

PROSPECTIVE ANALYSIS

BOARD OF NURSING

IDAPA 24.34.01

RULE .061 CONTINUING EDUCATION (LPN'S/RN'S)

Proposed Rule:

The proposed rule eliminates the current rule in place for continuing education requirements for RN's and LPN's.

Current Rule:

The current rule requires RN's and LPN's to have 15 contact hours of continuing education per two-year renewal cycle. Activities which constitute continuing education are defined broadly under the rule.

Legal Authority:

This is discretionary authority of the Board. Under Idaho Code § 54-1404(7), the Board has the authority to evaluate continuing competency.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Zero-Based Regulatory framework offers the opportunity to eliminate redundancy, remove outdated requirements, and improve readability of IDAPA. As part of this process, some updated improvements to the rules are recommended.

The current rule for continuing competence/education (hereinafter, "CE's") as written is very detailed and does not provide clear direction to licensees. Additionally, the rule is so broad that it makes it difficult to determine which learning activities are germane to the profession. Because the purpose of a CE requirement in theory would be to include activities germane to professional development, an overly broad requirement does not serve any intended purpose. The proposed rule eliminates CE requirements altogether.

A proposal was brought to the Board at its meeting on 8/11/22 to renew an RN or LPN license, a licensee shall complete 100 hours of practice or 15 contact hours of continuing education within a 2-year renewal period. The prior rule had the same number of hours but contained very detailed and lengthy descriptions of “learning activities” which did not provide clear direction to licensees and was more restrictive. Following Board discussion and public comment, a proposal was made to eliminate CE requirements from rule entirely. The contents of the discussion and policy considerations are discussed in greater detail in section four, *infra*.

The proposal to eliminate CE's essentially takes regulation of this (prior) requirement out of the Board's responsibility, so this would be a non-regulatory means. This reduces regulation of the profession.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Not applicable.	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above.	
Alaska	Alaska has a very detailed definition section of continuing education requirements. Renewal cycles are biennial. An RN or LPN must have at least 320 hours of employment per renewal cycle. APRN’s, RN’s and LPN’s must have at least 30 hours of continuing education per renewal cycle.	N/A

	chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutes.pdf	
Montana	LPN's and RN's must complete a minimum of 24 contact hours per two-year cycle. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://boards.bsd.dli.mt.gov/_docs/arm/CH-159-NUR-as-of-06-30-2021.pdf	N/A
Nevada	The requirements for renewal in Nevada vary by licensee type. However, Nevada overall is more stringent in its requirements for documentation for proof of compliance as well as types of courses acceptable. https://www.leg.state.nv.us/NAC/NAC-632.html#NAC632Sec193	N/A
Oregon	Oregon requires 400 hours of nursing practice per two-year renewal cycle in addition to 20 hours of continuing education for nurses with 600 hours or less of practice experience. https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=286702	N/A
South Dakota	South Dakota repealed its continuing education requirement. https://sdlegislature.gov/Rules/Administrative/34670	N/A
Utah	Overall, Utah's rule is more complex than Idaho's current rule and has very specific definitions for contact hours. It also requires courses to be Board approved. Utah requires an LPN or RN to complete licensed practice of 400 hours or 200 hours and 15 contact hours of approved educational programs per two-year renewal cycle. https://adminrules.utah.gov/public/search/R156-31b-101/Current%20Rules	N/A
Washington	Washington requires 96 hours of practice and 8 hours of continuing education per one year renewal period. https://app.leg.wa.gov/WAC/default.aspx?cite=246-840-220	N/A
Wyoming	License renewals are on a two-year cycle. An RN or LPN must have 400 hours of active nursing practice or 200 hours of active nursing and 15 hours of continuing education. https://drive.google.com/file/d/1hUyYziVhCEfHELDEnIvjYxWztDTcaVHo/view	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho's proposed rule would put it in alignment with South Dakota, which is presently the least stringent of the states surveyed.

What evidence is there that the rule, as proposed, will solve the problem?

