

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

Agency Name

Division

Cynthia Snyder

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4723-5-23

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Program NCLEX rates.**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:

The board is attempting to clarify the steps the board will take for a program that has a first time candidate pass rate that is less than 95 percent of the national average.

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:

Paragraph (A) specifies that a program must have full, conditional, or provisional

approval from the board in order to issue a program completion letter on behalf of its students. This is the first step in authorizing a student to qualify to take the licensure examination.

Paragraph (B)(1) requires a program to prepare a plan of action the first year that its pass rate is less than 95 percent of the national average for first time candidates, and submit the plan with its annual report to the board. Paragraph (B)(2) requires an evaluation of the previous action plan if a program experiences two consecutive years of pass rates less than 95 percent of the national average. For three consecutive years of pass rates below 95 percent of the national average, the board is required to conduct a survey of the program and may take action on the program's approval status. After four consecutive years, the board is required to revise the program's approval status to provisional. Under the current rule, it is optional for the board to place a program on provisional approval after four consecutive years of low rates.

Paragraph (C) provides that a program can not be considered again for full approval until it has two consecutive years of pass rates that meet or exceed 95 percent of the national average.

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:

Not Applicable.

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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These changes do not sufficiently change the board's responsibilities to generate additional expenses for the board.

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

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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:

Costs 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**