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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 440**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Deeter and Stewart

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### SUMMARY

- Revises the law governing the Ohio Board of Nursing and criminal records checks, including by consolidating, in one statute, references to the types of individuals required to undergo Board-related checks.
- Specifically requires an individual, when requesting a criminal records check for Board of Nursing purposes, to submit one complete set of fingerprint impressions directly to the Superintendent of the Bureau of Criminal Identification and Investigation.
- Eliminates the Board of Nursing's authority to make the results of a criminal records check available to the representative of an individual subject to a Board-related check.
- Declares an emergency.

### DETAILED ANALYSIS

#### Board of Nursing – criminal records checks

##### Individuals subject to checks

Existing statutory law requires the following individuals to submit requests to the Bureau of Criminal Identification and Investigation (BCI) for criminal records checks: (1) those seeking licenses or certificates to practice issued by the Ohio Board of Nursing and (2) those under Board investigation and subject to Board orders mandating checks.<sup>1</sup> H.B. 440 maintains these criminal records check requirements but consolidates into one statute references to the types of individuals subject to such checks.<sup>2</sup> The individuals include all of the following:

<sup>1</sup> R.C. Chapter 4723.

<sup>2</sup> R.C. 4723.091(A)(1) and (C).

- Those seeking licenses to practice as registered nurses (RNs) or licensed practical nurses;<sup>3</sup>
- Those seeking certificates to practice as medication aides, dialysis technicians, community health workers, or doulas;<sup>4</sup>
- Those seeking to reactivate nursing licenses that have been inactive for at least five years;<sup>5</sup>
- Those seeking to reinstate nursing licenses that have lapsed for at least five years;<sup>6</sup>
- Those seeking volunteer nursing certificates and who have been retired from practice for at least ten years;<sup>7</sup>
- Those who, as part of investigations by the Board, are subject to Board orders requiring criminal records checks.<sup>8</sup>

### **Fingerprint impressions**

The bill specifically requires an individual, when requesting a criminal records check, to submit one complete set of fingerprint impressions directly to BCI's Superintendent. Rather than explicitly stating this requirement, existing law relies instead on a cross-reference to the statute describing the submission of fingerprint impressions.<sup>9</sup>

### **Federal Bureau of Investigation – information**

Existing law, maintained by the bill, requires an individual seeking a Board of Nursing-related criminal records check to ask BCI's Superintendent to request that the Federal Bureau of Investigation (FBI) send the Superintendent any information that the FBI has with respect to the individual.<sup>10</sup> The bill establishes a specific duty on the Superintendent to request this information from the FBI.<sup>11</sup>

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<sup>3</sup> R.C. 4723.09, not in the bill. Note that an advanced practice registered nurse (APRN) is required to undergo a criminal records check as part of the statutory requirement that an APRN hold both an RN license and APRN license. See R.C. 4723.41, not in the bill.

<sup>4</sup> R.C. 4723.651, 4723.75, 4723.85, and 4723.89, not in the bill.

<sup>5</sup> R.C. 4723.24, not in the bill.

<sup>6</sup> R.C. 4723.24, not in the bill.

<sup>7</sup> R.C. 4723.26, not in the bill.

<sup>8</sup> R.C. 4723.28(F).

<sup>9</sup> R.C. 109.572, not in the bill.

<sup>10</sup> R.C. 4723.091(A)(2).

<sup>11</sup> R.C. 4723.091(B).

## Records check results

Current law requires BCI to send criminal records check results to the Board of Nursing. The bill maintains this requirement but also establishes a specific duty on BCI to report to the Board any information that the FBI provided to BCI about the individual subject to the check.<sup>12</sup>

Existing law also exempts from Ohio's public records law<sup>13</sup> Board of Nursing-related criminal records check results, including any reports containing those results. The bill specifically includes within this exemption any information provided by the FBI to BCI's Superintendent along with any report containing FBI information.<sup>14</sup>

## Making results available

The bill revises existing law provisions governing the Board of Nursing's authority to make available the results of criminal records checks. The bill clarifies that records check results, information provided by the FBI, and any reports containing records check results or FBI information are not to be made available to any person or government entity except as follows:

- To the individual who is the subject of the check;
- To the Board of Nursing for use in determining whether (1) a license or certificate should be granted, reactivated, or reinstated, (2) any temporary permit has terminated automatically, or (3) disciplinary action should be taken against an individual under Board investigation.<sup>15</sup>

The bill eliminates existing law authorizing the Board to make records check results and reports containing those results available to a representative of an individual who is subject to a Board-related criminal records check.<sup>16</sup>

## Corresponding changes

Because the bill revises the statute governing Board of Nursing-related criminal records checks, it also makes corresponding changes in related provisions of existing law.<sup>17</sup>

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<sup>12</sup> R.C. 4723.091(B).

<sup>13</sup> R.C. 149.43, not in the bill.

<sup>14</sup> R.C. 4723.091(C).

<sup>15</sup> R.C. 4723.091(C)(1) to (2).

<sup>16</sup> R.C. 4723.091(C).

<sup>17</sup> R.C. 4723.092 and 4723.28(F).

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## HISTORY

Action	Date
Introduced	09-09-25

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