Significant Legislative Rules Analysis

WAC 246-840-045, WAC 246-840-090, WAC 246-840-130
WAC 246-840-455, WAC 246-840-500 through WAC 246-840-571
Rules Concerning Internationally Educated Nurses and Nursing Education

March 7, 2016

SECTION 1:

Describe the proposed rules, including a brief history of the issues, and explain why the proposed rules are needed.

Description of rules:

The Washington State Nursing Care Quality Assurance Commission (NCQAC) proposes amendments and new sections to chapter 246-840 WAC. The NCQAC also proposes repeal of 16 sections from the chapter. Many of the requirements found in the repealed rules appear in the proposed new sections.

The proposed rules address standards for commission approval of Nursing Education Programs. In addition, the rules provide updated requirements for refresher course programs, including a refresher course specifically designed for Registered Nurse Advanced Practitioners (ARNPs), and supplemental education programs to facilitate licensure for Internationally Educated Nurses (IENs). The rules include current commission procedures and guidelines for the approval of clinical practice experiences in the state of Washington for distance-learning nursing education programs.

History of Issue:

On May 23, 2012, the Council of Nurse Educators in Washington State (CNEWS) requested the NCQAC open nursing education rules for the purposes of updating and clarifying chapter 246-840-500 WAC through 246-840-575 WAC. CNEWS also asked the commission to include requirements specific for RN to Bachelor of Science in Nursing (BSN)programs since no agencies, including accreditation agencies, were evaluating the quality of these programs. Many new RN to BSN programs were established between 2005 and 2013 in response to the Institute of Medicine's 2010 Report on the Future of Nursing, which recommended increasing the number of BSN prepared registered nurses by 80% by 2020.

Commission rules currently address pre-licensure and advanced registered nurse practitioner education programs. They do not address the many new baccalaureate level nursing education programs, as well as an increased number of nursing education programs at the master's and doctorate level. Although the legislature recognized advanced nursing education as part of the continuing competency requirements, the current rules do not address graduate or post-licensure nursing education programs. Updated rules are needed to ensure all nursing education programs meet minimum quality standards. Additionally, the increase in out-of-state distance learning nursing programs utilizing clinical and practice sites in Washington State necessitates on-going evaluation and approval of these clinical or practice placements to protect the public.

Many internationally educated nurses (IENs) are currently unable to demonstrate that they meet all the educational requirements for licensure in Washington State and cannot arrange clinical practice experiences because of a shortage of clinical practice sites for all nursing students. New rules are needed to allow nursing education programs to provide didactic and clinical supplementation for IENs.

Why rules are needed:

The rules are needed for several reasons:

- Nursing education has changed and the rules need updating to address changes to methods of delivery, including distance learning and simulation;
- To respond to the request by NCQAC regulatory stakeholders (CNEWS) to update the rules and address all levels of nursing education;
- To bring the rules into alignment with national standards and standards proposed as best practice by the National Council of State Boards of Nursing (NCSBN);
- To provide better public protection by establishing standards for out-of-state distance learning nursing programs that place students in Washington State for clinical and practice experiences;
- To promote educational creativity by adopting nursing education innovation rules;
- To add refresher course standards for advanced registered nurse practitioners;
- To ensure that internationally educated nurses (IENs) can obtain nursing education comparable to nursing programs approved in Washington State; and
- To detect and deter the use of fraudulent credentials and transcripts by requiring credential review by a commission approved national credential review body.

The groups that are most affected by these rules include nursing education programs, community colleges, colleges, universities, and internationally educated nurses. The proposed rules help protect the public by assuring the development and implementation of quality standards for all levels of nursing education. The proposed rules allow for public input into the development of quality nursing education.

SECTION 2:

Is a Significant Analysis required for this rule?

1. Yes, a significant rule analysis is required for these proposed rules. The proposed rules add to existing standards for nursing education programs in Washington State. The rules make substantive changes to policies related to commission approved nursing education programs and licensure and training of internationally educated nurses.

The department has determined that no significant analysis is required for the following portions of the rule.

Table 1: Non-Significant Rule Identification

#	WAC Section	Section Title	Reason
1	WAC 246-840-500	Philosophy governing approval of nursing education programs	Proposed rule changes are specific to internal mission and reinforce statute regarding purpose of the commission. This rule does not meet the criteria of a

			legislatively significant rule because it describes intergovernmental operations and philosophy.
2.	WAC 246-840-505	Purposes of commission approval of nursing education programs	This rule does not meet the criteria of a legislatively significant rule because it describes intergovernmental operation and statutory purposes of the commission.
3.	WAC 246-840-521	Additional student requirements for pre-licensure registered nurse nursing education programs located in the state of Washington	This proposed rule is found in existing WAC 246-840-565(3). This rule does not meet the criteria of a legislatively significant rule because it only includes a numbering change.
4.	WAC 246-840-529	Exception to nursing faculty degree requirements in pre-licensure registered nurse nursing education programs	This proposed rule is found in existing WAC 246-840-570(5)(b). This rule does not meet the criteria of a legislatively significant rule because it only involves a numbering change.
5.	WAC 246-840-556	Ongoing approval, accreditation and commission reviews	This proposed new rule section incorporates the requirements of existing WAC 246-840-520 and clarifies language in the existing rule. This rule does not meet the criteria of a legislatively significant rule because it clarifies language without changing its effect.
6.	WAC 246-840-562	Appeal of commission decisions	This proposed new rule section incorporates existing rule WAC 246-840-540 and clarifies language. This rule does not meet the criteria of a legislatively significant rule because it clarifies language without changing its effect.

SECTION 3:

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

There are several statutory provisions that relate to the proposed rules. The statutes include:

1. **RCW 18.79.010 Purpose**

"It is the purpose of the nursing care quality assurance commission to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state of Washington."

The general goals and specific objectives of the statute are to establish qualifications for licensing, consistent standards of practice and continuing competency mechanism. The proposed rules promote the delivery of quality health care to residents in the state of Washington by establishing educational requirements for nurses at all levels of education and practice. In addition, the commission is required to establish criteria for licensure of nurses, which includes educational requirements.

2. **RCW 18.79.110 Commission — Duties and powers — Rules — Successor to boards**

…. " (2) The commission shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter. The commission shall approve such schools of nursing as meet the requirements of this chapter and the commission, and the commission shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The commission shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years' inactive or lapsed status. The commission shall establish criteria for licensing by endorsement. The commission shall determine examination requirements for applicants for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter, and shall certify to the secretary for licensing duly qualified applicants.
(3) The commission shall adopt rules on continuing competency. The rules must include advanced nursing degrees. Nothing in this subsection prohibits the commission from providing additional exemptions for any person credentialed under this chapter who is enrolled in an advanced education program.
(4) The commission shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter."

