



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

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Business Impact Analysis

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

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

2026 Modernization and Rule Review Package

Rule Number(s):

Chapter 4723-1: Board Organization and Records:

- Rule 4723-1-01, Board organization and records.
- Rule 4723-1-02, Personnel.
- Rule 4723-1-03, Board records and documents.
- Rule 4723-1-04, Fees.
- Rule 4723-1-05, Notice of adoption, amendment, or rescission of rules.
- Rule 4723-1-06, Notice of board meetings.
- Rule 4723-1-07, Personal information system definitions.
- Rule 4723-1-08, Procedures for accessing confidential personal information.
- Rule 4723-1-09, Valid reasons for accessing confidential personal information.
- Rule 4723-1-10, Confidentiality statutes, regulations and rules.
- Rule 4723-1-11, Restricting and logging access to confidential personal information in computerized personal information systems.
- Rule 4723-1-14, Reporting a misdemeanor or felony.
- Rule 4723-1-15, Expiration of criminal records check.

Chapter 4723-3: Definitions:

- Rule 4723-3-01, Definitions.
- Rule 4723-3-02, Definition of mental or physical impairment or disability.

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Chapter 4723-5: Nursing Education Program (scheduled for five-year review):

- **Rule 4723-5-01, Definitions.**
- **Rule 4723-5-02, General information.**
- **Rule 4723-5-03, Change of control of a program.**
- **Rule 4723-5-04, Procedure for board determination of a program's status.**
- **Rule 4723-5-05, Program reports to the board.**
- **Rule 4723-5-06, Survey visits, reports, and response by the administrator of a program to a survey visit report.**
- **Rule 4723-5-08, Requirements for seeking conditional approval.**
- **Rule 4723-5-09, Organization and administration of the program.**
- **Rule 4723-5-10, Qualifications of administrators, faculty, teaching assistants and preceptors for a registered nursing education program.**
- **Rule 4723-5-11, Qualifications of administrators, faculty, teaching assistants and preceptors for a practical nursing education program.**
- **Rule 4723-5-12, Program policies.**
- **Rule 4723-5-13, Curriculum for a registered nursing education program.**
- **Rule 4723-5-14, Curriculum for a practical nursing education program.**
- **Rule 4723-5-15, Evaluation plan of the program.**
- **Rule 4723-5-16, Board approval of a curriculum revision.**
- **Rule 4723-5-17, Program contractual relationships.**
- **Rule 4723-5-19, Responsibilities of faculty teaching a nursing course.**
- **Rule 4723-5-20, Responsibilities of faculty, teaching assistants and preceptors in a clinical setting.**
- **Rule 4723-5-21, Program records.**
- **Rule 4723-5-23, Program NCLEX rates.**
- **Rule 4723-5-24, Closure of a program.**
- **Rule 4723-5-25, Submission of false, misleading or deceptive information or documents.**

Chapter 4723-7: Examination and Licensure (scheduled for five-year review):

- **Rule 4723-7-01, Definitions.**
- **Rule 4723-7-02, Requirements and application for licensure by examination as a nurse.**
- **Rule 4723-7-03, Authorization to test, accommodations, retesting, and notification.**
- **Rule 4723-7-04, Requirements for licensure for foreign educated nurse graduates.**
- **Rule 4723-7-05, Registered nurse licensure by endorsement.**
- **Rule 4723-7-06, Practical nurse licensure by endorsement.**
- **Rule 4723-7-07, Original certificate and license.**
- **Rule 4723-7-08, Reporting a misdemeanor or felony.**
- **Rule 4723-7-09, License renewal for licensed practical nurses and registered nurses.**
- **Rule 4723-7-10, Volunteer's certificate.**
- **Rule 4723-7-13, Nonrenewable temporary permit for licensed nurse applicants.**

Chapter 4723-8: Advanced Practice Nurse Certification and Practice:

- Rule 4723-8-01, Definitions.
- Rule 4723-8-02, Standards of practice.
- Rule 4723-8-03, Title protection.

Chapter 4723-9: Prescriptive Authority:

- Rule 4723-9-10, Formulary; standards of prescribing for advanced practice registered nurses designated as clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners.
- Rule 4723-9-13, Office-based opioid treatment.

Chapter 4723-13: Delegation of Nursing Tasks (scheduled for five-year review):

- Rule 4723-13-01, Definitions.
- Rule 4723-13-02, General information.
- Rule 4723-13-03, Prohibitions.
- Rule 4723-13-05, Criteria and standards for a licensed nurse delegating to an unlicensed person.
- Rule 4723-13-06, Minimum curriculum requirements for teaching a nursing task.
- Rule 4723-13-07, Supervision of the performance of a nursing task performed by an unlicensed person.