The prior rule provided for all types of various continuing education types, some of which were not germane to professional development. The National Council of State Boards of Nursing conducted research on continuing education credits nationwide and found that RN's and LPN's with specific CE mandates collected significantly more hours of CE which was unrelated to their work. See www.ncsbn.org/CEStudy.pdf. CE's unrelated to professional development do not help licensees increase or maintain skill levels.

While lifelong learning is a positive goal, much discussion centered around how this should be the responsibility of the individual licensee and in doing so, the licensee may tailor any educational activities they choose to do voluntarily to their needs and goals.

Idaho is a member of the Nurse Licensure Compact. Because CE's vary from state-to-state, meeting multi-jurisdictional requirements for CE's can be onerous and confusing for a licensee. This proposed rule helps to alleviate that burden as well as make it easier for licensees from out of state to meet Idaho's licensing requirements.

The proposed rule is also helpful to nursing educators, who may be extremely qualified in their nursing knowledge but, due to their academic positions, have trouble meeting the practice hour requirements. The prior rule created obstacles for nursing educators' licensure.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

RULE 076- NURSE APPRENTICES

Proposed Rule:

A nurse apprentice is a nursing student who is employed for remuneration in a non-licensed capacity outside the student role by a Board approved health care agency. Applicants for a nurse apprentice must be enrolled in good standing in an accredited nursing education program that is substantially similar to Idaho’s programs for licensed/registered nursing and satisfactorily complete a basic nursing fundamentals course.

Current Rule:

The current rule is similar but includes "recent graduates." The current rule also requires the employer to submit an application to hire nurse apprentices, which has been removed in the proposed rule.

Legal Authority:

Discretionary. No direct reference to “nurse apprentice” in statute but falls within Board’s discretionary authority to regulate nursing practice in the state and educational programs.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

Overall, Idaho is far less restrictive as many jurisdictions do not have nurse apprenticeship programs or allow nursing students to perform nursing tasks outside of a supervised clinical learning experience.

The rule as proposed is attempting to streamline the process of individuals applying to work in a healthcare setting as nurse apprentices. The proposed rule also eliminates the application requirements for employers of persons working as a nurse apprentice. This is designed to reduce regulation. It would also increase access to employment opportunities.

Very few jurisdictions have an apprentice nursing program. Of our surrounding states, Nevada is the only comparable program. However, Nevada's rules for licensure/permitting of apprentice nurses are more stringent than the proposed rule.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above.	
Alaska	Alaska does not have a nurse apprenticeship program. They do have a temporary permit, but that is for nursing school graduates, not students. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutes.pdf	
Montana	Montana law provides for a temporary practice permit, but this applies to graduates of nursing programs who have not yet passed the licensure examination. It does not apply to students. 24.159.1221. There are also temporary practice permits for graduate APRN's. Montana previously provided for delegation of some nursing tasks to students as Unlicensed Assistive Personnel but repealed that rule.	

	https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E159%2E1221	
Nevada	<p>Nevada allows nursing students to work as nurse apprentices performing tasks they have successfully completed in their apprenticeship program if: the student works in a licensed hospital for acute care, long-term care, a community health organization or a health maintenance organization and has an RN onsite; the student presents to his or her employer satisfactory evidence from their school of successful demonstration of skills; the student has been evaluated by the chief nurse as safe to perform those tasks; the description provided by the healthcare facility identifies the role and responsibility of the student; the tasks delegated have been Board-approved; there is a formal procedure for nursing students to refuse to perform any tasks; and the student is subject to the Nurse Practice Act and Board regulations. NAC 632.252.</p> <p>https://www.leg.state.nv.us/NAC/NAC-632.html#NAC632Sec260</p>	
Oregon	<p>Oregon does not provide for licensing of apprentice nurses.</p> <p>https://www.oregon.gov/osbn/Pages/laws-rules.aspx</p>	
South Dakota	<p>There is not an apprenticeship program. Nurses in South Dakota have fairly broad authority to delegate tasks to unlicensed assistive personnel, however.</p> <p>https://sdlegislature.gov/Rules/Administrative/9993</p>	
Utah	<p>Utah does not have a formal apprenticeship program. If a nursing student is not licensed as a nurse and provides care outside of his or her formal education program, they are considered unlicensed assistive personnel. R156-31(b)-102-(37)(b)(ii). Utah does allow an “APRN intern license.”</p> <p>https://adminrules.utah.gov/public/search/R156-31b-101/Current%20Rules</p>	
Washington	<p>Washington does not permit student nurses to work as nurse apprentices. Washington only allows for “limited educational authorization” which prohibits practice or employment. WAC 246-840-010(23).</p> <p>https://app.leg.wa.gov/WAC/default.aspx?cite=246-840-010. For a description of which industries in WA provide apprenticeship programs, see: https://www.lni.wa.gov/licensing-permits/apprenticeship/become-an-apprentice</p>	