The general goals and specific objectives of the statute are to:

- Develop educational standards for licensed practical nurses, registered nurses and advanced registered nurse practitioner licensure and on-going competency;
- Establish a nursing education program approval process based on certain criteria;
- Allow for a process that ensures proof of reasonable currency of knowledge and skill after three years of inactive or lapsed status; and
- Establish standards for licensing by endorsement.

3. RCW 18.79.150 Schools and programs --- Requirements --- Approval.

"An institution desiring to conduct a school of registered nursing or a school or program of practical nursing, or both, shall apply to the commission and submit evidence satisfactory to the commission that:

(1) It is prepared to carry out the curriculum approved by the commission for basic registered nursing or practical nursing, or both; and

(2) It is prepared to meet other standards established by law and by the commission.

The commission shall make, or cause to be made, such surveys of the schools and programs, and of institutions and agencies to be used by the schools and programs, as it determines are necessary. If in the opinion of the commission, the requirements for an approved school of registered nursing or a school or program of practical nursing, or both, are met, the commission shall approve the school or program."

The general goals and specific objectives of the statute are to allow the commission to approve nursing education programs for PNs and RNs and set standards for curriculum and operation of the nursing education programs.

4. RCW 18.79.190 Reciprocity --- Foreign programs --- Examinations

…. "An applicant who has graduated from a school or program of nursing outside the United States and is licensed as a registered nurse or licensed practical nurse, or their equivalents, outside the United States must meet all qualifications required by this chapter and pass examinations as determined by the commission."

The general goals and specific objectives of the statute are to require the commission to establish standards for nurses educated outside of the U.S.

5. RCW 18.79.240 Construction

"(1) In the context of the definition of registered nursing practice and advanced registered nursing practice, this chapter shall not be construed as:

…. (c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing technicians;

…. (2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

…. (c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants; …..”

The general goals and specific objectives of the statute to allow nursing students in approved nursing commission education programs to practice in the state of Washington without a nursing license. Nursing students are required to come from commission-approved programs, and thereby this statute requires commission approval for out-of-state distance learning nursing programs that have clinical or practice experiences in the state of Washington.

In order to carry out the commission’s duty to establish standards for nursing education programs, changes are necessary to:

- Update and establish nursing education standards and processes for all levels of nursing education;
- Ensure that quality standards align with national standards of regulation for nursing education programs;
- Allow for innovation in nursing education; and
- Reduce educational barriers for internationally educated nurses seeking licensure in the state of Washington.

These standards cannot be accomplished or enforced by use of guidelines.

SECTION 4:

Explain how the department determined that the rules are needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

The proposed rules are needed to achieve the desired goals and objectives. The current rules are outdated in terms of delivery methods, curriculum requirements and clinical practice. Technology and distance learning modalities have created new delivery methods. The last time the education rules were updated was 2006. The nursing education stakeholders requested that the rules be open to update and address all nursing education levels. Updating the nursing education rules promote safe nursing practice by including requirements for both undergraduate and graduate nursing degrees.

In 2011, the National Council of State Boards of Nursing (NCSBN) issued recommendations that that Boards of Nursing require nursing education programs to obtain national nursing education accreditation status by 2020. National accreditation helps assure that nursing education programs in Washington are keeping pace with national standards for best practices in nursing education. It also promotes quality assurance and on-going continuing quality assurance for nursing education programs.

The ever-changing healthcare system, advanced technologies and nursing education require that the commission develop regulations that allow for creative, innovative and new ideas in education delivery and methods. The NCSBN also encourages Boards of Nursing to develop innovation rules around nursing education in an effort to keep pace with the ever-changing nursing education system. Innovation rules allow for 'bounded' deviations from the rules in an effort to 'try' a new idea. The rules provide safeguards for public protection and quality care when nursing education programs are approved for implement an innovative approach or program.

The commission's current rules for Internationally Educated Nurses (IEN) create barriers for these nurses if their educational preparation is deficient when compared to Washington educational standards. The proposed rules would allow approved nursing education programs to create courses for IENs and to offer 100% simulation and competency-based skills testing.

Rulemaking provides additional notice and opportunity for input to other stakeholders, including practice partners that desire well-prepared and educated nurses. The proposed rules, collectively, enable the NCQAC to promote the delivery of quality health care to the residents of the state of Washington by ensuring nurses who are educated in Washington state have the necessary skills and competency to safely provide care.

The requirements established by the proposed rules need to be in rule and not in guidelines in order to be enforceable.

SECTION 5:

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

WAC 246-840-045 Initial licensure for registered nurse and practical nurses who graduated from an international school of nursing

Description of the amended rule: This section of the proposed amended rule adds requirements to the initial licensure of Internationally Educated Nurses (IEN) and reduces barriers to licensure by creating an educational pathway through existing nursing education programs. The rule also requires credential evaluation or certificate from credential evaluating services for both LPNs and RNs and allows for high school diploma or college degree from U.S. institution as evidence of English language proficiency. The proposed rule identifies countries where English is the primary language of the country.

Cost/Benefit of proposed rule: There will be a cost for the credential evaluation or certificate. The range of cost is $200-350 per evaluation. The RN applicants are already required to have the evaluation. This would be new for LPNs.

The benefit in eliminating fraudulent documents is great. This protects the public from receiving nursing services from a person who is not qualified to deliver these services.

The benefits of this rule outweigh the cost of the proposed rule.

WAC 246-840-090 Licensure for nurse by interstate endorsement
Description of amended rule: This section of the proposed rule establishes English proficiency requirements for Internationally Educated Nurses who endorse into Washington State and allows for 1000 hours of employment, or high school diploma or college degree from an U.S. institution as evidence of English proficiency. The rule also allows for IENs to address any deficiencies in educational preparation from a commission approved nursing education program.

Cost/Benefit of proposed rule: English proficiency tests range in cost from $100 – $260. The benefit from taking the exam or having proof of English proficiency is in assuring a certain level of public protection. Nurses must be able to read, write and understand English in order to deliver safe care.

This rule protects the public and ensures that IENs are prepared to practice safely in the state of Washington. It establishes congruency between initial and endorsement requirements for IENs endorsing into the state of Washington.

The benefits of this rule outweigh the minimal cost of the proposed rule.

WAC 246-840-510 Approval of initial (new in-state nursing education programs
Description of amended rule: The amended rule is specific to colleges, community colleges, and universities seeking to operate a new nursing education program. The rule includes several clarifying changes and updates. The rule adds a sixty-mile parameter to the existing requirement of identifying existing nursing programs impacted by a new program. A 50 to 60 miles parameter is generally the distance nursing programs consider for student travel to clinical practice experiences. This also helps eliminate an undue burden on clinical facilities in the placements of students at their facilities. The three-month time line is consistent with the current rule that requires nursing programs to submit substantive changes three months prior to implementation of the change.

Cost of amended rule: The cost to this amended rule is negligible as it only sets parameters for the submission of a proposed new nursing program and it is already the current practice of the commission and nursing programs wishing to submit a new application.

The benefit of consistency is application and obtaining needed information outweighs the zero cost effect.

The benefit outweighs the cost.