Chapter 4723-14: Continuing Nursing Education:

- Rule 4723-14-01, Definitions.
- Rule 4723-14-03, Continuing education requirement for licensed practical and registered nurses.

Chapter 4723-16: Hearings:

- Rule 4723-16-01, General Information.

Chapter 4723-27: Medication Administration by Certified Medication Aide (scheduled for five-year review):

- Rule 4723-27-01, Definitions.
- Rule 4723-27-02, Standards of safe medication administration by a certified medication aide.
- Rule 4723-27-03, Supervision of medication administration to certified medication aides.
- Rule 4723-27-04, Medication aide certification.
- Rule 4723-27-05, Renewal of a medication aide certificate.
- Rule 4723-27-07, Medication aide training programs.
- Rule 4723-27-08, Standard curriculum for medication aide programs.
- Rule 4723-27-09, Disciplinary actions against certified medication aides; investigations.

- Rule 4723-27-10, Fees.
- Rule 4723-27-11, Medication aide certification by endorsement.

Date of Submission for CSI Review: September 30, 2026

Public Comment Period End Date: October 12, 2026

Rule Type/Number of Rules:

New/ 58 rules

No Change/ 0 rules (FYR? N/A)

Amended/ 11 rules (FYR? Y)

Rescinded/ 58 rules (FYR? Y)

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 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):

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- 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.

Overview: The Ohio Board of Nursing (“Board”) is beginning a multi-year project of modernizing the language within its regulations. Approximately 91% of this package’s changes are readability improvements – the remaining roughly 9% of changes impact some type of policy. These readability improvements are substantial: the Flesch-Kincaid Grade Level estimate went from 20th grade to between 11-12th grade.

The 2026 package is dramatically more accessible to Ohioans, aligns rules with statutory changes, enhances public protection, and addresses concerns identified through investigations and oversight of nursing education programs. The changes ensure transparency and quality of education for students; streamline processes for applicants, licensees, and certificate holders; and make the agency itself more efficient.

Importantly, the Board has *not* compromised on any of its standards for practice. Our goal is *not* to make the law less rigorous. Rather, we want to prevent our state’s health care personnel from spending needless extra mental energy figuring out what the law requires, and spend more time providing quality care to Ohioans.

Chapter 4723-1: Board Organization and Records.

- Removes duplicative Board officer-election language;
- Requires all license and certificate holders to update their name and address through eLicense, removing the option to submit changes via physical letters.

Chapter 4723-5: Nursing Education Program.

- Allows a nursing education program (“Program”) to continue operations under conditional approval if a board survey visit has been completed;
- Requires Programs to display the following information on their website landing pages:
 - NCLEX (the examination required for licensure) pass rates;
 - Job placement;
 - Approval status; and
 - Financial aid options for the Program’s students;
- Requires Program Administrators to notify the Board within 30 days of losing approval, accreditation, or registration from certain credentialing bodies;
- Prohibits Programs, while under provisional status (similar to probation), from expanding to additional locations;
- Requires Program Administrators to maintain a policy for verifying the validity of prior nursing education when awarding advanced standing;
- Clarifies that Program Administrators must be routinely physically present at their Program location;
- Adjusts the NCLEX reporting period from six months post-graduation to one year;
- Increases the oversight of Programs that continuously fail to adequately prepare graduates to practice:
 - Triggers Board intervention one year earlier (from four consecutive years to three consecutive years of low NCLEX scores), placing a Program with full approval on provisional status, and a relatively new Program on conditional status will be denied approval.
 - Programs with five consecutive years of low NCLEX scores will be closed to protect future students and the public.

Chapter 4723-7: Examination and Licensure.

- Updates the list of examinations internationally educated nurse graduates may use to prove their proficiency in the English language;
- Requires internationally educated nurse graduates to show work authorization (e.g., a Social Security Number);
- Harmonizes licensing processes with changes to Ohio’s laws on licensing applicants from other jurisdictions;
- Removes cumbersome extra barriers for a retired nurse to qualify for a Volunteer’s Certificate.

Chapter 4723-14: Continuing Nursing Education.

- Integrates Certified Medication Aides (“CMAs”) into the existing nursing continuing education structure, in compliance with recently enacted legislation;
- Establishes the CMA reporting periods (February 1 through January 31 in even- numbered years);
- Removes cumbersome extra barriers for renewing a Volunteer’s Certificate, keeping them in the same position as a standard non-retired nurse.