Wyoming	<p>Wyoming has a “CNA registered apprenticeship program.” The program curriculum requires the CNA apprentice to work under the LPN mentor. There are four mandatory phases of learning and a fifth optional phase to obtain a certificate to work with dementia patients.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.wyoleg.gov/InterimCommittee/2019/10-201906130iii.WYOMINGCNAApprenticePowerpoint.pdf</p>	
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If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Not applicable.

What evidence is there that the rule, as proposed, will solve the problem?

The American Journal of Nursing (AJN) issued a Special Feature in December of 2021 encouraging academic partnerships for nursing programs and practice. (AJN December 2021, Vol. 121, No. 12). AJN’s research found many positive outcomes between academic-practice requirements, including preparation for work experience as a registered nurse and access to care by the general public.

See chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ncsbn.org/AJN1221_SpecialFeature.pdf

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	Possible increase of access to services
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR

Net change in restrictive word count	TBD after ZBR
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RULE 220- QUALIFICATIONS FOR LICENSURE BY EXAMINATION

Proposed Rule: Individuals who have successfully completed all requirements for graduation and have been conferred a degree from an Idaho nursing education program approved by the Board, will be eligible to make application to the Board to take the licensing examination.

Current Rule: Current rule is essentially the same, with the exception of the language "and have been conferred a degree."

Legal Authority: The Board has authority to establish standards and criteria for licensure. Idaho Code §54-1404(4). Discretionary.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The language regarding degree conferral has been added to clarify that the individual must have a degree (if required) prior to the exam. Presently, many individuals who have completed coursework but have not been conferred a degree make applications to the Board to sit for the exam. The language of the current rule causes confusion.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Not applicable.	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above.	N/A
Alaska	<p>12 AAC 44.290 Must have graduated from a school of nursing and have a certified transcript mailed directly from the school to the Board of Nursing.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutes.pdf</p>	N/A
Montana	<p>MCA 37-8-405(2) "has completed the basic professional curriculum in an approved school of nursing and holds a diploma from that school."</p> <p>https://leg.mt.gov/bills/mca/title_0370/chapter_0080/part_0040/section_0050/0370-0080-0040-0050.html</p>	N/A
Nevada	<p>NAC 632.150 requires an applicant to: "Have graduated from a nursing program approved by the Board."</p> <p>https://www.leg.state.nv.us/NAC/NAC-632.html#NAC632Sec155</p>	N/A

Oregon	OAR 851-031-0006, "graduation from an approved nursing program." https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=286701	N/A
South Dakota	20:48:03:01 "graduate of board approved school of nursing." https://sdlegislature.gov/Rules/Administrative/9958	N/A
Utah	58-31b-302, applicant for registered nurse license shall "have completed" approved nursing education program. https://le.utah.gov/xcode/Title58/Chapter31B/58-31b-S302.html?v=C58-31b-S302_2022050420220504#58-31b-302(4)	See below
Washington	WAC 246-840-025 requires the applicant to send a transcript directly from a nursing education program which shows that the applicant has graduated from an approved nursing education program or completed all coursework required in a commission approved practical nursing program." https://app.leg.wa.gov/WAC/default.aspx?cite=246-840-025	N/A
Wyoming	Requires "graduation" from Board or state approved program: https://drive.google.com/file/d/1hUyYziVhCEfHELDEnIvjYxWztDTcaVHo/view	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

