

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building,
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AMENDED

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at **orr@michigan.gov**.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Agency contact person name, e-mail, and phone:	Andria M. Ditschman DitschmanA@michigan.gov 517-241-9255

2. Rule Set Information

Title of proposed rule set:	Board of Nursing
Rule number(s) or range of numbers:	R 338.10101 – R 338.10705
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes.

3. Estimated timetable for completion, or statutory deadline, if applicable:

1 year

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>The purpose of the Board of Nursing Rules is to regulate the prelicensure education, licensure, specialty certification, licensure renewal, relicensure, continuing education for licensed nurses, and the nursing professional fund scholarship program.</p> <p>The proposed rules are intended to: add specific dates to the rules where appropriate; delete an incorrect reference to MCL 333.16186(1) of the code; clarify how long an applicant has to take and pass the NCLEX exam; clarify the length of time an applicant has to submit continuing education for relicensure before the application expires; clarify definitions related to nursing education programs; add a definition for "capstone course"; require a nursing education program to show it has met the NCLEX scores required by the rules before being granted full approval; clarify the requirements in a comprehensive self-study report after full approval of the nursing education program; move the definition of major and minor program changes to the rule regarding program changes; change the term self-study to final approval report for initial program approval; allow an accredited program to submit a letter of accreditation or reaccreditation from an accrediting agency in lieu of a self-study report; designate a permanent change in seats in an education program as a major program change, and require minor program changes to be evaluated by the Board instead of the Department; require certain information in a request for a minor program change; modify the required pass rates in the evaluation of an education program; require a change in a director of an education program to be submitted to the Board; clarify the educational background required for non-nurse faculty who teach non-nursing courses that are health related; limit the use of preceptors;</p>

clarify the faculty to student ratio requirements in an education program; require an education program report and final approval report for evaluation of an education program; add requirements for suspended education programs; clarify when continuing education must be completed for relicensure; clarify the type of academic course that is acceptable continuing education; and clarify the requirements to obtain a scholarship from the nurse professional fund scholarship program.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 333.16145(3); MCL 333.17201; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011, and Executive Reorganization Order No. 2011-4, MCL 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

Each state establishes its own requirements with respect to the licensing requirements of nursing, nursing educational programs, and nursing scholarships so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No. The subject matter of these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated using the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

The proposed rules do not incorporate any recommendation of any Advisory Rules Committee.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

The Michigan Board of Nursing voted to open the rules at the regularly scheduled board meeting on March 1, 2018. Please see attached copy of the minutes from that meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received:12-21-2018

Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2018-033 LR
Date of approval:	1/29/19

Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	