Chapter 4723-27: Medication Administration by Certified Medication Aide.

- Requires CMA applicants to pass a criminal records check, in accordance with RC 4723.091;
- Clarifies the scope of practice, including prohibitions when preparing medications to administer;
- Harmonizes licensing requirements with updates to Ohio laws governing licensure from other jurisdictions.

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.

Chapter 4723-1: Board Organization and Record.

- Rule 4723-1-01, Board organization and records.
 - Authorized by: 4723.07
 - Amplifies: 4723.02, 4723.05
- Rule 4723-1-02, Personnel.
 - Authorized by: 4723.07
 - Amplifies: 4723.05
- Rule 4723-1-03, Board records and documents.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-1-04, Fees.
 - Authorized by: 4723.07
 - Amplifies: 4723.08
- Rule 4723-1-05, Notice of adoption, amendment, or rescission of rules.
 - Authorized by: 121.22, 4723.07
 - Amplifies: 4723.06, 4723.07
- Rule 4723-1-06, Notice of board meetings.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 121.22

Chapter 4723-1: Board Organization and Records, continued.

- Rule 4723-1-07, Personal information system definitions.
 - Authorized by: 4723.07, Chapter 1347.
 - Amplifies: 4723.06, Chapter 1347.
- Rule 4723-1-08, Procedures for accessing confidential personal information.
 - Authorized by: 4723.07, 1347.05, 1347.14
 - Amplifies: 4723.06, Chapter 1347.
- Rule 4723-1-09, Valid reasons for accessing confidential personal information.
 - Authorized by: 4723.07, 1347.05, 1347.15
 - Amplifies: 4723.06, Chapter 1347.
- Rule 4723-1-10, Confidentiality statutes, regulations and rules.
 - Authorized by: 4723.07, 1347.05, 1347.15
 - Amplifies: 4723.06, 1347.05
- Rule 4723-1-11, Restricting and logging access to confidential personal information in computerized personal information systems.
 - Authorized by: 4723.07, 1347.05, 1347.15
 - Amplifies: 4723.06, Chapter 1347.
- Rule 4723-1-14, Reporting a misdemeanor or felony.
 - Authorized by: 4723.07
 - Amplifies: 4723.09, 4723.091, 4723.24, 4723.28, 4723.75, 4723.89
- Rule 4723-1-15, Expiration of criminal records check.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 109.572

Chapter 4723-3: Definitions.

- Rule 4723-3-01, Definitions.
 - Authorized by: 4723.07, 4723.69, 4723.88
 - Amplifies: Chapter 4723.

Chapter 4723-5: Nursing Education Program

- Rule 4723-5-01, Definitions.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-02, General information.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-03, Change of control of a program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-04, Procedure for board determination of a program's status.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-05, Program reports.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-06, Survey visits.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-08, New programs seeking conditional approval.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-09, Organization and administration of the program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-10, Qualifications of administrators, faculty, teaching assistants and preceptors for a registered nursing education program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-11, Qualifications of administrators, faculty, teaching assistants and preceptors for a practical nursing education program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-12, Program policies.
 - Authorized by: 4723.07
 - Amplifies: 4723.06

Chapter 4723-5: Nursing Education Program, continued.

- Rule 4723-5-13, Curriculum for a registered nursing education program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-14, Curriculum for a practical nursing education program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-15, Evaluation plan of the program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-16, Board approval of a curriculum revision.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-17, Board may inspect clinical agreements.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-19, Responsibilities of faculty teaching a nursing course.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-20, Responsibilities in a clinical setting.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-21, Program records.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-23, Program NCLEX rates.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-24, Closure of a program.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-5-25, Submission of false, misleading or deceptive information or documents.
 - Authorized by: 4723.07
 - Amplifies: 4723.06

Chapter 4723-7: Examination and Licensure.