WAC 246-840-511: Accreditation requirements for all nursing education programs located in Washington State

Description of proposed rule: This proposed rule is a new requirement for all nursing programs in that it requires national nursing education accreditation by the year 2020.

Cost/Benefit of proposed rule: The cost of this rule depends on the number and types of educational platforms that a nursing education program offers.

Accreditation requirements for all nursing education programs located in Washington State was identified as having the most costs associated with the proposed rule. Six community colleges out of 31 community colleges do not have nursing education accreditation. In determining cost of compliance with the proposed rules, the commission sent a survey to nine (9) nursing programs and eight programs responded. The nursing education programs surveyed included: three (3) schools that have both LPN and ADN programs; two (2) LPN only programs; one (1) ADN only program; one (1) BSN only program; and two (2) BSN and graduate nursing programs. All university-based nursing programs in Washington are accredited; they would have no additional cost for compliance.

The commission asked the programs to identify the following: 1. if already in compliance with requirement; 2. fee costs; 3. faculty/nurse administrator time and cost; 4. support/equipment cost; and 5. other cost associated with the proposed rule. Eight of the nine nursing programs provided estimates on possible associated costs of proposed rules (3 schools that have both LPN and ADN program; 1 school that has only LPN program; 1 ADN only program; 1 BSN only program; and 2 BSN with graduate nursing program). These eight programs include all nursing education program types.

<u>The eight nursing education programs responding reported the following associated costs:</u>

The cost reported in the survey ranged from $11,200 to $24,040 for initial accreditation, or $5,600 to $12,020 per year for the first two years. Thereafter, on-going accreditation fees = $2625 to $3,825/year for community colleges (ACEN). Initial cost of accreditation of existing BSN and graduate nursing programs is zero as all are accredited. On-going cost of accreditation for existing BSN and graduate nursing programs is expected to be $2,567 to $3,625/year depending on number of nursing program types.

Time/Salary costs should be same as required for program approval and on-going approval status. Community colleges reported this cost to be $15,000 to $50,000 for initial accreditation. However, this cost is not just specific to nursing education accreditation; it is a cost that non-accredited nursing programs would have related to commission review and on-going approval. No cost estimates were provided by universities.

There should be no loss of revenue. Obtaining accreditation may make a school more attractive to prospective students and so may increase revenue.

<u>Additional Commission review of costs reveal slightly higher cost estimates</u>

The commission also reviewed the cost by reviewing fees of the accrediting bodies identified on their websites. The cost estimates were similar to the nursing programs' cost estimates.

However, the commission's estimates were higher than what the programs had submitted. The major cost of the proposed rule is associated with the eight (8) of thirty-one (31) community colleges that do not have nursing education accreditation. The range of probably fee cost for a two year time period is $16, 045 to $18,545 for each community college depending on number of programs accredited (one program cost is $16,045; second program cost is an additional $2,500). The annual cost for these six community colleges would be in the range of $8,027 to $9,277 for the first two years. This would be a one-time cost for those nursing programs that are not currently accredited. Thereafter, the programs would need to pay annual fees of $2,625 to $3,825 until the next accreditation cycle visit (5-8 years).

All other costs were estimated to be the same as what was reported by survey respondents. The Commission on Collegiate Nursing Education (CCNE) accredits all baccalaureate and graduate nursing programs in the state of Washington. Therefore, there is no additional cost for these programs.

The benefits of national accreditation include: 1) academic progression into post-graduate or graduate education; 2) student portability to education and practice opportunities across state lines; 3) federal employment and grant opportunities; and 4) student marketability in obtaining employment. Accreditation will assist the commission in its work of ensuring quality standards and reviews. It is a quality standard and recognized by the public, employers, and higher education institutions. All baccalaureate and graduate nursing education programs in the state of Washington are already fully accredited. Three out of 27 ADN programs are either not accredited or are not pursuing accreditation at this point in time (Centralia, Clover Part and South Puget Sound). South Puget Sound has indicated that they will be pursuing accreditation status. At the time of this analysis, South Seattle Community College does not have an operating nursing program, but does plan to operate in the near future and seek accreditation status. Seven out of eight LPN programs are not accredited or currently pursuing accreditation. However, of the seven LPN programs, three do not have ADN programs (Bates, Edmonds and Green River).

The commission believes the benefits of this rule outweigh the associated costs.

WAC 246-480-512 Standards and evaluation of nursing education programs
Description of the proposed rule: This proposed rule clarifies the required components of a systematic program evaluation plan and incorporate current commission guidelines. Some of this proposed rule exists in current commission rule WAC 246-840-548.

Cost/Benefit of proposed rule: The cost associated with this proposed rule is indeterminate and may actually save time and money. Existing programs already are required to have systematic program evaluation plans. This proposed rule clarifies the various components that need to be in the plan. The costs involved with the rule involve faculty and nurse administrator time in developing, implementing, and reevaluating the plan. Nursing programs have asked for clarification on the requirements for the systematic plan. The clarification may save program costs since this eliminates the need for programs to resubmit systematic program plans to the commission. Some programs may have very elaborate plans and methods of data collections; other will not have these means; but all should be able to meet these requirements. The range of cost identified by programs was zero to minimal. However, one outlier program reported $7500.

The benefits of the proposed rule by ensure that nursing education programs have on-going quality assurance plans and thereby self –identify and correct problem areas. Clarity on commission expectations will help eliminate program confusion and assure consistency.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-513: Reporting and recordkeeping requirements for nursing education programs
Description of proposed rule: This proposed rule requires nursing education programs to report within two days, incidents resulting in patient harm or significant risk for patient harm, or the diversion of legend drugs or controlled substances by students or faculty. The proposed rule requires that nursing education programs conduct investigations to determine the root cause of incidents.

Cost/Benefit of proposed rule: In the most recent 2014 NCSBN CORE state report for Washington, it was identified the Washington state had significantly lower reports regarding student medication errors or patient harm incidents than other states. Washington State currently does not require any reporting of these incidents and was not able to offer data related to this CORE measurement standard. The costs for implementing this rule involve the time needed for faculty, students and administration to make such reports. The time needed for reporting the incident is minimal. The time involved in investigating and incident depends on the severity of the incident and may include conducting a root cause analysis with a health care facility. The collective amount of time involved with reporting, logging and investigating and incident may range from 15 minutes to 20 hours. Time/Salary required estimated to be1 hour to 20 hours (depending on incident) @$50/hr. Total Costs = $50 to $1000.

