK-ODH.

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From: monique huzzie <indemand.rn72@hotmail.com>
Sent: Friday, May 3, 2024 3:51 PM
To: OBN Rules <rules@nursing.ohio.gov>
Subject: "Rules 2024"

Rule 4723-16-10, Settlements:

Settlements should be determined based in part on the candidate's willingness to surrender their professional license. In the event a license is surrendered in the negotiation process, the Board should be willing to provide a substantial financial settlement as the licensed professional no longer poses a threat for further litigation. In the event during the negotiation process, the licensed professional is not willing to surrender their license, if the Board is liable for wrong-doing, the settlement should

compensate the licensed professional for damages both financial losses and pain/suffering.

An example:

RN 1234 earns \$80,000 per year and has the ability to earn that amount plus yearly raises, retention bonuses etc- and can reasonably be expected to work 10 years, the compensation offered should equal that amount, approximately \$900,000. The RN is willing to surrender their professional license.

RN 5678 license remains active and is able to work as a nurse for the next 10 years, agrees to be compensated \$500,000 for loss wages plus pain and suffering.

Thank you for your interest in the stakeholders' input in this matter.

Moniquie Huzzie

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

Rule: Licensure, N/A

Dipasquale, Anita

From: OBN Rules
Sent: Wednesday, May 1, 2024 6:05 PM
To: Chuck Fisher
Subject: RE: Extending ce requirements to 5year for Nursing

Thank you for your comments. They will be shared with the Board's Advisory Group on Rules.

Please note that the administrative rules adopted by the board (and found in Chapter 4723, Ohio Administrative Code), must be reviewed at least once every 5 years. *Nurse licensure lasts for up to 2 years and then must be renewed for another 2 year period. Nothing in the proposed rule changes will change the 2 year licensure period for nurse licensure.*

If I have misunderstood your comment, feel free to write again, and state which rule specifically you are referring to. That would assist in responding further if needed.

Thank you,

Anita A. DiPasquale, JD

Advisory Attorney

Education, Practice, & Licensure

OHIO BOARD OF NURSING

8995 East Main Street

Reynoldsburg, Ohio 43068

www.nursing.ohio.gov

Customer Service: 614-466-3947

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From: Chuck Fisher <fisherautobody@yahoo.com>
Sent: Wednesday, May 1, 2024 10:21 AM
To: OBN Rules <rules@nursing.ohio.gov>
Subject: Extending ce requirements to 5year for Nursing

I do not think nursing license should be extended to 5 year, without additional CE requirements every 2 years. We need to be kept on our toes, even if you are not a hospital nurse. Thank you for asking me for input.

[Yahoo Mail: Search, Organize, Conquer](#)

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Rule: Unknown

Dipasquale, Anita

From: OBN Rules
Sent: Wednesday, May 1, 2024 6:10 PM
To: 'Briggett Martin'
Subject: RE: Rules

Hello, If you were trying to comment on a proposed rule change in Ohio Board of Nursing rules, no content was received here. You are welcome to try again by sending your email to this email address, rules@nursing.ohio.gov Thank you.

Thank you,
Anita A. DiPasquale, JD
Advisory Attorney
Education, Practice, & Licensure
OHIO BOARD OF NURSING
8995 East Main Street
Reynoldsburg, Ohio 43068
www.nursing.ohio.gov
Customer Service: 614-466-3947
How was your experience with the Ohio Board of Nursing?
Customer Service Survey

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-----Original Message-----

From: Briggett Martin <martinbriggett@icloud.com>
Sent: Monday, April 29, 2024 2:45 PM
To: OBN Rules <rules@nursing.ohio.gov>
Subject: Rules

Sent from my iPhone

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Dipasquale, Anita

Rule: Unclear

From: OBN Rules
Sent: Wednesday, May 1, 2024 6:07 PM
To: nettie hartung
Subject: RE: Rules

Thank you for your comments. They will be provided to the Board's Advisory Group on Rules. If you are referring to any proposed rule change in particular, and if you wish to do so, feel free to write again and specify which proposed rule changes you are commenting on. Thank you.

Thank you,
Anita A. DiPasquale, JD
Advisory Attorney
Education, Practice, & Licensure
OHIO BOARD OF NURSING
8995 East Main Street
Reynoldsburg, Ohio 43068
www.nursing.ohio.gov
Customer Service: 614-466-3947
How was your experience with the Ohio Board of Nursing?
[Customer Service Survey](#)



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From: nettie hartung <nettiehartung@gmail.com>
Sent: Monday, April 29, 2024 3:04 PM
To: OBN Rules <rules@nursing.ohio.gov>
Subject: Rules

No I do not agree! It is hard enough to get a license for nursing and to keep it and the hours of education to stay into the field !
Nettie Hartung RN

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