The proposed change is to clarify that graduation is required. This will put Idaho's rule more in line with the language of the surveyed states. Utah is the only surveyed state which currently has unclear language as to whether actual graduation vs. program completion is required. However, since this would likely fall to Utah's licensing staff for interpretation, it is unknown whether this is currently being interpreted to mean conferral of a degree.

What evidence is there that the rule, as proposed, will solve the problem?

The vague wording of the present rule causes confusion amongst applicants who have completed their coursework but have not yet been conferred a degree. The proposed wording clarifies the requirement.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	Approved nursing education programs will have clarity as to who can apply for licensure by examination.
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
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Net change in word count	TBD following ZBR
Net change in restrictive word count	TBD following ZBR

RULE 240 LICENSURE BY ENDORSEMENT

Proposed Rule:

An applicant for Idaho licensure by interstate endorsement must: Be a graduate of a state approved/accredited practical or registered nursing education program. Applicants for practical nurse licensure may also qualify under the provisions of Section 241 of these rules; Have taken the same licensing examination as that administered in Idaho and achieved scores established as passing for that examination by the Board; and Hold a current, valid, and unrestricted license from another nursing jurisdiction.

Current Rule:

The current rule is similar to the proposed rule. However, the current rule requires an applicant to have actively practiced nursing for at least 80 hours within the 3 years immediately preceding his or her application for licensure by endorsement. Additionally, the current rule requires that the applicant's state approved/accredited program be substantially similar to Idaho's. The proposed rule eliminates this requirement.

Legal Authority: The Board has authority to establish standards and criteria for licensure. Idaho Code §54-1404(4). Discretionary.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Zero-Based Regulatory framework offers the opportunity to eliminate redundancy, remove outdated requirements, and improve readability of IDAPA. As part of this process, some updated improvements to the rules are recommended. As part of open public discussions taking place during ZBR, it was noted that a practice requirement of 80 hours over the last three years was a very simple and easily obtained requirement, and as such, did not add anything of substance to the rule. Additionally, the proposed rule is simplified and designed to be consistent with the Universal Licensure statute, Idaho Code 67-9409.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
<p>There is no federal law directly on point. However, states can become members of the Nurse Licensure Compact which provides for a streamlined approach to multi-state licensure. Presently, thirty-nine states including Idaho, are members of the Nurse Licensure Compact: https://www.ncsbn.org/nurse-licensure-compact.htm</p>	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above.	
Alaska	<p>12 AAC 44.305 requires an applicant for licensure by endorsement to have worked 320 hours of nursing-related employment within the five years immediately before the application.</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutes.pdf</p>	n/a
Montana	<p>Montana has Universal Licensure, M.C.A. 37-1-304: A board shall issue a license to practice without examination to a person licensed in another state if the board determines that:</p> <p>(a) the other state's license standards at the time of application to this state are substantially equivalent to or greater than the standards in this state; and</p>	n/a

