

State Budget Office
Office of Regulatory Reinvention
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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RISCBA)**

PART 1: INTRODUCTION

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at orr@michigan.gov no less than 28 days before the public hearing.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Andria M. Ditschman 517-241-9255 DitschmanA@michigan.gov		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim Department of Licensing and Regulatory Affairs		

2. Rule Set Information

ORR assigned rule set number:	2018-033 LR
Title of proposed rule set:	Board of Nursing – General Rules

PART 2: KEY SECTIONS OF THE APA

24.207a “Small business” defined.

Sec. 7a. “Small business” means a business concern incorporated or doing business in this state, including the affiliates of the business concern, which is independently owned and operated, and which employs fewer than 250 full-time employees or which has gross annual sales of less than \$6,000,000.00.

24.240 Reducing disproportionate economic impact of rule on small business; applicability of section and MCL 24.245(3).

Sec. 40. (1) When an agency proposes to adopt a rule that will apply to a small business and the rule will have a disproportionate impact on small businesses because of the size of those businesses, the agency shall consider exempting small businesses and, if not exempted, the agency proposing to adopt the rule shall reduce the economic impact of the rule on small businesses by doing all of the following when it is lawful and feasible in meeting the objectives of the act authorizing the promulgation of the rule:

- (a) Identify and estimate the number of small businesses affected by the proposed rule and its probable effect on small businesses.
- (b) Establish differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.
- (c) Consolidate, simplify, or eliminate the compliance and reporting requirements for small businesses under the rule and identify the skills necessary to comply with the reporting requirements.
- (d) Establish performance standards to replace design or operational standards required in the proposed rule.

(2) The factors described in subsection (1)(a) to (d) shall be specifically addressed in the small business impact statement required under section 45.

(3) In reducing the disproportionate economic impact on small business of a rule as provided in subsection (1), an agency shall use the following classifications of small business:

- (a) 0-9 full-time employees.
- (b) 10-49 full-time employees.
- (c) 50-249 full-time employees.

(4) For purposes of subsection (3), an agency may include a small business with a greater number of full-time employees in a classification that applies to a business with fewer full-time employees.

(5) This section and section 45(3) do not apply to a rule that is required by federal law and that an agency promulgates without imposing standards more stringent than those required by the federal law.

MCL 24.245 (3) Except for a rule promulgated under sections 33, 44, and 48, the agency shall prepare and include with the notice of transmittal a **regulatory impact statement** which shall contain specific information (information requested on the following pages).

[**Note:** Additional questions have been added to these statutorily-required questions to satisfy the **cost-benefit analysis** requirements of Executive Order 2011-5].

MCL 24.245b Information to be posted on office of regulatory reinvention website.

Sec. 45b. (1) The office of regulatory reinvention shall post the following on its website within 2 business days after transmittal pursuant to section 45:

- (a) The regulatory impact statement required under section 45(3).
 - (b) Instructions on any existing administrative remedies or appeals available to the public.
 - (c) Instructions regarding the method of complying with the rules, if available.
 - (d) Any rules filed with the secretary of state and the effective date of those rules.
- (2) The office of regulatory reinvention shall facilitate linking the information posted under subsection (1) to the department or agency website.

PART 3: AGENCY RESPONSE

Please provide the required information using complete sentences. **Do not answer any question with “N/A” or “none.”**

Comparison of Rule(s) to Federal/State/Association Standards:

1. Compare the proposed rule(s) to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to nursing, so there are no federal rules or standards set by a national or state agency that the proposed rules can exceed.

A. Are these rule(s) required by state law or federal mandate?

MCL 333.16145 and MCL 333.17201 authorize a Board to promulgate rules necessary or appropriate to fulfill its functions, including requirements regarding qualifications, licensure, registrations, renewals, examinations, and continuing education.

B. If these rule(s) exceed a federal standard, identify the federal standard or citation, describe why it is necessary that the proposed rule(s) exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed any federal standards.

2. Compare the proposed rule(s) to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required by the Public Health Code and are largely consistent with the requirements of other states in the Great Lakes region.

Part 2 of the nursing rules pertains to licensure requirements for registered nurses and licensed practical nurses. It is comparable to those in other states in the Great Lakes region. All states in the Great Lakes region set forth similar requirements for licensure in their nursing statutes and administrative rules.

Part 3 of the nursing rules pertains to Board approval of nursing education programs and is comparable to other states in the Great Lakes region. All states in the Great Lakes region set forth the requirements for Board approval of nursing education programs in their nursing statutes and administrative rules.

Part 4 of the nursing rules pertains to nurse specialty certifications. It is comparable to other states in the Great Lakes region. All states in the Great Lakes region set forth the requirements for nurse specialty certification in their nursing statutes and administrative rules.

Part 6 of the nursing rules regarding continuing education requirements for nurses are comparable to those in most states in the Great Lakes region. Illinois, Minnesota, Ohio, and Pennsylvania all require similar continuing education requirements to be met by registered nurses, licensed practical nurses, and nurses holding specialty certifications seeking a license renewal.

Part 7 of the nursing rules pertains to the nursing professional fund scholarship program. This is unique to Michigan. No other state in the Great Lakes region provides in its nursing statutes and rules for the administration of a nursing education scholarship fund which allocates scholarship awards to eligible nurse education programs for distribution as scholarships to eligible students. Illinois has established a Nursing Education Scholarship Program which provides financial assistance to qualified individuals pursuing a certificate in practical nursing, an associate degree in nursing, a hospital-based diploma in nursing, a baccalaureate degree in nursing, or a graduate degree in nursing. Multiple other states offer a nursing education loan forgiveness program.

