Board of Nursing

Senate Finance and Financial Institutions Committee

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Legislative Service Commission

May 2, 2007

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LSC Redbook

for the

Board of Nursing

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ATTACHMENTS:

Catalog of Budget Line Items
LSC Budget Spreadsheet By Line Item: Executive to House Passed
Comparison Document: Permanent and Temporary Law

May 2, 2007

Board of Nursing

- The Board will implement partnerships with employers to provide practice remediation for licensees and certificate holders when required
- The Board licensed approximately 200,000 individuals

OVERVIEW

The Board of Nursing's mission is to promote and protect Ohioans' health through safe and effective nursing practice. Comprised of a 13-member board appointed by the Governor and a staff of 58 employees, the Board regulates more than 200,000 individuals in the field of nursing. The Board also certifies 1,500 dialysis technicians, as well as other professionals.

Chapter 4723. of the Revised Code provides statutory authority for the Board's activities and requires the Board to protect the public against unqualified RNs and LPNs. Additionally, the Board provides oversight for nursing education programs and continuing nurse education requirements. The Board also facilitates the administration of the national licensure examination for RNs and LPNs. Each year approximately 5,000 Ohioans apply to take this examination.

The Board of Nursing is part of the 4K9 Fund group, a General Services Fund. The fund is a repository for license fees and other assessments collected by the state's professional and occupational licensing boards. Prior to the creation of the fund, appropriations for each licensing board were made from the GRF. To eliminate revenue and expenditure issues created when some boards contributed more revenues than they expended and others required subsidies from the GRF, the 120th General Assembly established the 4K9 Fund in Am. Sub. H.B. 152. The philosophy of the fund is that each board must generate enough revenue to cover its expenses. Some boards develop a surplus to cover unforeseen economic hardships.

Nurse Education Grant Program

During the FY 2004-2005 biennium, the Board began operating the Nurse Education Grant program. The program involves granting schools and medical facilities funds to increase the number of nurses enrolled. To fund the program, $10 of all license renewal fees will be used for the next ten years. The Board is also required to certify community health workers. Initial certificates were issued no later than February 1, 2005.

The Board awards grants to nurse education programs that have partnerships with health care facilities, community health agencies, or other education programs to establish or support partnerships that work to increase enrollment capacity of nurse education programs. The Board will award approximately $1.4 million in grant funds to eight programs statewide for the grant period from September 1, 2005 to August 31, 2007. In the upcoming biennium, the Board anticipates $1.45 million in revenue for the Nurse Education Grant program.

eLicensing System

The Board, in partnership with the Department of Administrative Services, implemented a web-based multi-board online licensing system. Each board will pay their share of the costs out of Fund 4K9. The Nursing Board estimates spending $144,523 in FY 2008 and $160,744 in FY 2009 for this system.

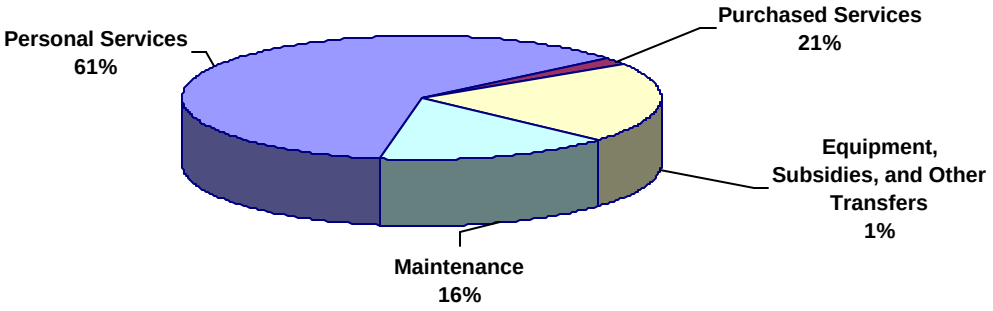
Medication Aide Pilot Program

Am. Sub. H.B. 66 of the 126th General Assembly, the main appropriations act, required the Board to certify medication aides to administer medications in nursing homes and residential care facilities. The Board implemented the Pilot Program in May 2006 and will fully implement the program in July 2007. In the next biennium, the Board will certify medication aides, approve training programs, and discipline and monitor medication aides who violate the statutory or regulatory requirements. As a result of the new program, the Board received approval to fund three additional staff positions.

Executive Recommendations

As shown in the chart below, the majority of funding for the Nursing Board goes to personal services.

Total Budget by Object Code for FY 2008



Staffing Levels

Board of Nursing Staffing Levels						
					Estimated	
Program Series/Division	**2004**	**2005**	**2006**	**2007***	**2008***	**2009***
Board Staff	55	56	56	62	62	62
Totals	**55**	**56**	**56**	**62**	**62**	**62**

* In FY 2007, the Office of Budget and Management granted the Board's appeal to increase its personnel ceiling to 59 positions. The General Assembly approved funding for an additional three positions to implement and administer the Medication Aide Pilot Program. Staffing levels for FYs 2007 through 2009 are funded positions.

FACTS AND FIGURES

	FY 2005	FY 2006
Certificate to Prescribe	2,636	3,024
Certified Dialysis Technician*	1,370	1,560
Certified Nurse – Midwife	309	309
Certified Nurse Practitioner	3,031	3,272
Certified Registered Nurse Anesthetist	2,011	2,074
Clinical Nurse Specialist	1,662	1,623
Community Health Worker	0	62
Licensed Practical Nurse	44,790	48,931
Registered Nurse	151,136	149,212

*Certified Dialysis Technician includes Technician I, Technician II, Technician III, and OCDT licensees
Source: Ohio's Occupational Licensing and Regulatory Boards Annual Report for Fiscal Year 2006

Disciplinary Actions for FY 2006 (594 Total Cases)	
Adjudications	87
Adjudications/Permanent Voluntary Surrender	19
Consent Agreement	587
Notice of Opportunity for Hearing	157
Notice of Immediate Suspension & Hearing Opportunity	108
Notice of Automatic Suspension & Hearing Opportunity	0
Order of Summary Suspension	7
Permanent Withdrawal of Endorsement Application	2
Permanent Withdrawal of NCLEX Application	1
Permanent Withdrawal of Dialysis Tech Certificate	0
Nonpermanent Withdrawal of Endorsement Application	2
Nonpermanent Withdrawal of NCLEX Application	6
Nonpermanent Withdrawal of Dialysis Tech Certificate	0
Default Child Support	2
Permanently Revoked	89
Stayed Suspensions	339
Reprimand with Fine	89

Source: *Annual Report: Ohio Board of Nursing, July 1, 2005 – June 30, 2006*

Revenues and Expenditures

The Board licenses biennially with a majority of RN renewals occurring in odd-numbered fiscal years and LPN renewals occurring in even-numbered fiscal years.

Fund 4K9	FY 2005	FY 2006
Revenues*	$6,597,808	$2,824,976
Expenditures	$4,446,924	$4,619,485
Net	$2,150,884	($1,794,509)
Two-Year Net	$356,375	

*Revenues do not include the $5 of each renewal fee transferred to the Nurse Education Assistance Loan Program, a program providing financial assistance to students enrolled in approved nursing programs or $10 of each renewal fee transferred to the Nurse Education Grant program.

ANALYSIS OF EXECUTIVE PROPOSAL

Single Program Series **Operating Expenses**

Purpose: The Ohio Board of Nursing actively promotes and protects the health of the citizens of Ohio through the safe and effective practice of nursing as defined by law.

The following table shows the line items that are used to fund the Board of Nursing, as well as the executive's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Services Fund				
4K9	884-609	Operating Expenses	$5,661,280	$5,661,280
5P8	884-601	Nursing Special Issues	$5,000	$5,000
5AC	884-602	Nurse Education Grant Program	$1,450,000	$1,450,000
		General Services Fund Subtotal	**$7,116,280**	**$7,116,280**
Total Funding: Board of Nursing			**$7,116,280**	**$7,116,280**

Program Description: The Board of Nursing governs the practice of nursing, as defined by Chapter 4723. of the Revised Code, by licensing nursing professionals in a variety of specialties, as well as certifying dialysis technicians.