	<p>(b) there is no reason to deny the license under the laws of this state governing the profession or occupation.</p> <p>https://leg.mt.gov/bills/mca/title_0370/chapter_0010/part_0030/section_0040/0370-0010-0030-0040.html</p>	
Nevada	<p>NAC 632.170 requires an applicant for licensure by endorsement to have completed a course of study in an accredited nursing education program and hold a license in good standing from another jurisdiction. If the applicant has not practiced within the past five years but has passed an examination in another jurisdiction, he or she must have passed the National Council Licensure Examination within the immediately preceding 5 years or successfully completed a Board-approved review course.</p> <p>https://www.leg.state.nv.us/NAC/NAC-632.html#NAC632Sec173</p>	n/a
Oregon	<p>OAR 851-031-0039 requires applicants for licensure by endorsement to have completed at least 400 hours of practice within two years. The applicant must also submit their home state license and transcript.</p> <p>https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=283772</p>	n/a
South Dakota	<p>SDCL: 20:48:03:07 requires only that an applicant submit their home state licensure to obtain licensure by endorsement</p> <p>https://sdlegislature.gov/Rules/Administrative/9964</p>	See below
Utah	<p>Utah has Universal Licensure. R58-1-302 provides that the division shall issue a license to a person licensed in a district, state, or territory of the United State if the person has (1) at least one year of experience in their home state; (2) the license is in good standing; and (3) the license encompasses a similar scope of practice.</p> <p>https://le.utah.gov/xcode/Title58/Chapter1/58-1-S302.html#:~:text=License%20by%20endorsement,-(1)&text=the%20division%20determines%20that%20the,license%20sought%20in%20this%20state.</p>	n/a
Washington	<p>WAC 246-840-060 requires that RN and LPN applicants for licensure by interstate endorsement: have a degree from a commission or state board approved program; hold an active nursing license in another state or territory; and was passed the NCLEX exam as part of their initial licensure. There are additional</p>	n/a

	requirements for applicants from nursing programs outside of the US, as well as applicants from "non-traditional" nursing education programs. https://app.leg.wa.gov/WAC/default.aspx?cite=246-840-090	
Wyoming	APRN applicants for licensure by endorsement have the same requirements to initial licensure, i.e., graduation from a nationally accredited program with a program of study in a role and population focus area and submit evidence of national certification (note: this is duplicative of APRN licensing requirements). RN's and LPN's must submit verification of initial state licensure by examination (NCLEX), and active home state license. They must also submit proof of either 400 hours of active nursing practice or 200 hours of active nursing practice and 15 hours of continuing education within the last five years. If not, they must complete a refresher course.	n/a

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho is not more stringent than any of the reviewed states, except for South Dakota which requires only verification of active license in the home state. Idaho requires graduate from a board approved or accredited nursing education program in addition. However, since almost all jurisdictions require their state licensing boards to approve nursing education programs, in practice South Dakota's rule is unlikely to be more stringent.

What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule eliminates language which did not add anything of substance to the rule. The proposed rule simplifies the rule and aligns it with the Universal Licensure law, Idaho Code 67-9409.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A

Impact to any local government in Idaho	N/A
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Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

Rule 602 APPROVED EDUCATIONAL PROGRAMS

Proposed Rule: To qualify as an approved education program for the purpose of qualifying graduates for licensure, the nursing education program must be currently accredited by the Accreditation Commission for Education in Nursing, or the Commission on Collegiate Nursing Education, or the Commission for Nursing Education Accreditation.

Current Rule: The current rule contains an extremely detailed set of requirements for an approved educational program. The program seeking approval must submit an initial application which requires information on nine different factors, including financial provisions, proposed time schedule, potential student enrollment, and proposed time schedule for initiating the program. The rule requires a representative of the Board to visit the facilities and submit a written report, meet with representatives of the parent institution, and appoint a qualified nurse administrator.

Legal Authority: The Board of Nursing is empowered to "establish standards, criteria, and requirements for curricula for nursing education programs and to evaluate, survey, review, and approve nursing education programs." Idaho Code 54-1404(6). Nearly all state boards of nursing establish criteria for nursing education programs. However, the language of 54-1404 is "powers and duties," therefore it is discretionary.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The current rule is very lengthy and cumbersome to follow. The proposed rule simplifies the requirements and makes it clear that if a program is accredited by one of the major accrediting bodies, it will receive approval in Idaho. This change will lead to greater consistency and ease of the application process.

Federal Law Comparison (where applicable) Not applicable. Nursing education programs are a function of state law.