A. If the rule(s) exceed standards in those states, explain why and specify the costs and benefits arising out of the deviation.

No other state in the Great Lakes region provides in its nursing statutes and rules for the administration of a nursing education scholarship fund which allocates scholarship awards to eligible nurse education programs for distribution as scholarships to eligible students. The Illinois Nursing Act created the Illinois Center for Nursing which is charged with developing a strategic plan for nursing manpower within the state, including the administration of grants, scholarships, internships and other programs. The Illinois administrative rules regarding the nursing education scholarships are promulgated under the Department of Public Health and are comparable to the proposed rules.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rule(s).

There are no other laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules.

A. Explain how the rule has been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

There are no other laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules.

Purpose and Objectives of the Rule(s):

4. Identify the behavior and frequency of behavior that the proposed rule(s) are designed to alter.

The purpose of the proposed rules is set forth below:

General Provisions

R 338.10105: Pursuant to section 16148 of the Code, MCL 333.16148, this existing rule requires an individual seeking licensure to complete a training in identifying victims of human trafficking. The proposed revision clarifies the effective date of the rule.

Licensure

R 338.10202: This rule adopts the examinations developed by the National Council of State Boards of Nursing (NCLEX). The proposed rule will correct a typographical error.

R 338.10204: This rule pertains to examinations for registered nurses. The proposed revisions will delete an incorrect reference to MCL 333.16186(1), clarify that an applicant must take the initial NCLEX-RN within 2 years of either graduation from a registered nurse education program, after certification from the Certification Program of the Commission on Graduates of Foreign Nursing Schools (CGFNS), or after verification from the College of Nurses of Ontario (CNO), and clarify that an applicant must repeat his or her professional nurse education program if he or she has not passed the NCLEX-RN examination after 6 attempts within 3 years from the date of either graduation or after obtaining certification from the Certification Program of the CGFNS.

R 338.10206: This rule pertains to licensure by endorsement for registered professional nurses. The proposed rule clarifies that an applicant for licensure by endorsement in this state must show that he or she was initially licensed in another state by taking the NCLEX-RN examination.

R 338.10207: This rule pertains to lapsed licenses of registered nurses. The proposed rule will correct a typographical error and allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application. The proposed rule also clarifies that the application will be held and the license will not be issued until the continuing education requirements have been met.

R 338.10210: This rule pertains to examinations for licensed practical nurses. The proposed revisions will delete an incorrect reference to MCL 333.16186(1), clarify that an applicant must take the initial NCLEX-PN within either 2 years of graduation from a practical nurse education program, after obtaining certification by CGFNS or NACES, or after verification from the CNO, and clarify that an applicant must repeat their professional nurse education program if they have not passed the NCLEX-PN examination after 6 attempts within 3 years from the date of either graduation or after obtaining certification from the Certification Program of the CGFNS.

R 338.10211: This rule pertains to licensure by endorsement for licensed practical nurses. The proposed rule clarifies that an applicant for licensure by endorsement in this state must show that he or she was initially licensed in another state by taking the NCLEX-PN examination.

Nursing Education Programs

R 338.10301: This rule lists definitions of terms used for nursing education programs. The rule is being revised to clarify definitions, move the definitions of “Major program change” and “Minor program change” to R 338.10303c, and clarify that the nursing education program report must be submitted each year during the program approval phase for programs that have received initial approval and at the halfway point between the self-study submissions for programs that have received full approval. A new definition for “capstone course” is being added.

R 338.10303: This rule pertains to requirements for initial approval of nursing education programs. The rule is being revised to require the submission of the history of the sponsoring agency for initial approval of a nursing education program.

R 338.10303a: This rule pertains to the procedure for full approval of nursing education programs. The rule is being revised to require the program to submit a final program approval report to the board which provides an update of the self-study report that was submitted for initial approval; requires a nursing education program to have maintained NCLEX scores at the level required in R 338.10310 between the initial approval of the nursing education program and full approval of the nursing education program; and allows the board to begin the program evaluation process in R 338.10310 and section 17242 of the code, MCL 333.17242, if a program at the end of its fourth cohort does not satisfy the criteria for full approval or has failed to apply for full approval.

R 338.10303b: This rule pertains to continued program approval. The proposed revisions will clarify the reporting schedules and which type of report must be submitted, allow a letter of accreditation or reaccreditation instead of a self-study report, provide a list of information that must be included in a self-study report, allow the Board to request documentation required by an accrediting organization, and require the nursing education program report to include the required information for all of the years since the last self-study report was approved by the Board.

R 338.10303c: This rule pertains to program changes for nursing education programs. The proposed revisions will clarify what qualifies as a major or minor program change and how notifications of minor program changes should be submitted to the Board. In addition, minor program changes will be submitted to the Board not the Department, and the proposed rule will reclassify a permanent expansion of the number of students to a major program change.

R 338.10303d: This rule requires the accreditation of Board-approved nursing education programs. The term “agency” is being modified to “organization.”

R 338.10304: This rule pertains to nursing education program approval decisions. The proposed rule will correct a typographical error.

338.10305: This rule establishes requirements for registered nurse and licensed practical nurse education programs. The title of the rule is being modified to delete the word “generally,” and NCLEX is being added to clarify that the examination is the NCLEX examination.

R 338.10305a: This rule establishes requirements for registered professional nursing educational programs. The proposed revision will require that written notification of a change in program director be provided to the Board within 30 days of the change and include a copy of the new program director’s curriculum vitae and school contact information. In addition, the proposed rule will require a maximum ratio of students to faculty in clinical areas involving non-direct and precepted patient care to be consistent with the clinical affiliate’s guidelines and maintain patient and community safety.

R 338.10305b: This rule establishes requirements for licensed practical nursing education programs. The proposed revision will require that written notification of a change in program director be provided to the Board within 30 days of the change and include a copy of the new program director’s curriculum vitae and school contact information. In addition, the proposed rule will require a maximum ratio of students to faculty in clinical areas involving non-direct and precepted patient care to be consistent with the clinical affiliate’s guidelines and maintain patient and community safety. The proposed rule will clarify that a non-nursing course that is health-related may be taught by non-nurse faculty.

R 338.10305c: This rule establishes preceptor requirements for registered professional nursing and practical nursing education programs. The proposed revision deletes duplications in the rule and clarifies that the faculty of the program of nursing shall develop written learning outcomes for the clinical experience and provide a copy of those outcomes to each preceptor before the preceptor begins instruction. The proposed rule also limits the use of a preceptor to facilitate the faculty-directed clinical experience of students to meet the requirements for an internship or to meet the clinical requirements in the capstone course.

R 338.10307: This rule establishes requirements for registered professional nursing and licensed practical nursing education program's curriculum, organization, development, implementation, control, and evaluation. The current rule requires that course content and learning experiences promote student growth in developing skills and abilities in the administration of all aspects of nursing care. The proposed revision will add "using the nursing process."

R 338.10309: This rule specifies actions that the director and faculty of a licensed practical nurse education program must take when implementing curriculum for a licensed practical nursing education program. The proposed revision modifies Bureau of Health Care Services to Bureau of Professional Licensing.

R 338.10310: This rule allows the Board to evaluate a nursing education program under circumstances specified in the rule. It will be amended to permit additional evaluation of programs if the pass rate for first time test takers on the required licensure examination is less than 80% for any 1 year of compiled statistics, for failure to submit a nursing education program report under R 338.10303(b) or an annual nursing education program report under R 338.10303(d), for a program completion rate of less than 75%, and for failure of the nursing education program to evaluate a program to apply for full approval by the end of the fourth cohort. The rule will be revised to state that the rate is calculated by determining the number of students who complete the nursing program in no more than 150% of the stated program length.

R 338.10310a: This rule specifies the actions that the nursing education program must take if the program is determined to be noncompliant with the Public Health Code or administrative rules. The proposed revision allows an action plan or NCLEX improvement plan as the first step for improvement of the identified problem areas, and requires that the plan address the following: include specific steps that are being taken to affect changes in the program; focus on improvements to the curriculum, student admission, and progression, faculty expertise in nursing and teaching, and institutional support; and provide a method for the evaluation of the changes and further action to be taken if program performance continues to be out of compliance. In addition, the proposed rule requires that if a minor program change is necessary, the change shall be submitted to the Board instead of the Department for review.

R 338.10312: This current rule pertains to the requirements for a nursing education program that plans to reduce or interrupt admissions to the program, or to terminate the program. It will be amended to include the requirements for a nursing education program that plans to suspend admissions. The proposed revisions require the program director to inform the Board if admissions are suspended; require a practical nursing program that has suspended admissions for 2 years to apply for initial program approval and obtain Board approval before resuming admissions; require a registered professional nursing program that is 2 years in duration that has suspended admissions for 2 years to apply for initial program approval and obtain Board approval before resuming admissions; require a registered professional nursing program that is 4 years in duration that has suspended admissions for 4 years to apply for initial program approval and obtain Board approval before resuming admissions; and require the Board to withdraw approval of any program that has suspended admissions for more than 4 years.

Nurse Specialty Certification

R 338.10404c: This rule pertains to specialty certification qualifications for the clinical nurse specialist. The proposed revision clarifies the sunset date of certification by a portfolio of evidence.

Continuing Education

R 338.10601: This rule establishes continuing education requirements for the renewal of a license. The proposed revision requires that continuing education be completed prior to the expiration of the license and clarifies that the required 2 hours of pain and symptom management is included in the required 25 hours of continuing education.

R 338.10602: This rule specifies acceptable continuing education activities. It will be amended to include subrule (2) prior to the table that states, “The board shall consider the following as acceptable continuing education,” and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited.

Nursing Professional Fund Scholarship Program

R 338.10702: This rule pertains to the Board’s determination of categories and areas of need for designating nurse scholarship awards. The proposed rule will correct typographical errors.

R 338.10703: This rule specifies criteria that a school must meet to be eligible for a scholarship award from the Nursing Professional Fund Scholarship Program for prelicensure and post-licensure nursing programs. The proposed revision replaces “file” with “submits.”

R 338.10704: The current rule provides for a nursing education program to award a scholarship to a student who meets certain criteria, and addresses what a program must do when a scholarship recipient withdraws from the program. The proposed revisions clarify that full-time or part-time students may apply for the scholarship and requires the nursing education program to file a Notice of Intent to Award the Board of Nursing Scholarship form. In addition, if a recipient withdraws from the nursing education program, the proposed rule requires the program to notify the department, in writing within 30 days of withdrawal. The program may award the scholarship funds to a current recipient who has been chosen to receive the scholarship, select a new applicant and submit the applicant’s application and Notice of Intent to Award the Board of Nursing Scholarship form to the Department, or return the unused funds to the Department.