Funding Source: General Services Fund group (Funds 4K9, 5P8, and 5AC). The activities of the Board are funded with licensure fees and other assessments collected by the state's professional and occupational licensing boards (4K9); continuing education activity fees, grants, and gifts (5P8); and nurse license renewal fees (5AC).

Line Items: 884-609, Operating Expenses, 884-601, Nursing Special Issues, and 884-602, Nurse Education Grant Program

Implication of Executive Recommendation: The Board requested and received $7,116,280 in each fiscal year. The executive recommendation will allow the Board to support an increasing number of applicants during the upcoming biennium. In addition, the recommended level will allow the Board to address nursing and nursing faculty shortages by maximizing the use of the Nurse Education Assistance Loan program and the Nurse Education Grant program. Funding from line item 884-609, Operating Expenses, will cover administrative expenses incurred implementing and administering the Medication Aide Certification program statewide beginning in FY 2008.

Temporary and Permanent Law Provisions

Medication Aide Pilot Program (Sec. 4723.66). Permanent law extends the date the Board of Nursing must issue a report on its evaluation of the Medication Aide Pilot Program from March 1, 2007, to a date that is not later than the 181st day after the Board issues its 75th medication aide certificate.

Extends the date on which the pilot program ends and when any nursing home or residential care facility is authorized to use certified medication aides, from July 1, 2007, to the 31st day after the Board issues its report evaluating the pilot program.

Requires the Board to request from each nursing home and residential care facility participating in the pilot program the data the Board requires participating homes and facilities to report under rules. Also requires that homes and facilities comply with this request not later than the 31st day after the day the Board makes its request.

Requires the Board to notify legislative leaders of the Senate and House of Representatives when the Board denies an application from a nursing home or residential care facility for participation in the pilot program and the reasons for the denial.

Provides that a nursing home is eligible to participate in the pilot program if it has been found free from deficiencies in medication administration in its most recent Department of Health survey or inspection, rather than in its two most recent surveys or inspections.

Requires an individual seeking to be certified as a medication aide to ask that information from the Federal Bureau of Investigation be included as part of the individual's criminal record check only if the individual has not lived in Ohio for at least five years.

Nursing Special Issues (Section 345.10 of the bill). Temporary law requires that appropriation item 884-601, Nursing Special Issues, be used to pay the costs the Board incurs in developing and maintaining a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers.

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General Services Fund Group

4K9 884-609 Operating Expenses

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
$4,747,915	$5,092,223	$5,221,560	$5,661,280	**$5,661,280**	**$5,661,280**
	7.3%	2.5%	8.4%	**0.0%**	**0.0%**

Source: GSF: License fees and other assessments collected by the state's professional and occupational licensing boards

Legal Basis: ORC 4723.02 and 4743.05 (originally established by Am. Sub. H.B. 152 of the 120th G.A.)

Purpose: Funds are used for general operating expenses, including payroll, supplies, and new equipment. The Board's appropriation may be more or less than the amount of fee revenue it collects in any given fiscal year because of the license renewal cycles. The Board is self-supported based on the fees generated from licensing activities. The goal of the Occupational Licensing and Regulatory Board Fund (Fund 4K9) is for each board to become self-supporting.

5P8 884-601 Nursing Special Issues

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
$0	$0	$39,000	$5,000	**$5,000**	**$5,000**
		N/A	-87.2%	**0.0%**	**0.0%**

Source: GSF: Continuing education activity fees along with grants and gifts

Legal Basis: ORC 4723.062 (originally established by Am. Sub. H.B. 94 of the 124th G.A.)

Purpose: Grants and services are used to develop and maintain a program that addresses patient safety and health care issues related to the supply of, and demand for, nurses and other health care workers.