- Rule 4723-7-01, Definitions.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 4723.08, 4723.09, 4723.10
- Rule 4723-7-02, Licensure by examination.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 4723.08, 4723.09, 4723.10
- Rule 4723-7-03, Authorization to test, accommodations, retesting, and notification.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 4723.08, 4723.09, 4723.10
- Rule 4723-7-04, Requirements for licensure for internationally educated nurse graduates.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 4723.08, 4723.09, 4723.10
- Rule 4723-7-05, Licensing active nurses from other states.
 - Authorized by: 4723.07, 4796.30
 - Amplifies: 4723.09, Chapter 4796.
- Rule 4723-7-06, Licensing active nurses from other countries.
 - Authorized by: 4723.07
 - Amplifies: 4723.09(B)
- Rule 4723-7-07, Original certificate and license.
 - Authorized by: 4723.07
 - Amplifies: 4723.06
- Rule 4723-7-09, License renewal for licensed practical nurses and registered nurses.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 4723.24,
- Rule 4723-7-10, Volunteer's certificate.
 - Authorized by: 4723.07, 4723.26
 - Amplifies: 4723.24
- Rule 4723-7-13, Nonrenewable temporary permit for licensed nurse applicants.
 - Authorized by: 4723.07
 - Amplifies: 4723.09

Chapter 4723-8: Advanced Practice Nurse Certification and Practice.

- Rule 4723-8-01, Definitions.
 - Authorized by: 4723.07
 - Amplifies: 4723.01, 4723.43
- Rule 4723-8-02, Standards of practice.
 - Authorized by: 4723.07
 - Amplifies: 4723.01, 4723.43
- Rule 4723-8-03, Protecting the public from unlawful practice.
 - Authorized by: 4723.07
 - Amplifies: 4723.44

Chapter 4723-9: Prescriptive Authority.

- Rule 4723-9-10, Formulary; standards of prescribing for advanced practice registered nurses designated as clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners.
 - Authorized by: 4723.07, 4723.50, 3719.062
 - Amplifies: 4723.481, 4723.488, 4723.487
- Rule 4723-9-13, Office-based opioid treatment.
 - Authorized by: 4723.07, 4723.50, 4723.51
 - Amplifies: 4723.52

Chapter 4723-13: Delegation of Nursing Tasks.

- Rule 4723-13-01, Definitions.
 - Authorized by: 4723.07
 - Amplifies: 4723.01
- Rule 4723-13-02, General information.
 - Authorized by: 4723.07, 4723.071
 - Amplifies: 4723.01, 4723.03
- Rule 4723-13-03, Prohibitions.
 - Authorized by: 4723.07
 - Amplifies: 4723.01, 4723.03
- Rule 4723-13-05, Criteria and standards for a licensed nurse delegating to an unlicensed person.
 - Authorized by: 4723.07, 4723.071
 - Amplifies: 4723.01, 4723.03, 4723.48, 4723.489
- Rule 4723-13-06, Minimum requirements for teaching a nursing task.
 - Authorized by: 4723.07
 - Amplifies: 4723.01, 4723.03
- Rule 4723-13-07, Supervision of the performance of a nursing task performed by an unlicensed person.
 - Authorized by: 4723.07, 4723.071
 - Amplifies: 4723.01, 4723.03

Chapter 4723-14: Continuing Nursing Education.

- Rule 4723-14-01, Definitions.
 - Authorized by: 4723.07
 - Amplifies: 4723.06, 4723.24, 4723.651
- Rule 4723-14-03, Registered nurse, licensed practical nurse, and certified medication aide continuing education.
 - Authorized by: 4723.07
 - Amplifies: 4723.24, 4723.26, 4723.651

Chapter 4723-16: Hearings.

- Rule 4723-16-01, General Information.
 - Authorized by: 4723.07
 - Amplifies: 4723.28

Chapter 4723-27: Medication Administration by Certified Medication Aide.

- Rule 4723-27-01, Definitions.
 - Authorized by: 4723.69
 - Amplifies: 4723.63, 4723.64, 4723.65, 4723.651, 4723.653, 4723.66, 4723.67, 4723.68
- Rule 4723-27-02, Certified medication aide professional standards.
 - Authorized by: 4723.69
 - Amplifies: 4723.63, 4723.64, 4723.65, 4723.652, 4723.67
- Rule 4723-27-03, Supervision of medication administration to certified medication aides.
 - Authorized by: 4723.69
 - Amplifies: 4723.67
- Rule 4723-27-04, Medication aide certification.
 - Authorized by: 4723.69
 - Amplifies: 4723.63, 4723.65, 4723.651, 4723.653,
- Rule 4723-27-05, Renewal of a medication aide certificate.
 - Authorized by: 4723.69
 - Amplifies: 4723.63, 4723.65
- Rule 4723-27-07, Medication aide training programs.
 - Authorized by: 4723.69
 - Amplifies: 4723.66
- Rule 4723-27-08, Standard curriculum for medication aide programs.
 - Authorized by: 4723.69
 - Amplifies: 4723.66
- Rule 4723-27-09, Disciplinary actions against certified medication aides; investigations.
 - Authorized by: 4723.69
 - Amplifies: 4723.651, 4723.652, 4723.66, 4723.67
- Rule 4723-27-11, Certifying active medication aides from other states.
 - Authorized by: 4723.69
 - Amplifies: 4723.651

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

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 Board is required by statute to adopt and maintain these rules.
- The rules are necessary to safeguard the public by ensuring Ohioans receive only high-quality care from medical professionals.

