



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

S.B. 233*
134th General Assembly

Occupational Regulation Report

[Click here for S.B. 233's Bill Analysis / Fiscal Note](#)

Primary Sponsor: Sen. Blessing

Impacted Profession: School nurses

Christina Hambleton, LSC Fellow

LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

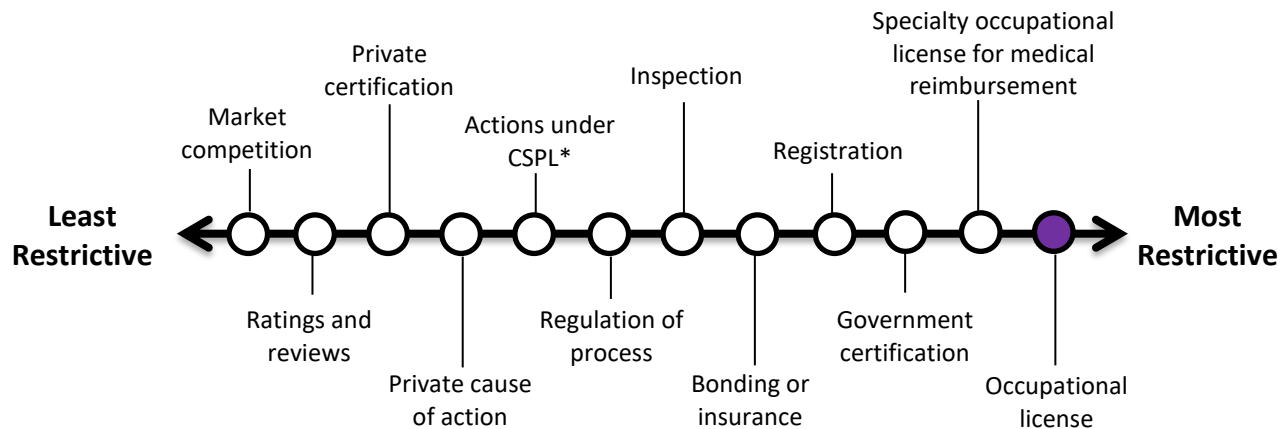
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."²

The degree of "restrictiveness" of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state's policy by least to most restrictive:

* This report addresses the "As Introduced" version of S.B. 233. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.



*CSPL – The Consumer Sales Practices Law

The bill reinstates the requirement that school nurses (except for nurses that a school district contracts from a qualified hospital or health center) must obtain a school nurse license in addition to a registered nurse license to practice. In addition, the bill removes the requirement that school nurses and contract nurses must obtain a registration from the Ohio Department of Education to practice.

Necessity of regulations

The bill's sponsor testified that the bill is necessary to ensure that school nurses receive the specialized instruction necessary to carry out a school nurse's scope of practice. A school nurse must adequately handle students' specialized needs such as mental health assessments and individualized care or education plans, with which a nurse in a doctor's office or hospital may not have experience. The sponsor noted a school nurse must delegate care to nonhealthcare licensed staff and craft emergency action plans for schools. School nurse education programs and hands-on practicums provide specialized instruction on privacy law and the demands of a school setting. The sponsor also stated that the bill would allow a school to decide what type of school nurse would work best for the school's students, as the school could do under former law.³ Currently, a registered nurse cannot be required to obtain an additional license to practice as a school nurse; however, the Department continues to issue this license, and an applicant may choose whether to obtain a license or registration.⁴

Restrictiveness of regulations

Licensure is the most restrictive of all regulatory options identified within the state's continuum of regulations. Accordingly, the state's policy prescribes a narrow range of situations

³ See the [Louis W. Blessing III Proponent Testimony \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov by searching for S.B. 233.

⁴ R.C. 3319.221 and [Pupil Services Licensure and Registration](#), which is available by conducting a keyword "school nurse license" search on the Ohio Department of Education's website: education.ohio.gov.

in which required licensure is appropriate; specifically, when all of the following circumstances are present: (1) the occupation involves providing a service regulated by both state and federal law, (2) the licensing framework allows individuals licensed in other states and territories to practice in Ohio, and (3) the licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.⁵

Former Ohio Board of Education rules required nurses to obtain a pupil services license to work in schools from 1998 to 2021.⁶ Ohio law required a specialized school nurse license from 2009 to 2021, when H.B. 442 of the 133rd General Assembly took effect. H.B. 442 eliminated school licenses and preparation programs for pupil services personnel, including school nurses, and required the personnel to register with the Ohio Department of Education, instead.⁷