5AC 884-602 Nurse Education Grant Program

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
$0	$0	$694,099	$1,450,000	**$1,450,000**	**$1,450,000**
		N/A	108.9%	**0.0%**	**0.0%**

Source: GSF: $10 from each nurse license renewal fee

Legal Basis: Am. Sub. H.B. 66 of the 126th General Assembly (appropriation authority established by Controlling Board on October 17, 2005)

Purpose: The funds will be awarded in the form of grants to nurse education programs that partner with one or more other educational programs or health care facilities to increase their nursing student enrollment capacity. Grants can be used for things such as funding instructional personnel and purchasing education equipment.

LSC Budget Spreadsheet by Line Item, FY 2008 - FY 2009

Fund	ALI	ALI Title	Estimated 2007	As Introduced 2008	House Passed 2008	% Change Est. 2007 to House 2008	As Introduced 2009	House Passed 2009	% Change House 2008 to House 2009
NUR		**Nursing, Board of**							
4K9	884-609	Operating Expenses	$5,661,280	$ 5,661,280	$ 5,661,280	0.0%	$ 5,661,280	$ 5,661,280	0.0%
5P8	884-601	Nursing Special Issues	$5,000	$ 5,000	$ 5,000	0.0%	$ 5,000	$ 5,000	0.0%
5AC	884-602	Nurse Education Grant Program	$1,450,000	$ 1,450,000	$ 1,450,000	0.0%	$ 1,450,000	$ 1,450,000	0.0%
General Services Fund Group Total			**$ 7,116,280**	**$ 7,116,280**	**$ 7,116,280**	**0.0%**	**$ 7,116,280**	**$ 7,116,280**	**0.0%**
Total All Budget Fund Groups			***$ 7,116,280***	***$ 7,116,280***	***$ 7,116,280***	***0.0%***	***$ 7,116,280***	***$ 7,116,280***	***0.0%***

As Introduced (Executive)	As Passed by the House
(CD-262-NUR) Medication Aide Pilot Program	
R.C. ***4723.621, 4723.63, 4723.64, 4723.65, 4723***	**R.C.** ***4723.621, 4723.63, 4723.64, 4723.65, 4723***
Extends the date by which the Board of Nursing must issue a report on its evaluation of the Medication Aide Pilot Program for use of certified medication aides in a number of nursing homes and residential care facilities from March 1, 2007, to a date that is not later than the 181st day after the Board issues its 75th medication aide certificate.	Same as the Executive.
Extends the date on which the pilot program ends, which is also the date on which any nursing home or residential care facility is authorized to use certified medication aides, from July 1, 2007, to the 31st day after the Board issues its report evaluating the pilot program.	Same as the Executive.
Requires the Board to request from each nursing home and residential care facility participating in the pilot program, on the 91st day after the day the Board issues a medication aide certificate to the 75th individual, the data the Board requires participating homes and facilities to report under rules and requires that homes and facilities comply with this request not later than the 31st day after the day the Board makes its request.	Same as the Executive.
Requires the Board to notify legislative leaders of the Senate and House of Representatives when the Board denies an application from a nursing home or residential care facility for participation in the pilot program and the reasons for the denial.	Same as the Executive.
Provides that a nursing home is eligible to participate in the pilot program if it has been found free from deficiencies in medication administration in its most recent Department of Health survey or inspection, rather than in its two most recent surveys or inspections.	Same as the Executive.

As Introduced (Executive)	As Passed by the House
Requires an individual seeking to be certified as a medication aide to ask that information from the Federal Bureau of Investigation be included as part of the individual's criminal record check only if the individual has not lived in Ohio for at least five years.	Same as the Executive.
Fiscal effect: Statewide implementation of the Medication Aide Program has no additional fiscal impact on the Board of Nursing.	**Fiscal effect: Same as the Executive.**

(CD-489-NUR) Nursing Special Issues

Section: *345.10*	Section: *345.10*
Requires line item 884-601, Nursing Special Issues, be used to pay the Board of Nursing's costs to implement programs addressing patient safety and health care issues related to the supply of and demand for nurses and other health care workers.	Same as the Executive.