

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4723-5-23

Rule Type: Amendment

Rule Title/Tagline: Program NCLEX rates.

Agency Name: Board of Nursing

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/14/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4723.07
5. **What statute(s) does the rule implement or amplify?** 4723.06
6. **What are the reasons for proposing the rule?**

The Rule establishes requirements for minimum NCLEX pass rates. The rationale for the Rule is to provide clear information to nursing education programs and consistency in requirements, and to ensure that students receive an education that prepares them to pass the NCLEX.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The Rule establishes requirements for minimum NCLEX pass rates. The Rule revision to paragraph (C) was recommended by the Board Advisory Group on Nursing Education

to include passing rates of those first time candidates who took the exam within six months of program completion, consistent with paragraph (B).

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will decrease expenditures.

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Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The costs of compliance would be costs associated with doing business as an education provider (investments in faculty, real estate, equipment, etc.) which are variable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Pre license nursing education programs must be approved by the Board.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Failure to attain the NCLEX pass rates over a period of years may result in placing on a provisional or probationary approval status.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Information regarding NCLEX scores is to be reported.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable