

THE BOARD OF NURSING & NURSING & DIALYSIS TECHNICIAN ASSOCIATIONS: WHAT'S THE DIFFERENCE?

The Ohio Board of Nursing (Board) is aware that there is a great deal of confusion regarding the difference between the Board and nursing organizations or associations. Following is a brief summary of the role of the Board and the role of associations; how they differ and what they have in common.

- The Ohio Board of Nursing is the regulatory board. It is an agency of state government that was established through enactment by the Ohio General Assembly (the state legislature) of a law that mandates both the structure of the Board and the Board's functions. The Board is made up of 13 individuals, 8 registered nurses, 4 licensed practical nurses, and one consumer appointed by the governor. Board members are public officials and their meetings are open to the public as are virtually all of their records. The regulatory body is a governmental body to which individual health care practitioners **must** pay fees (called licensure fees) in order to practice legally in the state of Ohio
- Associations include the Ohio Nurses Association, the Licensed Practical Nurse Association of Ohio, the Association for Advanced Practice Nurses, the Ohio Association of Nurse Anesthetists, dialysis technician associations, and state chapters of other specialty organizations such as operating room nurses, critical care nurses, nephrology nurses and other nursing specialty groups. A board of trustees elected by association members typically runs associations. Association meetings can be closed to the general public, with the elected leadership remaining private citizens. The association is a non-governmental body whose members pay voluntary membership dues..

Associations and the Board of Nursing share the goal of providing safe care to the citizens of Ohio; however, their ways of accomplishing this goal are significantly different.

- The Board exists solely to enforce the law and rules regulating practice. The Board has authority to establish requirements individuals must meet to obtain a license or certificate to practice nursing or provide dialysis care in Ohio. The Board approves pre-licensure nursing education programs and dialysis training programs, oversees the licensure examination of nurses, and takes disciplinary action when a licensee or certificate holder violates the law. These activities help to assure that only qualified individuals provide care to the public. The Board does not exist to advance the interests of the nursing profession or dialysis technicians. That is the job of nursing or dialysis technician associations.
- Associations bring practitioners together to develop professional standards and practices, codes of ethics, and to engage in peer review as a voluntary process. These activities also enhance patient safety by helping to improve the quality of the nursing or dialysis care provided. Associations provide service to their members and represent the individuals who are part of that profession. In many instances, it was through the efforts of associations that the regulatory boards were first created. For example, one of the primary reasons for the incorporation of the Ohio State Nurses Association, in the early years of the last century, was to work for the enactment of a nurse practice act and the creation of a board to regulate the practice of nursing.

Enforcing the law

- When regulatory boards enforce the law, they impose penalties on individual licensees or certificate holders for failure to practice in accordance with that law. Those penalties may include a fine, a reprimand, a practice restriction, a suspension from practice, or a permanent revocation of the right to practice. The severity of the action taken depends upon the violation as well as aggravating and mitigating circumstances. It is important to note that the Board of Nursing enforces the law and rules regulating the practice of nursing or dialysis care as the law currently is stated, not how individuals may wish the law to be. The Board only has the authority to take disciplinary action against those who are regulated by the Board. Those who are regulated by the Board are RNs, LPNs and most recently, dialysis technicians. The Board may investigate situations that involve the activities of those who are not RNs, LPNs or dialysis technicians. However, the Board cannot take action in cases involving non-licensees or non-certificate holders without the assistance of county prosecutors willing to prosecute the unauthorized practice of nursing or dialysis care. The Board can gather all the evidence proving unauthorized practice but must depend upon the county prosecutor to actually bring charges against the individual.
- The Board does not have authority over the employers of nurses and dialysis technicians. Mandatory overtime, double shifts and other similar employment issues are outside of the Board's authority. But if an employer is directing nurses or dialysis technicians to act in ways that are not consistent with standards of safe care, as those are set forth in the law, the Board should be notified and a complaint should be filed so an investigation can proceed. An investigation in many instances is one way to provide information to employers who may not be aware of the law and rules. Often as a result of the investigation, the employer agrees to make appropriate changes that resolve the situation without a need for formal action.

It is important to note that associations and regulatory boards have a long history of collaboration. Associations have traditionally set forth the nature and scope of the profession and used that as the basis for influencing the law regulating practice. These laws are then enforced by the regulatory board.