The benefits of patient safety and assurances that proper steps are taken by nursing programs to prevent future incidents outweigh the costs in time for reporting, investigating and analyzing the data.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-514 Purpose and outcomes for approved nursing education programs
Description of proposed rule: Most of the requirements in this proposed rule currently exist in WAC 246-840-550. The proposed rule include health care partners and community members

Cost/Benefit of proposed rule: There should be minimal cost (if any) associated with this rule as existing nursing programs already utilize advisory committees for program input. This rule specifically identifies that health care providers and community members must provide input into the purpose and outcomes of an approved program. These people will need to be included on the nursing education program's advisory committee. Because advisory committees already exist, the cost is expected to be near $0 cost or negligible.
Inclusion of health care partners and community members in the program's evaluation of its purpose and outcomes allow for public input into the development and implementation of the nursing program. It also encourages program development with consumer/public input.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-516 Organization and administration for all nursing education programs
Description of proposed rule: Most of the requirements of this proposed rule currently exist in WAC 246-840-555. The proposed rule adds clarifying language to the organization of the nursing program within the governing or parent institution. The rule adds technology to the list of financial supports needed for nursing programs.

Cost/Benefit of proposed rule: Since colleges and universities in the state of Washington already utilize technology to deliver education, additional costs should be near $0 or negligible. The proposed rule reaffirms that college or university wishing to operate a nursing education program must have sufficient financial support and resources to meet programs goals and outcomes. The need to support technology adequately promotes quality-nursing education. Advances in health care require that nursing education programs be equipped with the needed technology and support systems to deliver nursing education.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-517 Nurse administrator qualification requirements in nursing education programs located in Washington State
Description of proposed rule: Most of the requirements of this proposed rule currently exist in WAC 246-840-555. Currently, baccalaureate nursing education programs have qualification requirements for nurse administrators, but graduate nursing programs do not have any requirements. Therefore, this rule requires the nurse administrator of a graduate nursing education program to meet the same requirements as nurse administrators of baccalaureate programs.

Cost/Benefit of proposed rule: Existing approved nursing education graduate programs already meet this requirement. Therefore, there will be no additional costs or negligible.

The benefits of having qualified nurse administrator, who has educational preparation and experiences conducive to administration of a nursing program, outweigh the cost associated with this rule. This assures better success of an approved program.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-518 Resources, facilities and services for approved nursing education programs
Description of proposed rule: Most of the requirements of this proposed rule currently exist in WAC 246-840-560. The requirement does change the expected time for the evaluation of program resources from periodic to one year.

Cost/Benefits of proposed rule: The cost of this rule is associated with survey development, implementation and evaluation of the results of the survey. Most nursing programs have an evaluation survey already developed. However, the amount of time between surveys has varied significantly and caused negative outcomes for many programs. The estimated cost associated

with this rule includes staff time of 4 hours/term. Support staff or faculty member may administer and collect the surveys. Data are generally analyzed by faculty or administration. Staff time cost estimated to be 8 hours/term of faculty time (@$50./hr) = $400/term and depends on size of program. Cost range identified by programs was $0 to $1,200.

The benefit associated with this rule is that programs may be able to correct and mitigate problems with resources, facilities and services, before they reach costly fixes or negative outcomes for student learning and faculty teaching.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-519 Student requirements in all approved nursing education programs
Description of proposed rule: Some of the requirements of this proposed rule are found in existing WAC 246-840-565. The proposed rule requires the program to develop and implement several new student policies. The commission agreed with the Pharmacy Commission to include medication policies regarding medication administration by nursing students.

Cost/Benefits of proposed rule: The costs associated with this rule include faculty and administrative time in developing and implementing the policies. Since nursing programs already have policies and procedures developed around these requirements, the cost is estimated to be minimal for nursing education programs. Cost estimated to require 5 to 30 hours (@$50/hr) = $50 to $1500 one-time cost to develop policies.

The benefits of clarity and fairness to students are important to the overall operation of the nursing program. The benefit of assuring patient safety overweighs the cost of this proposed rule.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-522 Additional student requirements for RN to BSN and graduate nursing education program
Description of proposed rule: This proposed rule requires the nursing education program to ensure that all students pursuing RN to BSN or graduate nursing education be licensed as registered nurses in the state of Washington.

Cost/Benefits of proposed rule: The cost to the program includes notifying students of this requirement and tracking of student licensure. Nursing program can include this information in existing written admission requirements and policies for nursing students. Staff or faculty members will need to assure that students meet this requirement before and during the lifetime of the student's graduate work. The tracking of licensure may require administrative support staff to sign-up for the free notification services for licensure by the National Council of State Boards of Nursing and follow-up with students whose licensure has expired. The cost is minimal for implementation of this rule. Support staff hours to maintain licensure log and notify students/faculty of any issues is estimated to be eight hours (@$25/hr) or $200. Cost is also dependent on number of students and faculty.

The benefits of this rule include the assurance of safety and accountability of graduate nursing students. Licensure places students under the Uniform Disciplinary Act and provides additional assurances of professional behaviors and accountability, especially for students who are licensed as nurses outside the state of Washington.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-523 Faculty requirements for nursing education programs
Description of proposed rule: Some of the requirements in the proposed rule exist in existing WAC 246-840-570. The item that is new to this rule includes the requirement to have an orientation for new faculty.

Cost/Benefits of proposed rule: The cost associated with an orientation for new faculty is varied and related to faculty qualifications and experiences. The cost includes written information provided to the new faculty members and staff, and administration time in the development and on-going implementation of an orientation to the nursing program philosophy, policies and procedures. Costs estimated to be zero for programs currently meeting the requirement to $2,000 (40 hours ($50/hr.) per faculty oriented.

The benefit of having faculty oriented to their role as a nurse educator protects the public and promotes quality education for nurses.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-524 Degree requirements for faculty teaching in the practical nursing education program
Description of the proposed rule: This proposed rule changes the requirement for nursing faculty teaching in an LPN program to have baccalaureate degrees from a nursing education program that is accredited by a national nursing education accrediting body and not just from an accredited university.

Cost/Benefits of proposed rule: Since all baccalaureate programs in the state of Washington are accredited by a national nursing education accrediting body, the cost associated with implementation of this rule is thought to be zero or negligible. The supply of nurses who have graduated from baccalaureate programs accredited by a national nursing education accrediting body is large. Current faculty members teaching in LPN programs already meet the requirement of baccalaureate education. Cost estimates at or near $0 additional cost.

The benefit of having qualified faculty from an accredited nursing education program assures consistency in the preparation of the faculty member to teach nursing, as accreditation standards identify evidence-based curriculum for nurses who desire to teach nursing.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-526: Degree requirements for nursing faculty teaching in pre-licensure registered nurse or for RN to BSN education programs

Description of the proposed rule: This proposed rule broadens the qualifications of faculty in RN and RN to BSN nursing programs to include graduate degrees in a health or education related field if the person has a bachelor's degree in nursing from an accredited college. It also specifically adds the RN to BSN education programs to this rule.

Cost/Benefits of proposed rule: The cost associated with this rule involves the advertising and hiring qualified faculty, but this is not new to nursing programs. Existing nursing education programs with BSN programs either must meet this requirement, or be granted an exception to faculty criteria from the commission. There should be no additional cost ($0) with this rule.