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

- A decrease in questions from licensees and certificate holders, educational programs, employers, and the public;
- External stakeholder feedback (public outreach, social media, inquiries);
- Feedback from Advisory Groups (comprised primarily of public members); and
- Complaint and investigation data.

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 June 24, 2026, the original draft rules were emailed to stakeholders across the state (all licensees, certificate holders, and interested parties – approximately 300,000 people) for public comment. The draft rules were also posted prominently on the Board’s homepage for review and comment.

On July 23, 2026, the Board’s Advisory Group on Rules (comprised of three Board members and two public members, all are licensed nurses) met to consider the draft rules and stakeholder comments.

In advance of their September 2026 meeting, the Board was provided with the draft rules as amended by the Advisory Group on Rules, draft Minutes of the Advisory Group on Rules July 2026 meeting, and all feedback from stakeholders on the draft rules.

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

Rule 4723-1-01: This rule is currently overly burdensome, interfering with the board's ability to hand over operations from one board president to the next. The Board is removing specific language from the OAC, leaving internal policy to control their internal processes for electing officers. The end result will be the Board holding elections earlier, but not changing when the next officers begin their terms. This is intended to provide more time for the outgoing officers to train their replacements – a soft handoff. The amendment has no impact on Board member terms, which are set in statute.

Stakeholders brought a concern about the initial draft's language asymmetry between the terms for (A) the board supervising member for disciplinary matters; and (B) the president and vice president. The Board heard the stakeholder concern, and the language has been harmonized, leaving all three officers in the same situation and their terms as officers controlled by Board policy.

Rule 4723-5-12: The current rule prohibits a Program from changing policies or requirements for student progression, or requirements for completing the program, after a student begins. The June draft had an option for Programs on provisional status (similar to being placed on probation) to apply to the Board for a variance from that prohibition, effectively allowing a struggling program to apply course correction changes for existing cohorts.

However, stakeholders shared that changing the policies mid-stream on students would be unfair, and logistically daunting on both the Program and the Board to implement equitably and efficiently. Moreover, because more than one cohort begins each year, Programs have ample opportunities to change policies. For example, cohort (A) may begin in September and cohort (B) may begin the following January; the Program could implement new policies for cohort (B). As a result, the amended language in the first draft was removed, reverting back to current law.

Chapters 4723-7 and 4723-27: The Advisory Group on Rules had strong concerns with the initial draft's use of the word "comity" for provisions on granting licensure through R.C. Chapter 4796. Comity is an archaic word that is generally unknown in the nursing community. The word was removed to increase readability and accessibility.

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?

The rules were redrafted to significantly increase readability. The Board used the Flesch-Kincaid Grade Level estimate score to measure the success of the redrafted language.

The *content* of the proposed rules is based on the operational experiences regulating licensees and certificate holders; training programs; and operating the Board 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.***

See response to question 10 on changing policies for existing students.

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

One of the board supervising attorneys identified and removed provisions that duplicated language in statute (e.g., provisions within R.C. 121.22).

Between removing duplicative language and readability improvements, the overall draft has approximately 21% fewer words.

- 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.**

The Board publishes guidance on a variety of topics including licensure/certification requirements; continuing education requirements; relevant available waivers; and practice. This guidance is published on the OBN website, on OBN social media, and is distributed to targeted groups. The Board 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, Board staff are trained in the implementation of new rules as needed to ensure consistent and predictable application.

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

These rules impact:

- Nurses and all health care facilities and agencies that employ nurses;
- Nursing education programs;
- Certified medication aides and all nursing homes and residential care facilities that employ certified medication aides.

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.

This package is complex – most provisions *reduce* the regulatory burden, while others (with good reason) *might* increase it. Most of the package’s potential adverse impact is on a poorly performing nursing education program. The amendments help to prevent fraud and ensure the next generation of nurses will provide high quality care.

Reduction in adverse impact:

- Provisions:
 - Adds more options to prove English language proficiency for internationally educated nurses; and
 - Readability improvements (see response to question 16).
- Financial benefit to the business community:
 - Ohio currently has a nursing shortage. These changes will allow health care providers to recruit and place qualified nurses faster and easier, without ever sacrificing the quality of care the nurses provide.
 - Readability improvements (see response to question 16). These improvements save time for the practitioner and employer, reduce confusion, make it easier to train future personnel, and should result in better compliance.

Increase in adverse impact:

- Provisions:
 - Requires a nursing education program to maintain a policy for determining if prior nursing education is valid when applicants are seeking advanced standing (this is in response primarily to fraudulent nursing programs that have either (A) directly issued diplomas to make students appear that they have completed training; or (B) created transcripts for students to transfer and hide their fraudulent training after graduation);
 - Will close nursing education programs that are unable to produce graduates that can safely practice (too many graduates failing the licensing exam after a number of consecutive years);
 - Prohibits a nursing education program on provisional status (similar to probation) from expanding to another location;
 - Requires a nursing program administrator to notify the board within 30 days of the program losing approval, accreditation, or registration from certain credentialing bodies;
 - Requires a nursing education program to have information on its website's landing page on graduate job placement; NCLEX pass rate; the program's legal status (conditional, provisional, or full approval); and financial aid options; and
 - Requires a nursing program's administrator to have a routine physical presence at the nursing program.
- Adverse impact:
 - The impacts are expected to be uneven across nursing programs. High quality programs generally already comply with many requirements and will experience minimal change, if any. In short, the good programs will be relatively unaffected.
 - Lower-performing Programs, and those implicated in fraudulent activities, may incur substantial administrative or operational costs. The worst performing Programs, which *continuously* fail to adequately prepare graduates to practice, even with extra support from the board while on provisional status, will be closed. These impacts are necessary to protect Ohioans and maintain the integrity of the profession.

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*).

Yes.

Approximately 91% of the changes in this package simplify rules to improve readability. This was a comprehensive, rule-by-rule modernization, not a spot fix. Across 220 pages of redlines, the Flesch-Kincaid score was slashed nearly in half. Moreover, despite adding a few new requirements (see the anti-fraud provisions in question 15), the resulting draft has 21% fewer words.

We are committed to helping our health care professionals focus on patients or training the next generation of nurses, not deciphering complicated legal writing.

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

The regulatory intent justifies any adverse impact because the proposed rules address real and ongoing risks to the public and to the integrity of the nursing workforce. The rules reflect the Board's operational experience regulating licensees and certificate holders, approving education programs, and protecting the health and safety of Ohioans.

Fraudulent nursing education programs remain a nationwide problem, with recent federal prosecutions demonstrating the seriousness of the issue. For a recent example, earlier this month the owner of a Florida nursing program was sentenced to seven years and three months in federal prison for a fraudulent nursing education program. See *South Florida nursing-school operator gets seven years in fake-degree scheme*, available at <https://www.miamiherald.com/news/local/article317265756.html>.

That article explains the risk of fraudulent nursing credentials, linking a fraudulently trained nurse to a patient's death after failing to provide proper medical care in a hospital. Ohio has flagged applications from graduates of that program. Unfortunately, this program was not alone in creating fraudulent nursing credentials.

To complicate matters, rather than graduating directly, some people transfer their fraudulent transcripts into other programs, effectively laundering a portion of their inadequate or fraudulent training. For example, a person could begin their education in Florida at a fraudulent program, transfer to another school shortly before graduation, receive licensure in New York, then practice in Ohio as a traveling nurse. Because nurses often practice across state lines through a licensure compact, state boards must work collaboratively to prevent the spread of fraudulent credentials.

Unqualified and untrained people acting as health care professionals pose a clear risk to Ohioans. The proposed rules strengthen safeguards to prevent that risk while maintaining minimal impact on legitimate, high-quality nursing programs. For these reasons, the regulatory intent, protecting the public from unsafe or fraudulent nursing practice, fully justifies the potential adverse impact.

Regulatory Flexibility

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

No alternative compliance pathways exist. Licensure standards are the same, regardless of the size of the employer.

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 at 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, R.C. 4723.061 allows the Board to forgo acting on minor violations, if they are committed by individuals licensed/certified by the Board, and the Board determines that the public is adequately protected by issuing a notice or warning to the alleged offender.

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

The Board publishes guidance on a variety of topics including licensure/certification requirements, including fees; continuing education requirements; relevant available waivers; and practice standards. This guidance is published on the Board website and social media, and is included in Momentum, the Board's quarterly magazine.

In addition, Board staff and customer service personnel are available to respond to inquiries.