Under continuing law, a school district board of education may contract with a health center or hospital to supply a licensed nurse who has credentials equivalent to a registered nurse or licensed practical nurse (a “contract nurse”). The health center or hospital must be federally qualified, registered under the Revised Code, or otherwise appropriately licensed. Contract nurses were exempted from the former school nurse licensure requirement in 2015.⁸

Nationally, the majority of states require a separate license or certification for a registered nurse to be employed as a school nurse, and both the National Association of School Nurses and American Nurses Association advocate for the specialty certification.⁹ The National Board for Certified School Nurses has issued national school nurse certification standards since 1985 and administers a standardized certification examination.¹⁰

The bill eliminates the requirement for a school nurse or contract nurse to apply for a registration from the Department or obtain a bachelor’s degree. However, the bill requires a school nurse who is not a contract nurse to obtain a school nurse license separate from a registered nurse license. Under the bill, the State Board of Education may adopt rules establishing the requirements for a school nurse license, including a special curriculum. The Board’s rules must require school nurses to be licensed as a registered nurse.¹¹ A contract nurse must obtain a registered nurse license to practice in a school. The following table summarizes the qualifications that current law and the bill require of school and contract nurses.

⁵ R.C. 4798.02, not in the bill.

⁶ See [LSC Final Analysis for H.B. 1](#), which is available on the Ohio General Assembly archives website: archives.legislature.state.oh.us.

⁷ H.B. 1 of the 128th General Assembly.

⁸ H.B. 64 of the 131st General Assembly.

⁹ See [School Nurse Qualifications](#), which may be accessed by conducting a keyword “school nurse qualifications” search on the National Association of State Board of Education State Policy Database’s website: statepolicies.nasbe.org and [Education, Licensure, and Certification of School Nurses](#), which is available on the National Association of School Nurse’s website: nasn.org.

¹⁰ See [History](#), which is available on the National Board for Certified School Nurses website: nbcsn.org.

¹¹ R.C. 3313.721 and 3319.2212.

School and Contract Nurse Requirements in Current Law Versus the Bill		
Requirement	Under Current Law ¹²	Under the Bill ¹³
Must a school nurse hold a registered nurse license?	Yes	Yes
Must a contract nurse hold a registered nurse license?	Yes	Yes
Is a bachelor's degree required to be a school nurse?	Yes	No
Is a bachelor's degree required to be a contract nurse?	Yes	No
Is a school license or registration required to be a school nurse?	Yes, registration	Yes, license
Is a school license or registration required to be a contract nurse?	Yes, registration	No

Under the bill, an individual with a registration who satisfies the educational requirements for licensure as a school nurse or school nurse wellness coordinator may obtain a school nurse license if the individual pays the difference between the cost of registration with the Department and the school nurse licensing fee. An individual who does not satisfy the educational requirements for licensure as a school nurse but who possesses a registration under current law may obtain a temporary license that is valid up to one year until the person fulfills the educational requirements. As noted above, the Department continues to allow for an applicant to receive a school nurse license (a pupil services license). The fee for that license is \$200, and the license is valid for five years, while the registration fee is currently \$150, and the registration lasts five years.¹⁴

IMPACT STATEMENT

Opportunities for employment

As the bill requires a school nurse or school nurse wellness coordinator to hold a separate license from the State Board of Education, in addition to a license issued by the State Board of Nursing, the bill may increase the difficulty of obtaining employment for those seeking employment as a school nurse or school nurse wellness coordinator. The bill requires that the State Board of Education issues a temporary license to any individual who was registered as a school nurse under

¹² R.C. 3313.721 and 3319.221; R.C. 4723.03, not in the bill; and [School Nurse](#), which may be accessed by conducting a keyword "school nurse license" search on the Ohio Department of Education's website: education.ohio.gov.

¹³ R.C. 3313.721 and 3319.2212.

¹⁴ R.C. 3319.2212(D) and [Fees for Licensure Applications](#), which may be accessed by conducting a keyword "fees for license" search on the Ohio Department of Education's website: education.ohio.gov.

existing law, which will last for one year or until the individual receiving the temporary license has obtained licensure as a school nurse or school nurse wellness coordinator. This temporary license provision may ameliorate some of the potential difficulties of obtaining employment for school nurses, by giving these individuals a transition period to obtain the licensure the bill requires.