The benefits of have educationally prepared faculty assures that individuals are prepared to teach nursing. The teaching of nursing is practice and therefore requires preparation for this type of practice.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-527 Degree and licensing requirements for nursing faculty teaching in a nursing education program leading to licensure as an advanced registered nurse practitioner
Description of the proposed rule: This new proposed rule sets the standards for qualified faculty teaching in an advanced registered nurse program.

Cost/Benefits of proposed rule: These requirements are consistent with NCSBN standards and national accreditation standards. Existing nursing programs offering this type of education are already in compliance with this standard. There should be no additional cost ($0) for this rule.

The benefits of putting these requirements in rule assure qualified faculty members are employed to prepare nurses for licensure as ARNP.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-528 Degree requirements for nursing faculty teaching in a graduate nursing education program not leading to licensure as an advanced registered nurse practitioner
Description of the proposed rule: This proposed new rule establishes faculty requirements for nursing education programs that want to offer a graduate nursing education program. These requirements are consistent with national accreditation body standards.

Cost/Benefits of proposed rule: All graduate nursing education programs in the state of Washington are nationally accredited. Therefore, there should be not be additional cost ($0) for this rule.

The benefits of having qualified faculty and similar faculty requirements to other states and national standards assure consistency in program standards. It also makes these requirements enforceable.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-531 Clinical and practice experiences for students in approved nursing education programs

Description of proposed rule: This proposed rule requires all nursing education programs to have clinical and/or practice hours. The rule further identifies the minimum hours of clinical or direct patient care experiences for nursing education programs leading to licensure as LPN, RN or ARNP. The rule requires faculty planned practice experiences for all post-licensure nursing education programs and establishes minimum number of hours. Hours for clinical or practice hours were based on clinical practice hours reported to the commission in the past three years. In addition, NCSBN and state data were considered in determining the required minimum hours.

Cost/Benefits of proposed rule: The cost associated with these minimum practice hours is nominal, since most nursing education programs have identified that they meet or exceed these proposed clinical requirements. The difference in the lower range for LPN programs is two (2) hours, and the range for ADN programs is 21 hours. Cost will vary and is indeterminate depending on many variables. Cost most likely will be associated with faculty hours needed to deliver any additional practice hours to meet the minimal hour standards, or in providing simulation experiences. The program's ability to obtain extra clinical experiences is limited, however, it is expected that with the change in simulation allowances (up to 50%) and setting the minimum standards for clinical, other nursing programs may be reducing the number of hours in clinical practice settings, which will allow other programs needing the additional hours to meet these hour requirements. Cost for 2 hours @$50/hr. = $100 and cost for 21 hours @$50./hr. = $1,050 x number of cohorts.

The benefits of establishing minimum clinical practice standards ensures the public that nursing students have hands-on practice experiences that are evaluated by qualified faculty before students obtain licensure. Nursing licensure exams are written examinations and do not include the evaluation of students in a clinical practice setting. Establishing minimal practice hours for nursing education programs is significant, since nursing is a practice profession. As the commission begins to implement important regulations around simulation in nursing education, the literature supports standard minimum hours in addition to oversight of the quality of the experience within those hours. The benefits of ensuring safe, clinically competent nurses outweigh the cost associated with the implementation of this rule.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-532 Faculty to student ratios for clinical and practice experiences in nursing education programs

Description of proposed rule: This proposed rule includes faculty to student ratios identified in existing WAC 246-840-570 (2) and requirements identified by the National Organization for the Nurse Practitioner Faculties. The addition of the 1:15 ratio for RN to BSN and graduate students is less than current guidelines, because these students are licensed as RNs.

Cost/Benefits of proposed rule: The cost associated with this rule relates to the 1:15 faculty to student ratio for RN to BSN and graduate nursing students. This is a new requirement for post-licensure programs. The number currently allowed for pre-licensure nursing programs is a 1:10

faculty to student ratio. The cost might include hiring additional faculty to cover these faculty student ratios if programs do not currently staff in this ratio. The impact of cost to nursing programs is thought to be minimal as most programs utilize the 1:10 ratio for clinical practice situations. The cost for this rule is estimated to be zero to a cost savings in faculty salaries ($0 to -$62,000).

The benefits of setting a minimum faculty to student ratio promote safe student practice experiences.

The benefits of this rule outweigh the associated cost.

WAC 246-840-533 Preceptors, interdisciplinary mentors, and proctors in clinical and practice settings for nursing education programs located in Washington state
Description of proposed rule: This proposed rule allows for use of proctors and mentors in clinical and practice settings and clarifies interdisciplinary faculty as used in existing rule. The rule does not require that programs use proctors or mentors. It also clarifies the use of preceptors as already laid out in existing WAC 246-840-570(3).

Cost/Benefits of proposed rule: Costs associated with this rule includes orientation of mentors and proctors by the nursing faculty in the expectations of the student learning experience. The cost is indeterminate and depends on many factors. However, this rule may also reduce program cost and assure quality student learning experiences by allowing for use of others with experiential and educational background in the clinical area. Costs could range from a potential cost saving of faculty salary (-$62,000) to $1,000.

The benefits of this rule outweigh any associated cost to the program.

WAC 246-840-534 Use of simulation for clinical experiences in LPN, RN, or RN to BSN nursing education programs located in Washington state
Description of proposed rule: This proposed rule allows nursing education programs to use simulation (up to 50% of practice hours) to count as clinical hours if certain conditions are met. Simulation is not a requirement for approval or on-going approval. However, if the program elects to use simulation, it must follow certain quality standards. Failure to follow these standards with negative outcomes may result in commission action. The proposed standards were based on findings from an NCSBN simulation study and resulting guidelines for Boards of Nursing.

Cost/Benefits of proposed rule: Simulation is a strategy of teaching. It does not necessarily rely on technology or sophisticated equipment. Costs for simulation vary across the state and depend on the degree of simulation implemented. Therefore, costs are indeterminate and rely on many factors. Costs associated with this rule includes faculty training, scenario development or purchase of packaged scenarios, and maintenance of adequate lab space, equipment and supplies. The University of Washington Center for Health Sciences offers free training to all nursing program faculty. The benefit of utilizing quality simulation in place of clinical hours helps address the shortage of facilities that will take students for practice experiences. It also establishes evidence-based standards that assure quality experiences for all students. Many times

students are unable to practice skills in the clinical practice setting. Simulation assures that all students have similar experiences. The University of Washington Center for Health Sciences offers free training to all nursing program faculty. Cost may range from $0 to $200,000.

The benefits associated with the implementation of this rule outweigh the cost and may even reduce cost.

WAC 246-840-536 Dedicated education units for practical nurse or registered nurse nursing education programs
Description of proposed rule: This proposed rule allows for the use of Dedicated Education Units. It does not require that programs use these units for program approval or on-going approval. However, if programs use dedicated education units, they are required to comply with these standards.

Cost/Benefits of proposed rule: The benefits of dedicated education units include the use of experienced nurses in the clinical setting in the teaching of nursing students. This can be a cost savings for nursing programs and educational facilities. Costs associated with this rule includes the orientation of both faculty and nurses in the clinical setting to the roles and expectations of all involved. Cost depend a variety of factors and are indeterminate. Cost may range from $0 to $2000.