R 338.10705: This rule pertains to ineligibility of schools for a nursing scholarship award. The proposed rule will correct a typographical error.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rule(s).

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. The proposed rules will limit licensure applicants from taking the initial NCLEX more than 2 years after graduating, obtaining certification from the Certification Program of the CGFNS, or after verification from the College of Nurses of Ontario (CNO), will limit the number of times an applicant may take the examination during a certain period before repeating a nursing education program, will require an applicant for licensure by endorsement to have been initially licensed in another state by taking the NCLEX examination, and will allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. In every initial and continued program review the proposed rules will require programs to: provide additional information on sponsoring agencies; require all minor program changes to be reviewed by the Board; require review if a program desires to make temporary expansion of students a permanent change or changes a program director; evaluate a program when pass rates or completion rates fall to a certain level, a report is not filed, or a program does not apply for full approval at the appropriate time; require an improvement plan that shows the specific steps to endeavor and evaluate change; and regulate the ratio of students to faculty. The proposed rules will clarify that a preceptor will only be used in a program of nursing education to facilitate the faculty-directed clinical experience of students to meet the requirements of an internship or to meet the clinical requirements in the capstone course.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. If the rule was left as currently written an applicant would need to search out the promulgation date to understand the requirements of the rule.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. The proposed rules will inform licensees of when their continuing education must be completed, how many hours is required, as well as what type of academic course will be accepted.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, for every scholarship the amendment clarifies who may apply for the scholarship, requires the program to file a form with the Department with details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing program.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. Currently, it is not clear that an applicant must take the initial examination within 2 years of either graduation, after obtaining certification from the Certification Program of the CGFNS, or after verification from the CNO or how much time they have to pass the examination before they must repeat the nurse education program. The proposed rules will limit licensure applicants from taking the initial NCLEX more than 2 years after graduating or obtaining certification from the Certification Program of the CGFNS and will limit the number of times an applicant may take the examination during a certain period before repeating a nursing education program. The proposed rules will also require an applicant for licensure by endorsement to have been initially licensed in another state by taking the NCLEX examination. Currently, the rule does not specify which examination is required. The proposed rules will allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application which will allow the Department to keep an application on file instead of returning the application, while the applicant fixes any continuing education deficiency.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in admissions. Currently, during program review a sponsoring agency is not required to provide details about its history; minor program changes are reviewed by the Department; and notification to the Department of changes regarding the program director are not required. In addition, currently, programs are not automatically evaluated if completion rates fall to a certain level or if a report is not filed or a program does not apply for full approval at the appropriate time, an improvement plan does not require specific steps to affect change in the program and provide a method for evaluation of the changes, and there is no requirement that a program that suspends admissions for over 2 years be required to reapply for initial program approval before resuming admissions. The proposed rules will clarify that a preceptor will only be used in a program of nursing education to facilitate the faculty-directed clinical experience of students to meet the requirements of an internship or to meet the clinical requirements in the capstone course.

In every initial and continued program review the proposed rules will require programs to provide additional information on sponsoring agencies, require all minor program changes to be reviewed by the Board, require review if a program desires to make temporary expansion of students a permanent change or changes a program director, evaluate a program when pass rates or completion rates fall to a certain level, require an improvement plan that shows the specific steps to endeavor and evaluate change, and regulate the ratio of students to faculty in programs.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. If the rule was left as currently written, an applicant would need to search out the promulgation date to understand the requirements of the rule.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. Notifying licensees of when their continuing education must be completed will reduce the number of licensees that fail to complete their continuing education requirements before the expiration of their license, because he or she assumes they can finish their continuing education during the 60-day grace period.

Nurse Professional Fund Scholarship Program: Currently, the nursing education program that awards a scholarship is not required to forward to the Department the address, date of birth, information regarding funds transfer, and signatures attesting to accuracy of the information, nor do the rules require the program to notify the Department of its intent to award the funds to another recipient or student if a student awarded the scholarship withdraws from the nursing education program. In an effort to assist nursing education programs and the Department's accounting of the scholarships, for every scholarship the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing education program.

C. What is the desired outcome?

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for

examination. The proposed rules will limit licensure applicants from taking the initial NCLEX more than 2 years after graduating, obtaining certification from the Certification Program from the CGFNS, or after verification from CNO, and will limit the number of times an applicant may take the examination during a certain period before repeating a nursing education program. The proposed rules will require an applicant for licensure by endorsement to have been initially licensed in another state by taking the NCLEX examination. Currently, the rule does not specify which examination is required. The proposed rules will allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application which will allow the Department to keep an application on file instead of returning the application, while the applicant fixes any continuing education deficiency.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. In every initial and continued program review, the proposed rules will require programs to provide additional information on sponsoring agencies, require all minor program changes to be reviewed by the Board, require review if a program desires to make temporary expansion of students a permanent change or changes a program director, evaluate a program when pass rates or completion rates fall to a certain level, a report is not filed, or a program does not apply for full approval at the appropriate time, require an improvement plan that shows the specific steps to endeavor and evaluate change, and regulate the ratio of students to faculty in programs. The proposed rules will clarify that a preceptor will only be used in a program of nursing education to facilitate the faculty-directed clinical experience of students to meet the requirements of an internship or to meet the clinical requirements in the capstone course.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence, so the applicant does not need to search out the promulgation date to understand the requirements of the rule.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. Notifying licensees of when their continuing education must be completed will reduce the number of licensees who fail to complete their continuing education requirements before the expiration of their licenses because they assume they can finish their continuing education during the 60-day grace period.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, for every scholarship the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing education program.

5. Identify the harm resulting from the behavior that the proposed rule(s) are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. The proposed rules will limit licensure applicants from taking the initial NCLEX more than 2 years after graduating, obtaining certification from the Certification Program of the CGFNS, or after verification

from the CNO, and will limit the number of times an applicant may take the examination during a certain period before repeating a nursing education program. The proposed rules will require an applicant for licensure by endorsement to have been initially licensed in another state by taking the NCLEX examination. Currently, the rule does not specify which examination is required. The proposed rules will allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application which will allow the Department to keep an application on file instead of returning the application, while the applicant fixes any continuing education deficiency.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. In every initial and continued program review, the proposed rules will require programs to provide additional information on sponsoring agencies, require all minor program changes to be reviewed by the Board, require review if a program desires to make temporary expansion of students a permanent change or changes a program director, evaluate a program when pass rates or completion rates fall to a certain level or a report is not filed or a program does not apply for full approval at the appropriate time, require an improvement plan that shows the specific steps to endeavor and evaluate change, and regulate the ratio of students to faculty in programs. The proposed rules will clarify that a preceptor will only be used in a program of nursing education to facilitate the faculty-directed clinical experience of students to meet the requirements of an internship or to meet the clinical requirements in the capstone course.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. If the rule was left as currently written, an applicant would need to search out the promulgation date to understand the requirements of the rule.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. Notifying licensees of when their continuing education must be completed will reduce the number of licensees that fail to complete their continuing education requirements before the expiration of their license because he or she assumes they can finish their continuing education during the 60-day grace period.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, for every scholarship the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded a scholarship withdraws from the nursing program.

A. What is the rationale for changing the rule(s) instead of leaving them as currently written?

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. The proposed rules will limit licensure applicants from taking the initial NCLEX more than 2 years after graduating, obtaining certification from the Certification Program of the CGFNS, or after verification from the College of Nurses of Ontario (CNO), and will limit the number of times an applicant may take the examination during a certain period before repeating a nursing education program, will require an applicant for licensure by endorsement to have been initially licensed in another state by taking the NCLEX examination, and will allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application.

If the rules were left as currently written, they would be confusing to an applicant as to when he or she must take the initial examination, how much time he or she has to pass the examination before they must repeat the nurse education program, which test is required for an applicant for endorsement, and what an applicant for relicensure does if they apply and then determine they are missing required continuing education.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. In every initial and continued program review, the proposed rules will require programs to provide additional information on sponsoring agencies, require all minor program changes to be reviewed by the Board, require review if a program desires to make temporary expansion of students a permanent change or changes a program director, evaluate a program when pass rates or completion rates fall to a certain level, require an improvement plan that shows the specific steps to endeavor and evaluate change, and regulate the ratio of students to faculty in programs. The proposed rules will clarify that a preceptor will only be used in a program of nursing education to facilitate the faculty-directed clinical experience of students to meet the requirements of an internship or to meet the clinical requirements in the capstone course. If the rules were left as currently written, during program review a sponsoring agency would not be required to provide details about its history; minor program changes would be reviewed by the Department; and notification to the Department of changes regarding the program director and temporary expansion of students that become permanent would not be required. In addition, currently, programs currently are not automatically evaluated if completion rates fall to a certain level or a report is not filed or a program does not apply for full approval at the appropriate time, an improvement plan does not require specific steps to affect change in the program and provide a method for evaluation of the changes, and there is no requirement that a program that suspends admissions for over 2 years must apply for initial program approval before resuming admissions. If the rules were left as currently written, nursing education programs may attempt to use a preceptor in situations which are not appropriate for a nursing education program.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. If the rule was left as currently written, an applicant would need to search out the promulgation date to understand the requirements of the rule.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. The proposed rules will inform licensees of when their continuing education must be completed, how many hours is required, as well as the type of academic course will be accepted. Notifying licensees of when their continuing education must be completed will reduce the number of licensees that fail to complete their continuing education requirements before the expiration of their license because he or she assumes they can finish their continuing education during the 60-day grace period.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, for every scholarship the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if there is a student awarded a scholarship that withdraws from the nursing program.

6. Describe how the proposed rule(s) protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. The proposed rules will protect the health, safety, and welfare of Michigan citizens by limiting the time in which a licensure applicant must take the initial NCLEX and the number of times an applicant may take the examination during a certain period before repeating a nursing education program.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. They will protect the health, safety, and welfare of Michigan citizens by requiring programs to provide additional information on sponsoring agencies, by requiring minor program changes to be reviewed by the Board, by requiring review if a program desires to make temporary expansion of students a permanent change or changes a program director, by evaluating a program when pass rates or completion rates fall to a certain level, if a report is not filed or a program does not apply for full approval at the appropriate time, by requiring an improvement plan that shows the specific steps to endeavor and evaluate change, and by regulating the ratio of students to faculty.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. If the rule was left as currently written an applicant would need to search out the promulgation date to understand the requirements of the rule. The rules will protect the health, safety, and welfare of Michigan citizens by limiting the time in which the certification requirements may be met with a portfolio of evidence versus obtaining an advanced practice certification from a certification organization.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. The proposed rules will protect the health, safety, and welfare of Michigan citizens by regulating the continual training that is required by licensees to ensure they are safe to practice.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, the amendment clarifies who may apply for the scholarship, requires the program to file a form with details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing education program. The proposed rules protect the welfare of Michigan citizens by monitoring State funds granted to nursing education programs to be used for scholarships.

7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

There are no rules being rescinded.

Fiscal Impact on the Agency:

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursement rates, etc. over and above what is currently expended for that function. It does not include more intangible costs or benefits, such as

opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

8. Describe the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings).

The proposed rules are not expected to have a fiscal impact on the agency.

9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rule(s).

No agency appropriation has been made nor has a funding source been provided for expenditures associated with the proposed rules.

10. Describe how the proposed rule(s) is necessary and suitable to accomplish its purpose, in relationship to the burden(s) it places on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. The proposed rules will limit licensure applicants from taking the initial NCLEX more than 2 years after graduating, obtaining certification from the Certification Program of the CGFNS, or after verification from the CNO, and will limit the number of times an applicant may take the examination during a certain period before repeating a nursing education program, will require an applicant for licensure by endorsement to have been initially licensed in another state by taking the NCLEX examination, and will allow an applicant for relicensure to submit his or her deficient continuing education up to 2 years after filing his or her application.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. In every initial and continued program review, the proposed rules will require programs to provide additional information on sponsoring agencies, require all minor program changes to be reviewed by the Board, require review if a program desires to make temporary expansion of students a permanent change or changes a program director, evaluate a program when pass rates or completion rates fall to a certain level if a report is not filed or a program does not apply for full approval at the appropriate time, require an improvement plan that shows the specific steps to endeavor and evaluate change, and regulate the ratio of students to faculty in programs. The proposed rules will clarify that a preceptor will only be used in a program of nursing education to facilitate the faculty-directed clinical experience of students to meet the requirements of an internship or to meet the clinical requirements in the capstone course.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence, so the applicant does not need to search out the promulgation date to understand the requirements of the rule.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. The proposed rules will protect the health, safety, and welfare of Michigan citizens by regulating the continual training that is required by licensees to ensure they are safe to practice.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, for every scholarship the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the

scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing program.

A. Despite the identified burden(s), identify how the requirements in the rule(s) are still needed and reasonable compared to the burdens.

Licensing: The current rules need additional information regarding limitations on taking licensing examinations. The proposed amendments ensure consistency in the requirements for examination. The proposed rules will protect the health, safety, and welfare of Michigan citizens by limiting the time in which a licensure applicant must take the initial NCLEX and the number of times an applicant may take the examination during a certain period before repeating a nursing education program.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. They will protect the health, safety, and welfare of Michigan citizens by requiring programs to provide additional information on sponsoring agencies, requiring minor program changes to be reviewed by the Board, requiring review if a program desires to make temporary expansion of students a permanent change or changes a program director, evaluating a program when pass rates or completion rates fall to a certain level, a report is not filed, or a program does not apply for full approval at the appropriate time, by requiring an improvement plan that shows the specific steps to endeavor and evaluate change, and by regulating the ratio of students to faculty in programs.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. If the rule was left as currently written, an applicant would need to search out the promulgation date to understand the requirements of the rule. The rules will protect the health, safety, and welfare of Michigan citizens by limiting the time in which the certification requirements may be met with a portfolio of evidence versus obtaining an advanced practice certification from a certification organization.

Continuing Education: The proposed revision specifies acceptable continuing education activities. The rules will protect the welfare of Michigan citizens by making the rule more easily understandable for licensees.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing program. The proposed rules protect the welfare of Michigan citizens by monitoring State funds granted to nursing education programs to be used for scholarships.

Impact on Other State or Local Governmental Units:

11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for such other state or local governmental units as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in revenues to other state or local government units as a result of the proposed rules.

A. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in costs to other state or local government units as a result of the proposed rules.

12. Discuss any program, service, duty or responsibility imposed upon any city, county, town, village, or school district by the rule(s).

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, county, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rule(s). This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no actions that governmental units must take to be in compliance with these proposed rules.

13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rule(s).

No appropriations have been made to any governmental units as a result of these rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact:

14. In general, what impact will the rule(s) have on rural areas?

The proposed rules are not expected to impact rural areas. The proposed rules apply to licensure of nurses, regardless of their location.

A. Describe the types of public or private interests in rural areas that will be affected by the rule(s).

The proposed rules are not expected to impact rural areas. The proposed rules apply to licensure of licensed practical nurses and registered nurses and to nursing education programs in the state regardless of their location.

Environmental Impact:

15. Do the proposed rule(s) have any impact on the environment? If yes, please explain.

No, the rules will not have an impact on the environment.

Small Business Impact Statement:

16. Describe whether and how the agency considered exempting small businesses from the proposed rule(s).

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's practice qualifies as a small business, the Department could not exempt his or her business because it would create a disparity in the regulation of the profession.

17. If small businesses are not exempt, describe (a) how the agency reduced the economic impact of the proposed rule(s) on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rule(s) upon small businesses as described below, per MCL 24.240(1)(a)-(d), or (b) the reasons such a reduction was not lawful or feasible.

The proposed rules cannot exempt small businesses because the rules do not directly regulate small businesses, but individual licensees. Further, the Public Health Code requires a nurse education program, which may also be a small business, to obtain Board approval to operate and does not grant

the Board or Department the authority to apply different requirements to education programs that are small businesses.

While licensees may practice independently or as part of a small business, the law does not allow the rules to exempt these individuals from the requirements of the rules. However, the impact on licensees who practice as part of a small business is minimized in the proposed rules, as the rules are written broadly. The proposed rule changes will have a minimal impact on licensees. As a result, a licensee, whether in small business or not, should not be significantly impacted by the changes.