Consumer choice

The bill's impacts on consumer choice will depend on whether the bill decreases the number of school nurses and/or school nurse wellness coordinators who are eligible to obtain both required types of licensure and work in these careers. If the bill's licensure requirements do not significantly decrease the number of nurses who are eligible for employment in these careers, then the impact on consumer choice is expected to be minimal. If the bill's licensure requirements present a significant impediment to prospective school nurses or school nurse wellness coordinators, then schools' (and indirectly students' and parents') choices among school nurses or school nurse wellness coordinators may be decreased.

Market competition

Again, the bill's impacts on market competition will depend on the impacts of the bill on the number of eligible school nurses and school nurse wellness coordinators. If the bill's licensure rules do not significantly impact the number of eligible nurses for these careers, then market competition is unlikely to be significantly impacted by the bill. If the bill's licensure requirements do present a significant impediment, then market competition would be expected to decrease for school nurses and school nurse wellness coordinators, as there would be fewer nurses eligible for employment in these roles and less market competition among those eligible individuals.

Cost to government

For costs to government, refer to [S.B. 233's fiscal note \(PDF\)](#).

SUMMARY OF PROPOSED REGULATIONS

In addition to the changes discussed under "**Restrictiveness of regulations**" above, the bill addresses changes in retirement system membership for certain contract nurses. Under the bill, a contract nurse does not have to obtain a separate school nurse license and is no longer required to register with the Board or to hold a bachelor's degree.

The bill transfers contract nurses who do not hold a separate school nurse license from the State Teacher's Retirement System (STRS) to the School Employees Retirement System (SERS). All other school nurses remain in STRS. Generally, which system an employee belongs to depends on whether the employee is required to have an educational license or registration issued by the State Board of Education. If yes, the employee is in STRS; if no, SERS. Because it appears that a contract nurse must be registered, a contract nurse is currently in STRS.¹⁵

For additional information on these changes, see the [LSC Bill Analysis \(PDF\)](#).

¹⁵ R.C. 3307.01, 3309.01, and 3313.721.

COMPARISON TO OTHER STATES

With the exception of Kentucky, which no longer requires certification of school nurses, every state surrounding Ohio requires a school nurse to receive an additional certification or license after obtaining a license to practice as a registered nurse.¹⁶ Three of these licenses or certifications require a bachelor's degree, and all require some form of additional training or education intended to teach the skills necessary to practice nursing in a school setting.

School Nurses					
Requirements	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, a school nurse practitioner's license (<i>511 Ind. Admin. Code 15-6-35</i>).	N/A	Yes, a school nurse certificate (<i>Mich. Admin. Code R. 340.1165</i>).	Yes, an Educational Specialist II (PK-12) certificate (<i>22 Pa. Code 49.1 and 49.11(b)</i>).	Yes, a certification in school nursing (<i>W. Va. Code 18-5-22</i>).
Education or training	A school nurse initial practitioner license, which requires (1) a valid registered nurse license issued by the Indiana Board of Nursing and (2) a bachelor's degree in an approved school of nursing program	N/A	A valid Michigan registered nurse license. 15 semester hours of work in designated areas of theoretical and practical knowledge specific to a school setting.	An Educational Specialist I Certificate, which requires (1) a valid registered nurse license and (2) a bachelor's degree. ¹⁷ 24 credit hours of collegiate study or its equivalent in credits	A valid registered nurse license issued by the West Virginia Board of Examiners. Either (1) a bachelor's degree in nursing through an accredited institution and successful completion of an

¹⁶ See Ky. Rev. Stat. 156.502 and former 16 Ky. Admin. Regs. 2:060, Section 3.

¹⁷ See 22 Pa. Code 49.102 and [School Nurse](#), which may be accessed by conducting a keyword "school nurse" search on the Pennsylvania Department of Education's website: education.pa.gov.

School Nurses					
Requirements	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(511 Ind. Admin. Code 14-3-1 and 15-6-35).		(Mich. Admin. Code R. 340.1165 and 340.1168).	from the Department of Education, a Pennsylvania intermediate unit, or a combination of the two; the college credit must be earned at a state-approved bachelor or graduate degree institution after the individual earned a bachelor's degree but may not include credits earned in programs designed to prepare for professional fields when relevant to the area of certification. (22 Pa. Code 49.103 and 49.104.)	accredited school nurse program with a grade point average (G.P.A.) of 2.5 or (2) a master's degree with either a valid national certification in school nursing from the National Board for Certification of School Nurses, Inc. or a valid national certification in an area recognized by the Department of Education that includes: school nurse practitioner, pediatric nurse practitioner, or family nurse practitioner with a G.P.A. of 3.0. ¹⁸

¹⁸ [Form 20S Application Instructions](#), which may be accessed by conducting a keyword "application forms" search on the West Virginia Department of Education's website: wvde.us.