The benefit to health care facilities is that it prepares nurses to work in their settings. It requires a close working relationship between practice settings and educational programs.

The benefits of the proposed rule outweigh associated cost and may even reduce costs.

WAC 246-840-537 Curriculum for approved nursing education programs
Description of proposed rule: This new rule sets general curriculum requirements for all nursing programs to include assuring that the:

- curriculum prepares students for the level of nursing practice desired;
- curriculum is current and reflective of advances in health care;
- curriculum is evidence-based;
- distance learning curriculum is comparable to in-person curriculum;
- student progression is not based on an external nursing examination; and
- competency testing is based on valid and reliable methods of evaluation.

Cost/Benefits of proposed rule: The cost associated with this rule is associated with the general operation of the nursing program and is variable between nursing programs. Most nursing education programs have implemented hybrid forms of distance learning methods. The cost associated with this rule is minimal and indeterminate as it depends on various nursing program factors. Cost may range from $0 to indeterminate.

The benefits of ensuring quality and consistency of curricular standards outweigh the costs.

The benefits of this rule outweigh the cost.

WAC 246-840-539 Curriculum for practical nursing education programs

Description of proposed rule: This proposed rule includes much of the same content as is in existing WAC 246-840-575(2)(a). The new items in this rule include the requirements that:

- prerequisite classes for LPN programs be transferable to colleges and universities in the state of Washington. (currently, there is one PN program where this does not exist); and
- additional topics such as scope of practice decision tree, AIDS education, and legal aspects of nursing including the disciplinary process, substance abuse and professional standard.

Cost/Benefits of proposed rule: The cost of this proposed rule lies with the one PN program that will have to change prerequisite requirements. However, this cost should be minimal since the college already provides these classes. Nursing program identified costs estimates of $2000 for one PN program and $2600 identified by another PN program.

The benefit of facilitating student progression to higher education outweighs the minimal cost associated with this rule. The program also becomes more marketable when students know that the courses taken at this community college will transfer into another college.

The benefits of this rule outweigh the cost.

WAC 246-840-541 Curriculum for prelicensure registered nursing education programs
Description of proposed rule: This proposed rule includes much of the same content as is in existing WAC 246-840-575(3). The new items in this rule include the requirements that:

- prerequisite classes for RN programs be transferable to the bachelor's in nursing program as identified in the statewide associate direct transfer agreement (effective September 1, 2017 or the statewide associate of applied science transfer degree);
- additional topics such as scope of practice decision tree, AIDS education, and legal aspects of nursing including the disciplinary process, substance abuse and professional standard be included in the curriculum; and
- clarifies that entry-level master's degree students must take courses in community and public health, research and leadership just as other baccalaureate students already take.

Cost/Benefits of proposed rule: The cost associated with this rule includes faculty and administration time in putting together the new curriculum and obtaining college and commission approval. Most associate degree nursing programs either have implemented the new statewide DTA curriculum or are in the process of getting approvals to implement. The Washington Student Achievement Council and the State Board of Technical and Community Colleges support the DTA. The Nursing Commission has formally supported this state-wide initiative. There should be no additional cost with this rule as all RN ADN programs offer DTA degrees that transfer into other colleges and universities. There is no anticipate cost associated with the requirements for entry-level master's degree programs, as the four nursing programs offering this type of program meet this requirement.

The benefit of facilitating student progression to higher education outweighs the cost associated with this rule. The benefit of the commission supporting this state-wide effort is significant.

The benefits of the proposed rule outweighs that cost.

WAC 246-840-542 Curriculum for registered nurse to bachelor's or master's in nursing education programs
Description of proposed rule: This new rule establishes curriculum standards for registered nurse to bachelor's or master's in nursing education programs.

Cost/Benefits of proposed rule: There should be no additional cost for this rule, since all bachelor's and master's programs in Washington are nationally accredited. These standards are consistent with national nursing education standards.

The benefits of having these standards in rule allow for consistency between programs and on-going evaluation of the programs.

The benefits outweigh the cost for this proposed rule.

WAC 246-840-543 Curriculum for nursing education programs preparing students for licensure as advanced registered nurse practitioners (ARNP)
Description of proposed rule: This rule contains much of the same content that is in existing WAC 246-840-455. The additional items in the rule include the following:

- addition of clinical nurse specialist curriculum requirements;
- role preparation in one of the six population foci of practice; and
- requirement that ARNP students be licensed as an RN where clinical practice occurs.

Cost/Benefits of proposed rule: There should be no additional cost to implement this rule. Graduate nursing programs in the state of Washington, are nationally accredited and already meet these requirements. These requirements are consistent with NCSBN standards for ARNP education.

The benefit of programs meeting these nationally recognized standards ensures consistency among states, and promotes portability for nurses in advanced practice.

The benefits of this rule outweigh the minimal cost.

WAC 246-840-544 Curriculum for graduate nursing education programs
Description of proposed rule: This new rule requires graduate nursing programs to meet and maintain the standards established by the national nursing or nursing-related education accrediting body.

Cost/Benefits of proposed rule: There should be no additional cost associated with this rule, because all graduate programs in the state of Washington are already accredited and these standards.

The benefit of programs meeting these nationally recognized standards ensures consistency among states, and promotes portability for graduate nurses. The benefit of putting national standards in rules is that they are enforceable.

The benefits of this rule outweigh the minimal cost.

WAC 246-840-546 Distance-learning nursing education course or course offered by approved nursing programs
Description of proposed rule: This new proposed rule requires nursing education programs that have distance-learning courses to ensure that the courses meet established quality and security standards for online and distance learning education. Programs are required to have written policies and procedures.

Cost/Benefits of proposed rule: The cost related to this rule may involve training for faculty and staff in quality standards, implementation of these standards and staff time involved in writing policies and procedures. The cost for use of such programs as *Quality Matters* depends on services sought. For example, the cost for one year of services could as little as zero to as much as $5500/institution/year. Most higher education institutions utilizing on-line education already have purchased these types of services, or have the ability to provide the services in-house. Therefore, the cost to implement this rule is indeterminate. Estimates costs will include training for faculty and writing policies and procedures at an estimated zero to $10,000. These costs are optional based on a program's choice.

Students benefit from having educational courses that meet the same or similar standards as in-person courses. The benefit of assuring quality standards in distance education is a great and outweighs the cost.

The benefits of this rule outweigh the cost.

WAC 246-840-547 Extended or satellite nursing campus of nursing education programs approved in Washington state
Description of proposed rule: This proposed rule incorporates most of the content from existing rule WAC 246-840-515. The addition to this new rule is the requirement of a time line (3 to 6 month prior to the expected date of operation) for the submission of a plan to operate a satellite or extended campus. The rule also adds the requirement that satellite or extended campus programs must identify the impact on existing nursing programs within a sixty mile radius from location of the proposed campus.