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above	
Alaska	<p>The requirements for approval of a nursing education program are set forth in 12 AAC 44.040. A program must complete an application for provisional approval first which is submitted when the program is ready for a survey visit by a representative of the Board. The survey shall be an evaluation of all aspects of an existing or proposed program. 90 days after the provisional approval, the education program must apply for ACEN, NLNAC or CCNE approval. If there are deficiencies, a follow up survey is required.</p> <p>To receive full approval by the Board, a nursing education program must have ACEN, NLNAC or CCNE approval and an 80 percent pass rate for firth time NCLEX test takers.</p>	N/A

	chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutes.pdf	
Montana	<p>Montana requires nursing education programs to meet the following standards: (1) the purpose and outcomes of the program shall be consistent with the accepted standards of nursing practice appropriate for graduates of the type of program offered and be made available to prospective and current students in public documents; (b) the program identifies the national standards it uses as the basis for the purpose and expected outcomes of the program (c) the input of stakeholders shall be considered in developing and evaluating the purpose and outcomes of the program; (d) program information communicated by the program shall be accurate, complete, and readily accessible. <i>See</i> MAC 24.159.604</p> <p>https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E159%2E604</p>	N/A
Nevada	<p>Nevada requires the following information to be submitted with the program's initial application:</p> <ul style="list-style-type: none"> (a) Proof that the program is approved by the system of universities or community colleges of the state in which it is accredited; (b) The results of a survey which demonstrates the need for the program of nursing; (c) The type of program which will be offered; (d) The name, address and status of the accreditation of the institution offering the program; (e) The relationship of the program of nursing to that institution; (f) Evidence of budgetary support, including, without limitation, a notarized accounting statement which conforms to generally accepted standards of accounting and which demonstrates funding sufficient to establish and sustain a program of nursing; 	N/A

(g) A detailed schedule of the entire cost of enrollment in the program of nursing, including, without limitation, tuition, fees and any cost associated with the use or purchase of equipment;

(h) The projected enrollment;

(i) Evidence that a sufficient number of qualified members of the faculty are available to conduct the program;

(j) Evidence that a sufficient number of clinical placements are available in each area of nursing for which the program offers education;

(k) A description of the proposed clinical facilities to be used;

(l) The resources available at the site of the program;

(m) The proposed schedule for beginning the program;

(n) The plan for the mentoring and development of the administrator of the program developed by the administrator pursuant to NAC 632.660, if any;

(o) A written plan describing how the program will ensure that, within 2 years after the first class is graduated, the graduates of the program have a rate of passage on the National Council Licensure Examination of not less than 80 percent the first time the graduate takes the examination;

(p) A statement of the transferability of credits earned in the program to institutions of the Nevada System of Higher Education; and

(q) Any additional information requested by the Board.

The Board will then inspect the facilities and review for provisional approval. Prior to obtaining full approval, a nursing education program must have an 80 pass rate for first time NCLEX takers. *See* NAC 632.600 et seq.

<https://www.leg.state.nv.us/NAC/NAC-632.html#NAC632Sec625>

<p>Oregon</p>	<p>The standards for approval of nursing education programs in Oregon are extremely detailed and there are separate administrative rules dependent on the type of nursing education program. The complete rules are found in Chapter 851, Division 21, of the Oregon Administrative Rules. The preliminary application process for approval of an RN/LPN program requires a statement of: purpose size and type; studies documenting the statewide need for graduates; analysis of potential impact on other programs around the state; projected number of faculty positions available; letters of response from current approved nursing programs about any adverse impact on their programs; projected number of faculty jobs; availability of adequate practice sites; evidence of administrative financial support; and additional requirements which apply only to "corporate" programs.</p> <p>After a grant of provisional approval, the program must do the following prior to obtaining full approval:</p> <ul style="list-style-type: none"> -Within six months following graduation of the first class, the program must submit a self-study report addressing compliance with OAR 851-021-0040 through 851-021-0070 and a survey visit must be made for consideration of approval of the program. -The decision of the Board to grant or deny approval must be based on: <ul style="list-style-type: none"> -Review of a self-study report submitted by the program addressing compliance with OAR 851-021; -The success rate of graduates on the national licensure examination; and, - A survey report by a representative of the Board. <p>See https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=292151</p>	<p>N/A</p>
<p>South Dakota</p>	<p>The criteria for approval of nursing education programs is set forth in SDCL 20:48:07:20 which provides that the following factors must be considered:</p> <ul style="list-style-type: none"> (1) Administration and organization of the nursing program; (2) Faculty qualifications and organization; 	<p>N/A</p>