School Nurses					
Requirements	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Two years of experience while holding an initial practitioner license and documentation of a completed professional growth plan or a beginning teacher residency program (511 Ind. Admin. Code 14-3-1 and 15-6-35).	N/A	Two years of work experience in public health or school nursing practice (<i>Mich. Admin. Code R. 340.1168</i>).	Three years of satisfactory service while holding an Educational Specialist I Certificate. Completion of a Department-approved induction program. (22 Pa. Code 49.102 and 49.103.)	N/A
Exam	N/A, but to obtain the initial practitioner license, the applicant must pass the National Certification Examination for School Nurses. ¹⁹	N/A	N/A	N/A	If the applicant chose to satisfy the education or experience requirements with certification from the National Board for Certification of School Nurses, the applicant must pass the National Certification

¹⁹ [School Services Employee](#), which may be accessed by a keyword “school nurse” search on the on the Indiana Department of Education’s website: in.gov/doi and [Eligibility](#), which is available on the National Board for Certification of School Nurses’ website: nbcsn.org.

School Nurses					
Requirements	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Examination for School Nurses. ²⁰
Continuing education	Six hours of college coursework or completion of professional growth plan requirements, including earning 90 professional growth experience points/hours <i>(511 Ind. Admin. Code 14-2-3 and 14-3-2).</i> ²¹	N/A	For an initial three-year renewal of the license, an individual must have completed a total of 24 semester hours of course work in a program that meets certain requirements. For an additional three-year renewal, an individual must have completed a total of 36 semester hours of course work. <i>(Mich. Admin. Code R. 340.1165 and 340.1168.)</i>	Completion of the following within a five-year period: 1. Six credits of collegiate study; 2. Six credits of continuing professional education courses; 3. 180 hours of continuing professional education programs, activities, or learning experiences or	12 continuing education contact hours in school health or pediatric medicine topics approved by the Department of Education, employment by a county board of education in West Virginia, and the recommendation of a county superintendent. ²²

²⁰ [Eligibility](#), which is available on the National Board for Certification of School Nurses' website: nbcsn.org.

²¹ [Current Indiana Educator to Renew a License](#), which may be accessed by a keyword "Current Indiana" search on the on the Indiana Department of Education's website: in.gov/doe.

²² See page 52, [West Virginia Board of Education Rule 5202 \(PDF\)](#), which may be accessed by conducting a keyword "Policy 5202" search on the West Virginia Department of Education website: wvde.us.

School Nurses					
Requirements	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				any combination of collegiate studies, continuing professional education courses, or other programs, activities, or learning experiences equivalent to 180 hours (<i>22 Pa. Code 49.11</i>).	
Initial licensure fee	\$35 evaluation fee; \$35 issuance fee (plus processing fees). ²³	N/A	Not specified.	\$200 (if teacher preparation program is completed in Pennsylvania); \$260 (if teacher preparation program	\$35. ²⁵

²³ [Licensing Fees](#), which may be accessed by a keyword “licensing fees” search on the on the Indiana Department of Education’s website: in.gov/doe.

²⁵ [Form 20S Application Instructions](#), which may be accessed by conducting a keyword “application forms” search on the West Virginia Department of Education’s website: wvde.us.

School Nurses					
Requirements	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				is completed in another state). ²⁴	
License duration	Five years (<i>511 Ind. Admin. Code 14-3-2</i>).	N/A	Three years (<i>Mich. Admin. Code R. 340.1168</i>).	Permanent (<i>22 Pa. Code 49.11</i>). ²⁶	Three years. ²⁷
Renewal fee	\$35 (plus processing fees). ²⁸	N/A	Not specified.	Not specified.	\$35. ²⁹

0029-OR-134/sle

²⁴ [Application Fees](#), which is available under the “Educators” tab on the Pennsylvania Department of Education’s website: education.pa.gov.

²⁶ See also [Level II Certification](#), which may be accessed by a keyword “level II certification” search on the Pennsylvania Department of Education’s website: education.pa.gov.

²⁷ [Form 20S Application Instructions](#), which may be accessed by conducting a keyword “application forms” search on the West Virginia Department of Education’s website: wvde.us.

²⁸ [Licensing Fees](#), which may be accessed by a keyword “licensing fees” search on the on the Indiana Department of Education’s website: in.gov/doe.

²⁹ [Form 20S Application Instructions](#), which may be accessed by conducting a keyword “application forms” search on the West Virginia Department of Education’s website: wvde.us.