Cost/Benefits of proposed rule: This rule is for approved nursing education programs that want to expand to another campus or satellite branch. The cost for complying with this requirement involves staff or faculty time in the development of a proposal to submit to the commission and is indeterminate as it depends on the school's proposal. Programs will not be able to operate the satellite or expanded campus until commission approval is attained. Therefore, there could some lost revenue if programs do not plan ahead for the approval process. The cost for complying

with this requirement involves staff or faculty time to develop a proposal to submit to the commission ($1,000 to $2,000). The costs are optional based on a program's choice.

The benefit of ensuring existing nursing programs are not negatively impacted by the expansion of another program is great. The rule ensures that extended or satellite campuses meet the same quality standards as the main campus.

The benefit of this rule outweighs the minimal cost.

WAC 246-840-549 Internationally educated nurse program approval criteria for nursing education programs approved in Washington state.
Description of proposed rule: This proposed new rule is for commission approved nursing education that want to operate a nursing program designed specifically for internationally educated nurses whose nursing education is deficient in some area of educational requirements. This is not a requirement for all nursing education programs, but sets standards for nursing programs that want to operate a program specifically designed for internationally educated nurses.

Cost/Benefits of proposed rule: For nursing education programs that select to implement this program the cost associated with this rule involves the employment of faculty to teach in the program; the development of policies, procedures, curriculum and teaching methods; the on-going evaluation of the program; and the reporting to the commission the students who successfully complete the program. The costs are indeterminate and depend on type and size of program developed. These costs are optional based on a program's choice.

The benefits of preparing internationally educated nurses to practice safely and effectively in Washington State outweigh the cost associated with the program. It also allows approved nursing education programs to increase revenue by offering these courses.

The benefits of this rule outweigh associated cost.

WAC 246-840-551 Internationally educated practical nurse program in an approved nursing education program
Description of proposed rule: This new proposed rule identifies the curriculum and practice requirements for nursing programs that select to operate a program for internationally educated nurses who are pursuing LPN licensure in the state of Washington. The rule also allows for the use of competency-based simulation for all practice experiences.

Cost/Benefits of proposed rule: The cost associated with this rule involves the employment of faculty to teach in the program; the development of policies, procedures, curriculum and teaching methods; the on-going evaluation of the program; and the reporting to the commission the students who successfully complete the program. The costs are indeterminate, depending on type and size of program developed ($46,000 to $90,000). These costs are optional based on a program's choice. Nursing programs receive tuition and student fees to cover program cost. The

use of simulation to replace practice experiences for internationally educated nurses also allows for safe practice by a nurse unknown to the educational institution.

The benefits of preparing internationally educated nurses to practice safely and effectively in Washington State outweigh the cost associated with the program. It also allows approved nursing education programs to increase revenue by offering these courses.

The benefits of this rule outweigh the cost.

WAC 246-840-552 Internationally educated registered nurse program in an approved nursing education program
Description of proposed rule: This new proposed rule identifies the curriculum and practice requirements for nursing programs that select to operate a program for internationally educated nurses who are pursuing RN licensure in the state of Washington. The rule also allows for the use of competency-based simulation for all practice experiences

Cost/Benefits of proposed rule: The cost associated with this rule involves the employment of faculty to teach in the program; the development of policies, procedures, curriculum and teaching methods; the on-going evaluation of the program; and the reporting to the commission the students who successfully complete the program. The costs are indeterminate and depend on the type and size of program created. Nursing programs receive tuition and student fees to cover program cost. The use of simulation to replace practice experiences for internationally educated nurses also allows for safe practice by nurse unknown to the educational institution. Nursing programs receive tuition and student fees to cover program cost. The costs are indeterminate, depending on type and size of program developed ($46,000 to $90,000). These costs are optional based on a program's choice.

The benefits of preparing internationally educated nurses to practice safely and effectively in Washington State outweigh the cost associated with the program. It also allows approved nursing education programs to increase revenue by offering these courses.

The benefits of the proposed rule outweigh the associated cost.

WAC 246-840-553 Innovation projects or program approach for approved nursing education programs located in Washington state
Description of proposed rule: This proposed rule allows nursing education programs to apply for approval of innovation projects or approaches that are not allowed under the rules. Programs are not required to implement innovation projects or programs, but have the option to do so. This supports program creativity and innovative approaches to nursing education, which is ever changing. It also assures that the innovation is demonstrated in a safe, quality-controlled manner.

Cost/Benefits of proposed rule: The indeterminate cost associated with this rule depends on the type of innovation selected by the program. The requirement to report to the commission elicits a minimal cost for the program. Costs may range from $500 to $4000. These costs are optional based on a program's choice.

The benefit of supporting new ideas and innovations outweighs the cost associated with the rule.

WAC 246-840-554 Ongoing evaluation and approval of nursing education program located in Washington state

Description of proposed rule: This proposed rule section incorporates the requirements of existing WAC 246-840-520 into this section. The proposed rule clarifies substantive change requests and includes current existing commission guidelines on major curricular change.

Cost/Benefits of proposed rule: The indeterminate cost associated with implementing this rule involve staff time in developing self-studies, substantive change reports, and annual reports. These requirements currently exist for nursing programs, so there should not be any additional cost associated with this rule. Cost could be reduced since this rule provides clarity on substantive change requests and may avoid programs having to submit additional information to the commission. It is expected that there would be $0 to negligible additional costs.

The benefits of reporting and ensuring quality standards outweigh the cost.

The benefits of this proposed rule outweigh the cost.

WAC 246-840–557 Commission action following commission site visit, complaint investigation, or national accreditation visits of nursing education programs located in Washington State

Description of proposed rule: This proposed rule amends current rule WAC 246-840-525 and adds to possible commission action the following:

- Submission of a plan of correction;
- Limitation on student numbers and admissions; and
- Summary suspension for circumstances constituting an immediate threat to public safety.

Cost/Benefit of proposed rule: The indeterminate costs for programs regarding this rule include the possibility of lower revenue due to limitation on student numbers and admissions, and staff time in submission of a plan of correction. The cost is contingent on the level of deficient practice. This rule would only apply if a program was out of compliance to the extent that the commission would need to take corrective action.

The benefits of protecting the public outweigh cost associated with commission action.

The benefits of this proposed rule outweigh the cost.

WAC 246-840-558 Denial, statement of deficiencies, conditional approval or withdrawal of approval of nursing education programs located in Washington State

Description of proposed rule: This proposed rule amends current rule WAC 246-840-558 and adds to the actual actions that the commission may take to include:

- Statements of deficiencies;
- Conditional approval;
- Issuance of intent to withdraw approval; and
- Penalties issued to nursing education programs for failure to maintain average NCLEX or certification pass rates at or above 80% for first time test takers.

Cost/Benefit of proposed rule: The indeterminate cost to nursing education programs depends on the deficiencies of program. There are no additional costs with this rule.

The benefits of these sanctions allow for protection of public safety.

The benefits of this rule outweigh the cost.