A. Identify and estimate the number of small businesses affected by the proposed rule(s) and the probable effect on small business.

There are approximately 154,375 registered nurses and 23,740 licensed practical nurses in Michigan. Nurses practice in many different work environments including hospitals, urgent care facilities, prisons, schools, and physician's offices. These practice areas include corporations, governments and small businesses. No matter what type of business environment the licensee works in, he or she will have to take the necessary steps to comply with the proposed rules. The rules do not affect small businesses differently. The anticipated effects on licensees are minimal because they clarify what is already required of licensees and not of the business in which they may work.

Additionally, there are approximately 60 programs and 36 schools in Michigan that are fully approved by the Board to offer nursing programs and grant certificates for completion of the programs. These schools may qualify as small businesses, although the number of overall employees in a program is not maintained. However, these requirements are meant for all programs and intended to create uniformity in the nursing education provided to students, to produce safe and competent nursing graduates.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses.

The proposed rules will apply to all nursing education programs that prepare students for licensure as a licensed practical nurse or registered nurse in the state of Michigan, not just those programs that are small businesses. The rules were drafted to be the least burdensome on all affected nursing education programs.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements with the proposed rules. However, nursing education programs must submit various reports to the Board for initial approval or to maintain Board approval. The rules permit an accredited program to submit a self-study to the Board or a letter of accreditation or reaccreditation.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rule(s).

The agency did not establish performance standards to replace design or operation standards required by these rules.

18. Identify any disproportionate impact the proposed rule(s) may have on small businesses because of their size or geographic location.

The proposed rules affect individual licensees, rather than small businesses. Therefore, there is no disproportionate effect on small businesses because of their size or geographic location.

19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rule(s).

The proposed rules affect individual licensure applications and renewals, which are already required of all licensees, regardless if they practice in a small business. There is no separate cost to small businesses.

Nursing Education Programs are required to submit documentation for initial approval, R 338.10303, and full approval, R 338.10303a. To maintain Board approval, the programs must submit a comprehensive self-study report, letter of accreditation or reaccreditation, and nurse education program report at designated timeframes, R 338.10303b.

The cost will depend on the size of the program and the number of nursing faculty. There is no separate cost for report preparation to small businesses.

20. Analyze the costs of compliance for all small businesses affected by the proposed rule(s), including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected increased costs for small businesses concerning the costs of equipment, supplies, labor, or administrative costs.

21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rule(s).

There are no expected increased costs for small businesses concerning legal, consulting, or accounting services.

22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to small businesses that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on licensees. Even if a licensee's employer qualifies as a small business, the Department could not exempt his or her business because it would create disparity in the regulation of licensed nurses. Therefore, exempting or setting lesser standards of compliance for small businesses is not in the best interest of the public.

24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on licensees. Even if a licensee's employer qualifies as a small business, the Department could not exempt his or her business because it would create disparity in the regulation of licensed nurses. Therefore, exempting or setting lesser standards of compliance for small businesses is not in the best interest of the public.

25. Describe whether and how the agency has involved small businesses in the development of the proposed rule(s).

The Department worked with the Board of Nursing in the development of the proposed rules. The Board is composed of members of the profession, which represents both small and large business entities in Michigan, and public members.

A. If small businesses were involved in the development of the rule(s), please identify the business(es).

The Department worked with the Board of Nursing in the development of the proposed rules. The Board is composed of members of the profession, which represents both small and large business entities in Michigan, and public members.

Cost-Benefit Analysis of Rules (independent of statutory impact):

26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The Department does not expect any statewide compliance costs of the proposed rules on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rule(s).

The Department does not expect any businesses or groups to be directly affected by, bear the cost of, or directly benefit from the proposed rules.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

The Department does not expect the proposed rules to result in any additional costs such as new equipment, supplies, labor, accounting, or recordkeeping on businesses or other groups.

27. Estimate the actual statewide compliance costs of the proposed rule(s) on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The Department does not expect the proposed rules to result in any additional compliance costs such as new educational costs, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or record keeping on the public.

A. How many and what category of individuals will be affected by the rules?

The proposed rules impose requirements on individual licensees rather than small businesses.

Licensing: The proposed rules will limit the time in which a licensure applicant must take the initial NCLEX and the number of times an applicant may take the examination during a certain period before repeating a nursing education program. The proposed rules will affect licensure applicants.

Nursing Education Programs: The proposed rules will require programs to provide additional information on sponsoring agencies, require minor program changes to be reviewed by the Board, require review if a program desires to make a temporary expansion of students a permanent change or changes a program director, evaluate a program when pass rates or completion rates fall to a certain level or a report is not filed or a program does not apply for full approval at the appropriate time, require an improvement plan that shows the specific steps to endeavor and evaluate change, and regulate the ratio of students to faculty in programs. The proposed rules will affect nursing education programs.

Continuing Education: The proposed revision requires that continuing education be completed prior to the expiration date of the license, clarifies that the 2 hours of pain and symptom management is part of the 25 required continuing education hours, and clarifies that an academic course submitted for continuing education credit must be offered by a nursing education program in Michigan approved by the Board, or a post-licensure or graduate nursing program that is nationally accredited. The proposed rules will affect licensees.

Nurse Professional Fund Scholarship Program: The proposed rules affect who may apply for a scholarship, requires the program to file a form that includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing program.

B. What qualitative and quantitative impact does the proposed change in rule(s) have on these individuals?

The Department does not expect the proposed rules to result in any educational costs, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or record keeping on the public.

28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rule(s).

There are no expected reductions in costs to businesses, individuals, groups of individuals or governmental units as a result of the proposed rules.

29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rule(s). Provide both quantitative and qualitative information, as well as your assumptions.

Licensing: The proposed amendments ensure consistency in the requirements for examination. The proposed rules will benefit Michigan citizens by limiting the time in which a licensure applicant must take the initial NCLEX and the number of times an applicant may take the examination during a certain period before repeating a nursing education program.

Nursing Education Programs: The proposed amendments will clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, Board evaluation of nursing education programs, and program suspensions in program admissions. The proposed rules will benefit Michigan citizens by requiring programs to provide additional information on sponsoring agencies, by requiring minor program changes to be reviewed by the Board, by requiring review if a program desires to make temporary expansion of students a permanent change or changes a program director, by evaluating a program when pass rates or completion rates fall to a certain level, a report is not filed, or a program does not apply for full approval at the appropriate time, by requiring an improvement plan that shows the specific steps to endeavor and evaluate change, and by regulating the ratio of students to faculty in programs.

Nurse Specialty Certifications: The proposed revision clarifies the sunset date of certification by a portfolio of evidence. The proposed rule will benefit Michigan citizens by limiting the time in which the certification requirements may be met with a portfolio of evidence versus obtaining an advanced practice certification from a certification organization.

Continuing Education: The proposed revision specifies acceptable continuing education activities. The proposed rules will benefit Michigan citizens by making the rule more easily understandable for licensees by adding the effective date.

Nurse Professional Fund Scholarship Program: In an effort to assist nursing education programs and the Department's accounting of the scholarships, the amendment clarifies who may apply for the scholarship, requires the program to file a form which includes details regarding the scholarship award, and requires the program to notify the Department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing program. The proposed rules will benefit Michigan citizens by monitoring State funds granted to nursing education programs to be used for scholarships.

30. Explain how the proposed rule(s) will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination.

31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

There is not expected to be a disproportionate effect due to industrial sector, segment of the public, business size, or geographic location.

32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of a proposed rule(s) and a cost-benefit analysis of the proposed rule(s).

Illinois Administrative Code:

<http://www.ilga.gov/commission/jcar/admincode/068/06801300sections.html>

Indiana Administrative code: <http://iga.in.gov/legislative/laws/2016/ic/>

Kentucky: <http://kbn.ky.gov/ce/Documents/cebrochure.pdf>

Minnesota Nursing Board: <https://mn.gov/boards/nursing/>

Minnesota Law and Rules: <https://mn.gov/boards/nursing/laws-and-rules/>

New York Laws, Rules and Regulations: <http://www.op.nysed.gov/prof/nurse/nurselaw.htm>

Ohio Board of Nursing: http://www.nursing.ohio.gov/Law_and_Rule.htm

Pennsylvania State Board of Nursing Code:

<http://www.pacode.com/secure/data/049/chapter21/chap21toc.html#21.28>.

Wisconsin Administrative Code: https://docs.legis.wisconsin.gov/code/admin_code/n/1.pdf

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rule(s).

No estimates or assumptions were made.

Alternatives to Regulation:

33. Identify any reasonable alternatives to the proposed rule(s) that would achieve the same or similar goals.

Include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, there is no other reasonable alternative to the proposed rules that would achieve the same or similar goal.

A. In enumerating your alternatives, include any statutory amendments that may be necessary to achieve such alternatives.

There is no other reasonable alternative to the proposed rules that would achieve the same or similar goal.

34. Discuss the feasibility of establishing a regulatory program similar to that in the proposed rule(s) that would operate through private market-based mechanisms. Include a discussion of private market-based systems utilized by other states.

Since the rules are authorized by statute, private market-based systems cannot serve as an alternative. Each state is responsible for implementing its own laws and rules pertaining to licensing nurses. Private market-based systems are not used for regulating licensees. The licensing and regulation of licensed

practical nurses, registered nurses, and the specialty certification of advanced practice nurses are state functions, so a regulatory program independent of state intervention cannot be established. The nursing profession has numerous professional associations that could be considered regulatory mechanisms that are independent of state intervention; however, these professional organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements, but does not join one of the professional organizations, would be able to practice and there would be no way to ensure their competency or hold them accountable.

35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rule(s). This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information:

36. As required by MCL 24.245b(1)(c), describe any instructions on complying with the rule(s), if applicable.

Licensure: The rules will explicitly inform licensees of the requirement for examination including the time in which a licensure applicant must take the initial NCLEX and the number of times an applicant may take the examination during a certain period before repeating a nursing education program.

Nursing Education Programs: The rules will explicitly inform potential and existing programs of the application requirements, how to process changes, Board evaluation of programs, handling of program admission suspensions, and initial and continued program approval requirements.

Nurse Specialty Certification: The rules will explicitly inform applicants of the sunset date of certification by a portfolio of evidence.

Continuing Education: The proposed rules will explicitly inform licensees of when their continuing education must be completed, how many hours are required, as well as what type of academic course will be accepted.

Nursing Professional Fund Scholarship Program: The rules will explicitly inform nursing education programs of the application requirements, use of funds, and reporting changes in the scholarship recipient. The requirement to notify the Department of an award or modification of an award will be included in the Notice of Intent to Award the Board of Nursing Scholarship form.

 ↓ **To be completed by the ORR** ↓

PART 4: REVIEW BY THE ORR

Date RISCBA received:	12-21-2018
Date RISCBA approved:	2/27/19
Date of disapproval:	
Explanation:	