

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?** No
 - A. **What is the rule's five year review date?** 10/16/2026
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?**

Chapter 4723-5 addresses Board regulation of prelicensure nursing education programs. Every program is either on Conditional approval (every new program begins on conditional approval), Full approval, or Provisional approval. Currently, the Board is required to change a program's approval status from Full to Provisional if a program experiences four consecutive years of NCLEX (National Council Licensure Examination) scores that fall below an established benchmark.

The current 4723-5-23 requires the Board to change a program's approval status from Full to Provisional following four consecutive years of low NCLEX scores. The proposal to amend 4723-5-23, to add paragraph (B)(5) will provide the Board discretion to

refrain from changing a prelicensure nursing education program's approval status from Full to Provisional, during, or during a relevant time period following, a declared state or federal emergency, or a state or local disaster.

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

The current rule requires the Board to change the approval status from Full to Provisional following four consecutive years of low NCLEX scores. Adding paragraph (B)(5) will provide the Board discretion to refrain from changing a prelicensure nursing education program's approval status from Full to Provisional, during, or during a relevant time period following, a declared state or federal emergency, or a state or local disaster.

The current rule also requires programs to submit an action plan, a report on the plan, and participate in a survey during successive years of not meeting the established benchmarks.

- 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 have no impact on revenues or 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?

For those programs whose students' NCLEX scores do not meet the benchmarks for a number of consecutive years, the costs of preparing an action plan, a report on the action plan, and participating in a survey.

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? No

Chapter 5 requires approval of prelicensure nursing education programs. This rule addresses one of the circumstances that can lead to a change in or loss of approval status.

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

If a program's students do not meet certain NLCEX passage rate benchmarks, a program's approval status could be changed from full to provisional. Programs that fail submit a plan of action, a report on the plan of action, or participate in a survey when required could be cited in a survey report for those failures which could, depending upon all of the facts and circumstances, result in a change in approval status.

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

For those programs whose students' NCLEX scores do not meet the benchmarks for a number of consecutive years, the costs (staff time) of preparing an action plan, a report on the action plan, and participating in a survey during successive years of not meeting benchmarks.

- 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? Yes**

For those programs whose students' NCLEX scores do not meet the benchmarks for a number of consecutive years, a program will incur the (staff time) expense of preparing an action plan, a report on the action plan, and participating in a survey during successive years of not meeting benchmarks.

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 to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable