



- Under the provisions in the bill, the Board will be allowed to accept the results of the licensure exam of the [National Council of State Boards of Nursing](#), or any other national standardized nursing exam. If the Board incurs costs related to acceptance of a national exam, it shall require the examinee to pay a fee sufficient to cover the costs incurred by the Board. Therefore, this is a cost neutral provision.
- A source of potential minimal savings to the Board occurs with a provision allowing the Board to forgo mailing renewal applications to licensees that the Board knows is ineligible for license renewal.
- The bill includes a provision allowing the Board to take action against an individual licensed as both a registered nurse (RN) and licensed practical nurse (LPN) for practicing the opposing category of license. The bill also allows the Board to take action against a licensee if they have a judicial finding of guilt resulting from a plea of no contest or for treatment in lieu of conviction for a misdemeanor committed in the course of practice, violations of any drug law, or for a felony or any crime involving gross immorality. Under current law, the Board may only take action for guilty pleas or for judicial findings of guilt. The Board believes that this will not have a major fiscal impact.
- In order to obtain access to the computerized databases administered by the [National Crime Information Center](#) and the Law Enforcement Automated Data System operated pursuant to ORC 5503.10, the bill declares the Board to be a “criminal justice agency.” The designation as a criminal justice agency shall only apply for purposes of any state or federal law requiring the designation in order to gain access to these databases.
- The bill modifies the language regarding the chemical dependency program operated by the Board to clarify that the Board’s activities are strictly related to monitoring and not providing treatment. This has no fiscal effect.
- The bill explicitly states that nursing care may be provided through electronic communication, thus clarifying how the Board may handle the growing issue of telemedicine and nursing care. According to the Board, this will not lead to a major increase in the number of investigations undertaken by the Board.
- The bill grants civil immunity to RNs, LPNs, or other individuals who, when acting in good faith, follow the orders of an APN, CNM, CRNA, CNP, or CNS.

### ***Local Fiscal Highlights***

| LOCAL GOVERNMENT       | FY 2000 | FY 2001  | FUTURE YEARS   |
|------------------------|---------|--|--|
| <b>Franklin County</b> |         |  |  |
| Revenues               | - 0 -   | - 0 -  | - 0 -  |
| Expenditures           | - 0 -   | Potential minimal increase related to court expenses | Potential minimal increase related to court expenses |

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Since the bill allows the Board to take action against the license of an individual after a judicial finding of guilt resulting from a plea of no contest or for treatment in lieu of conviction, the number of actions taken by the Board will potentially increase. Under [section 119.12 of the Revised Code](#), an individual whose license has been affected by an adjudication made by the Nursing Board may appeal the decision to the Franklin County Court of Common Pleas. This should have minimal added costs for Franklin County since the number of additional cases reaching this level of appeal should be minimal.

---

## ***Detailed Fiscal Analysis***

House Bill 511 revises the Nursing Practice Act and completes the termination of the Advanced Practice Nurse (APN) pilot project. Many of the changes included in the bill are reorganizations of existing sections of the Revised Code and have no fiscal effect. The following information is a description of the changes included in H.B. 511 that have some fiscal effect.

### ***Fee Changes***

#### *Certificate of Authority Fee Decrease*

The Board of Nursing currently certifies Registered Nurses (RNs) meeting certain advanced requirements as either a certified registered nurse anesthetist (CRNA), a clinical nurse specialist (CNS), a certified nurse practitioner (CNP), or a certified nurse-midwife (CNM). Collectively, these advanced categories of nurses are known as the “Four C’s”.

Under existing law, in addition to meeting the requirements to seek designation as a Four C, an eligible nurse must pay the \$100 fee for a certificate of authority. This fee is in addition to the RN license fee and the certificate is valid for a period of two years. Under this bill, the biennial certification fee will be reduced by \$15. As a result, the Board will lose revenue of about \$85,000 during each future certificate renewal biennium. Temporary law in the bill states that the fee change will not go into effect until July 1, 2001.

The table below lists the number of individuals in the Four C’s as of January 6, 2000, as well as current and future revenue raised as a result of the changes included in the bill.

| <b>Category</b> | <b>Licensees</b> | <b>\$100</b>     | <b>\$85</b>      | <b>Decrease</b> |
|-----------------|------------------|------------------|------------------|-----------------|
| CRNA            | 1,753            | \$175,300        | \$149,005        | \$26,295        |
| CNS             | 1,635            | \$163,500        | \$138,975        | \$24,525        |
| CNP             | 1,900            | \$190,000        | \$161,500        | \$28,500        |
| CNM             | 261              | \$26,100         | \$22,185         | \$3,915         |
| <b>TOTAL</b>    | <b>5,549</b>     | <b>\$554,900</b> | <b>\$471,665</b> | <b>\$83,235</b> |

#### *Advanced Practice Nurse (APN) Fee*

This bill modifies the Revised Code to include a \$50 fee to practice as an APN. Under existing law, the fee for APNs is established in the Nursing Board’s rules. Existing sections [4723-19-07 \(B\)](#) and [4723-19-08 \(B\) of the Administrative Code](#) establish the initial and renewal fee for APNs at \$50 for a two-year license. Therefore, this change simply codifies the APN fee and has no fiscal change for the Board or for individual licensees.

### *Lapsed Licenses*

The bill also establishes a fee of \$100 for the reinstatement of a lapsed license or certificate. According to the Board, there should be very few lapsed licenses and this provision will have minimal fiscal gain for the Board.

### *Renewal Application Mailings*

A source of potential negligible savings to the Board occurs as a result of a provision in the bill stating that the Board is not required to mail renewal applications to individuals known to be ineligible for license renewal.

## **Board Actions Against Licensees**

The bill amends the Nursing Practice Act in two circumstances that modify situations when the Board can take action against the license of an individual and what type of action the Board may take.

### *Minor Violations*

On minor violations of the laws governing the practice of nursing, this bill allows for the Board to forgo action against a licensee if the Board determines that the public can be adequately protected by the issuance of a warning to the license holder. The change could have potential cost savings to the Board if it is not required to undertake a full investigation for minor violations of the rules and laws governing nursing.

### *Judicial Findings of Guilt*

Under the existing language in the Revised Code, the Board of Nursing may take action against the license of an individual if they have been convicted of, pled guilty to, or have a judicial finding of guilt for the following circumstances:

- 1) Misdemeanors committed in the course of practice;
- 2) Felonies or any crimes involving gross immorality or moral turpitude;
- 3) Violations of any municipal, state, county, or federal drug law;
- 4) Acts in another jurisdiction that would constitute a felony or crime of moral turpitude in Ohio;  
and
- 5) Acts in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio.

House Bill 511 amends these five divisions of section 4723.28 of the Revised Code to add judicial findings of guilt resulting from a plea of no contest and judicial findings of eligibility for treatment in lieu of conviction. This change expands the situations where the Board may take action and could potentially increase expenses for the Board. Additionally, under ORC 4723.28, the Board may take action against a license for a total of 29 potential offenses, not just for the five listed above.

### *Individuals Licensed as Both an RN and an LPN*

The bill includes a provision allowing the Nursing Board to take action against an individual licensed as both a registered nurse (RN) and as a licensed practical nurse (LPN) for practicing the opposite category of licensure. The Board estimates that this addition will have minimal fiscal effect.

### *Criminal Justice Agency*

In order to obtain access to the computerized databases administered by the [National Crime Information Center](#) and the Law Enforcement Automated Data System operated pursuant to ORC 5503.10, the bill declares the Board to be a “criminal justice agency.” The designation as a criminal justice agency shall only apply for purposes of any state or federal law requiring the designation in order to gain access to these databases.

## **Local Effects**

Since the bill allows the Board to take action against the license of an individual after a judicial finding of guilt resulting from a plea of no contest or for treatment in lieu of conviction, the number of actions taken by the Board will potentially increase. Under [section 119.12 of the Revised Code](#), an individual whose license has been affected by an adjudication made by the Nursing Board may appeal the decision to the Franklin County Court of Common Pleas. This should have minimal added costs for Franklin County since the number of additional cases reaching this level of appeal should be minimal.

☐ *LBO staff: Jeffrey M. Rosa, Budget/Policy Analyst*

\\Budget\_office\isis\_voll.lbo\FN123\hb0511in.doc