	<p>(3) Curriculum construction and evaluation;</p> <p>(4) Educational facilities and resources;</p> <p>(5) Clinical and practicum facilities;</p> <p>(6) Student affairs and services;</p> <p>(7) The use of preceptors; and</p> <p>(8) Simulation.</p> <p>https://sdlegislature.gov/Rules/Administrative/10051</p>	
Utah	The Utah State Board of Nursing does not regulate nursing education programs	See below
Washington	<p>WAC 246-840-511 has the following accreditation requirements for all nursing education programs located in Washington State:</p> <p>(1)(a) A nursing education program must be located in a postsecondary educational institution with approval from either the Washington state student achievement council or state board of technical and community colleges to grant the appropriate degree or certificate; and</p> <p>(b) A nursing education program must be located in an institution accredited by a United States Department of Education approved regional accrediting body or national institutional accrediting body.</p> <p>(2) All nursing education programs having received full commission approval on or before the effective date of this rule, must become accredited or achieve candidacy status granted by a national nursing education accrediting body recognized by the United States Department of Education on or before January 1, 2020.</p>	N/A

	<p>(3) New nursing education programs receiving full commission approval after the effective date of this rule, must obtain national nursing education accreditation within four years of receiving full commission approval.</p> <p>(4) The commission may take action as identified in WAC 246-840-557 against a nursing education program that does not maintain national nursing education accreditation status.</p> <p>(5) Any nursing education program not having national nursing education accreditation must disclose to students in all publications describing the program that it lacks national nursing education accreditation and this may limit future educational and career options for the students.</p> <p>https://app.leg.wa.gov/WAC/default.aspx?cite=246-840-511</p>	
<p>Wyoming</p>	<p>Wyoming has very detailed rules for nursing education programs. Their general standards, which apply to all nursing education programs in Wyoming require that: the purpose and outcomes are consistent with the Wyoming Nurse Practice Act, Board Rules, and other state and federal laws and; accepted standards governing the practice of nursing; current accreditation or approval to pursue accreditation of a parent institution by an accrediting body recognized by the United States Department of Education for postsecondary institutions; and program by a national nurse accrediting agency recognized by the Board.</p> <p>https://drive.google.com/file/d/1YJlieWDpHP0_VDExhvMR8aVQfBAvybOZ/view</p>	<p>N/A</p>

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Both the proposed and current Idaho rules are more stringent than Utah, which does not have their state board approve educational programs.

Approval of nursing education program serves various purposes. First, in order for nurses to sit for the NCLEX, the new nurse must show evidence of graduating from a nursing regulatory body that is an approved education program. Second, it is consistent with state boards of nursing's stated purposes to ensure public health, safety, and welfare.

What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule would grant approval to nursing education programs accredited by the following accrediting bodies: Accreditation Commission for Education in Nursing, or the Commission on Collegiate Nursing Education, or the Commission for Nursing Education Accreditation. Statistical evidence shows that students graduating from programs accredited by one of these bodies have over an 80% pass rate on the NCLEX and higher job placement statistics.

See NCSBN Regulatory Guidelines and Evidence-Based Quality Indicators for Nursing Education Programs, Journal of Nursing Regulation, Volume 11/Issue 2 Supplement July 2020, available at:

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ncsbn.org/Spector_NCSBN_Regulatory_Guidelines_and_Evidence_Based_Quality_Indicators_for_Nursing_education_programs.pdf

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR