

**Rule Summary and Fiscal Analysis (Part A)****Board of Nursing**

Agency Name

Division

**Cynthia Snyder**

Contact

**17 South High Street Suite400 Columbus OH  
43215-3413**

Agency Mailing Address (Plus Zip)

**614-995-4933**

Phone

**614-466-3947**

Fax

**4723-5-09**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Organization and administration of the program.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4723.07**

5. Statute(s) the rule, as filed, amplifies or implements: **4723.06**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year review

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth requirements for the organization and administration of precicensure nursing education programs. Many of the requirements are contained in the existing rule, but additional provisions are added.

In paragraph (B)(7) new language provides that the registered nurse program administrator must establish a faculty to student ratio in clinical settings that is no greater than 1 to 10, and a smaller ratio where necessary to ensure safety. The current rule addresses faculty/student ratios only in general terms.

Paragraph (B)(10) requires that the RN program administrator submit to the board a corrective action plan following submission of one or more incorrect program completion letters. This modifies an existing requirement that a program submit individual student transcripts for a period of 24 months after submitting two erroneous program completion letters within a twenty four month period. The revision gives the board the means to hold program administrators accountable for this critical function, without being unduly onerous and punitive.

Paragraph (C) establishes new requirements for nursing education programs that have multiple locations. These provisions will apply when a program and its other locations share the same philosophy, conceptual framework or organizing theme, program objectives or outcomes, curriculum, and admission/progression/completion policies. The program in its entirety must be overseen by an RN administrator who meets the qualifications established in the chapter. In addition, each location that is more than 60 miles from the principal location would be required to be under the auspices of an RN associate administrator. For programs with other locations that are closer than 60 miles, the board may require the designation of an RN associate administrator based on its assessment of several criteria contained in the rule.

In paragraph (D), new provisions are added for the designation of an interim administrator to oversee a program for up to ninety consecutive business days. The rule will allow an interim administrator to meet the requirements for an associate administrator, rather than the stricter requirements for a program administrator.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

In paragraph (B)(7), a revision is made to clarify the circumstances in which the 1 to 10 faculty to student ratio will apply. In this paragraph, the term "clinical experiences" is changed to "direct patient care experiences."

In response to concerns from nurse educators, a change is also proposed in paragraph (D) of this rule. The original draft provides that an interim administrator can serve in this capacity for only ninety consecutive business days. This time limitation is perceived as very unrealistic by nursing education programs. Since that was not the Board's intention with this provision, the rule is revised to eliminate the 90 day time limit. The new language in paragraph (D) clarifies the role of the interim administrator, and also sets forth the qualifications for appointment as an interim administrator (in part by reference to rules 4723-5-10 and 4723-5-11).

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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None

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

None

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Cost to nursing education programs will vary.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**