

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Professional Licensing

Name of person completing this form:

Andria Ditschman

Phone Number of person completing this form:

517-241-9255

E-mail of person completing this form:

ditschmana@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this Form:

Elizabeth Arasim

2. Rule Set Information

ORR assigned rule set number:

2018-33 LR

Title of proposed rule set:

Board of Nursing

3. Purpose for the proposed rules and background:

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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. 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; 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.

4. Summary of proposed rules:

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The proposed revisions to the rules will 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; amend the definition of major and minor program changes; rename 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 submitting 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 that can trigger an the evaluation of an education program; require that a nursing education program notify the Board of a change in the director of an education program; clarify the educational background required for non-nurse faculty who teach non-nursing courses that are health related; limit the use of preceptors; clarify the faculty to student ratio requirements in an education program; allow for an evaluation of a nursing program to be done when a program fails to submit the required reports in a timely fashion or fails to apply for full approval in accordance with the rules; add requirements to reactivate a program that suspended admissions; 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. List names of newspapers in which the notice of public hearing was published and publication dates:

Marquette Mining Journal – April 30, 2018
Flint Journal – May 5, 2018
Grand Rapids Press – May 5, 2018

6. Date of publication of rules and notice of public hearing in Michigan Register:

5/15/2019

7. Date, time, and location of public hearing:

5/22/2019 09:00 AM at G. Mennen Williams Building Auditorium , 525 W. Ottawa Street, Lansing, Michigan

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

https://dtmb.state.mi.us/ARS_Public/Transaction/RFRTransaction?TransactionID=34

9. List of the name and title of agency representative(s) attending public hearing:

Andria Ditschman, Senior Policy Analyst; LeAnn Payne, Board Support

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

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Lesley Morgan, PHD, MBA, ARNP, Dean, School of Nursing, Baker College
 Carole Stacy, MSN, MA, RN, President, American Nurses Association (ANA)-Michigan and Tobi
 Lyon Moore, MBA, Executive Director, ANA-Michigan
 James Sullivan
 Barbara Wieszcieski, MSN, RN, Dean of Health Sciences and Director of Nursing Academic
 Affairs, Mid Michigan College

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Lesley Morgan, Dean of Nursing, Baker College		Continue with the current preceptor qualifications which allow an associate's degree of nursing (ADN) educated nurse with 5 years of experience to precept a bachelor's degree of nursing (BSN) student. At Baker College, especially in more remote locations of Muskegon and Cadillac, the majority of the working experienced nurses are educated at the ADN level. Baker College uses a preceptor model for the capstone course and there are not enough available BSN preceptors for the BSN students at these	The Board agrees with the suggestion to delete the requirement that a preceptor possess a degree at the same or higher level as the students who are enrolled in the program, have demonstrated competencies that are appropriate for the student's learning experience, or possess at a minimum, an associate's degree or diploma in nursing, as each preceptor must be approved by the faculty of the program, must possess at least 1 year of clinical nursing experience, and a supervisor recommendation.	338.10305c (1)(b)

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			campuses. Until Baker College established the BSN programs in these areas 4 years ago there were only ADN programs. It is Baker College's hope that as it continues to graduate students that remain in the community the number of available BSN preceptors will increase, but at this time there are not enough to support the preceptor model.		
2	Carole Stacy and Tobi Lyon Moore, ANA-Michigan		List verification from other Canadian provinces along with College of Nurses of Ontario (CNO) as an exception to certification from the Commission on Graduates of Foreign Nursing Schools (CGFNS). Clarify the process for approval by the	To clarify the rule, the Board agrees that the rules should not reference only one Canadian College of Nurses. Since existing R 338.10208 already includes exemptions from CGFNS certification for Canadian Colleges of Nurses, all references to CNO will be deleted, and a reference to existing R 338.10208 will be added to R 338.10204 and R 338.10210.	338.10204(3)(a) 338.10204(2)(c) 338.10210(3)(a) 338.10210(2)(c) 338.10204(4)(d) and 338.10210(4)(d) 338.10207(1)(f) 338.10301(h)(iv) 338.10303(c) 338.10310(d)

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			<p>Board for a review course.</p> <p>The rule for relicensure lacks evidence to support the effectiveness of a skill competency evaluation. The focus is on acute care and the rule does not encompass the full range of practice settings.</p> <p>As this rule is written, it is possible for students to do their clinical experience in psychiatric/mental health nursing in settings that are not specific to psychiatric mental health. The language</p>	<p>The Board agrees with the suggestion to clarify the Board's review course approval process and is requiring the review course to include NCLEX subject areas, NCLEX style questions, simulated examinations, and test taking strategies.</p> <p>The Board agrees with the suggestion to clarify the rule to state: "certification of competency must cover the following skills utilizing nursing process." The certification of skill competency is used instead of a review course, as a minimal baseline, to determine an applicant's ability to return to practice along with completing the required continuing education.</p> <p>The Board agrees with the suggestion for</p>	
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			<p>should be consistent with the other specialties and read “must consist of the study of nursing care for patients with an acute or chronic mental health or psychiatric disorder.” Eliminate the remainder of the sentence.</p> <p>Replace the statement, “the board may require a site visit” with “the board will require a site visit” as initial program approval should include a site visit and written report by the nurse consultant as part of the application process, which is consistent with national accreditation guidelines.</p> <p>Clarify the term “compiled statistics” regarding NCLEX examination pass rates. State the</p>	<p>consistency with other provisions in the rule.</p> <p>The Board agrees with the suggestion to clarify that a site visit is required.</p> <p>The Board agrees with the suggestion to clarify which “compiled statistics” are acceptable, by adding the following to the rule: “provided from the National Council of State Boards of Nursing.”</p>	
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			sources that are acceptable.		
3	James Sullivan		The word “report” is missing, and the rule does not match the definition in R 338.10301(l). It should state: “(b) The sponsoring agency shall submit a final program approval report to the board. The report must provide an update of the self-study that was submitted for initial approval pursuant to R 338.10303(b), review the program’s progress since initial approval was granted, and include a review and evaluation of program implementation.”	The Board agrees with the suggestion to add the word “report.”	338.10303a (1)(b)

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4	Barbara Wieszciecinski, Dean of Health Services and Director of Nursing Academic Affairs, Mid Michigan College		Clarify how classes offered at a different location other than the main program location are treated in the rules. Clarify if a separate educational location requires additional reporting, director support, budget, director of nursing, separate faculty. Clarify the definition of a separate educational location: is a location in a brick and mortar building; is it a location where a separate cohort attends a program or where a different educational program is offered (LPN vs RN); and is there a minimum distance between locations to qualify for a separate educational location.	The Board agrees with the suggestion to clarify how classes offered at a different location from the original educational program will be treated in the rules.	338.10303c (1)(f)
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13.Date Report Completed:

11/14/2019