WAC 246840-559 Closing of an approved nursing education program located in Washington state
Description of the rule: This proposed new rule section incorporates the requirements found in existing rule WAC 246-840-545 and adds the requirement to submit a plan to the commission for safe record keeping of student information.

Cost/Benefit of proposed rule: The cost of this proposed rule is associated with the creation of record retention plan by staff (time) and the possible cost associated with the storage of the records. Washington colleges and universities are required to maintain student records for 75 years. Therefore, nursing programs should follow this same plan. Nursing programs should not have additional costs for maintaining the files. There may be a cost associated with staff time in reporting plan to the commission (8hr x $50/hr. = $400).

The benefits of safeguarding student files outweigh the minimal cost associated with the rule.

The benefits of this proposed rule outweigh the cost.

WAC 246-840-561 Reinstatement of approval for nursing for nursing programs located in Washington state
Description of the rule: This proposed new rule section incorporates the requirements found in existing rules WAC 246-840-535 and changes the time for reinstatement from six month to one year.

Cost/Benefit of proposed rule: The cost of this rule is related to the change from six months to one year before a program can reapply for commission approval after the program has lost its full approval status. Commission experience has shown that it takes programs at least one year or longer to make the necessary changes to operate again. The cost is related to lost revenue for the time of the closure of the program and is indeterminate.

The benefit of an extended time assures that a nursing program is given the time needed to revise curriculum, obtain clinical placements and hire or train needed faculty.

The benefit for this rule outweighs the associated cost.

WAC 246-840-563 Criteria for approval of LPN and RN refresher course program located in WA state

Description of the rule: Portions of this proposed rule is found in existing WAC 246-840-130 (Criteria for approved refresher course). The changes include:

- Application process identified;
- Qualifications for nurse administrator;
- Correlation between philosophy, purpose and objectives of the program and nurse practice act/rules;
- Added requirements for written policies and procedures;
- Added requirement that program must ensure students have either an active nursing license or limited education authorization from the commission;
- Added requirements for preceptors; and
- Added requirement for renewal every five years.

Cost/Benefit of proposed rule: The rule allows nursing education to create refresher course programs and is not required for all nursing programs. Only nursing education programs electing to operate a nursing refresher course are required to meet these standards. The costs of this rule relate to changes in programs regarding hiring a qualified nurse administrator); revising or developing curriculum and policies/procedures that meet the identified requirements; developing a process to ensure preceptors are qualified; and completing the renewal application every five years. Students pay tuition fees to cover the cost of programs.

Existing programs will have costs associated with the five year program renewal process. Estimated time associated with the renewal application could be 10 - 30 hours of nurse administrator time or $500 to $1500.

The benefit of offering nurses who have let their license expire or who may need remediation of practice skills outweighs the cost. This may also serve as a revenue source for nursing education programs.

The benefits of this rule outweigh the cost associated with the rule.

WAC 246-840-564 Curriculum for LPN nurse refresher course

Description of the rule: Much of this rule already exists in WAC 246-840-130(a)-(d). The changes includes updated curriculum that reflects practice and statutory requirements for LPN practice as identified in chapters 18.79 and 18.130.

Cost/Benefit of proposed rule: This rule applies to nursing education programs that elect to operate a LPN refresher course. The cost of this rule relates to faculty time in developing or revising existing curriculum. Students generally pay tuition fees to cover the cost of programs. The expected range of hours required for faculty to update existing curriculum is thought to be 4-20 hours. The range of cost may be as little as zero to around $2000 for existing refresher course programs. Newly developed programs will require more time to develop the curriculum.

The benefit of offering nurses updated and more relevant curriculum outweigh associated cost. This may also serve as a revenue source for nursing education programs.

The benefits of the rule outweigh the associated cost.

WAC 246-840-566 Curriculum for registered nurse refresher course
Description of the rule: Much of this rule already exists in WAC 246-840-130(e)-(h). The changes includes updated curriculum that reflects practice and statutory requirements for RN practice as identified in chapters 18.79 and 18.130.

Cost/Benefit of proposed rule: This rule applies to nursing education programs that elect to operate a RN refresher course. The cost of this rule relates to faculty time in developing or revising existing curriculum. Students generally pay tuition fees to cover the cost of programs. The expected range of hours required for faculty to update existing curriculum is thought to be 4-40 hours. The range of cost may be as little as zero to around $2000 for existing refresher course programs. Newly developed programs will require more time to develop the curriculum.

The benefit of offering nurses updated and more relevant curriculum outweigh associated cost. This may also serve as a revenue source for nursing education programs.

The benefits of the proposed rule outweigh the associated cost.

WAC 246-840-567 Refresher course program for advanced registered nurse practice nurses
Description of the rule: The proposed new rule section WAC 246-840-567 allows approved nursing education programs in Washington state to apply for approval of an advanced registered nurse practice refresher course program. The ability to offer ARNP refresher courses in the state of Washington does not currently exist.

Cost/Benefit of proposed rule: Graduate nursing education programs may elect to create refresher courses for ARNPs. It is not a requirement that graduate nursing programs create these programs. The indeterminate cost associated with this rule is related to the creation of curriculum, hiring of faculty and providing the necessary resources for provide for this type of program. It is estimated that it will take nursing faculty around 80 to 160 hours to develop this type of program. However, this number depends on existing curriculum already developed and the ability to adjust this for nurse wishing to take the refresher program. Costs also depend on available faculty to teach in the program, or programs may elect to include nursing students in existing ARNP classes. Resource costs should be minimal, since existing nursing programs already have classrooms, equipment, computers and other necessary IT programs. Cost estimates from zero to $60,000. Enrolled students would most likely pay a tuition fee to cover the cost of curriculum, faculty and resources.

The benefit of offering ARNP refresher programs to nurses who have an expired ARNP license helps fill the gap of needed primary care providers. This may also serve as a revenue source for graduate nursing education programs.

The benefits of this rule outweigh the associated cost.

WAC 246-840-568 Criteria for approval of refresher course programs located outside Washington state
Description of the rule: This proposed new rule section incorporates WAC 246-840-130(7) into the rule. The rule identifies possible commission action and also provides for a brief adjudicative process for appeal of commission decisions.

Cost/Benefit of proposed rule: There are no additional costs for this rule, excluding costs associated with filing for a brief adjudicative process.
The benefit of offering refresher programs from out-of-state programs assures nurses from Washington, especially those residing in the border areas of the state, have access to approved programs.

The benefits of the proposed rule outweigh the associate cost.

WAC 246-840-569 Commission action regarding refresher course programs
Description of the rule: This proposed new rule identifies commission action and informs of due process in accordance with the provisions of chapter 18.79 RCW and Administrative Procedure Act, chapter 34.05.

Cost/Benefit of proposed rule: The indeterminate cost of this rule is associated with the program's level of deficiencies. A plan of correction involves faculty time in establishing a plan and may involve cost associated with the correction, such as qualified faculty or clinical placements. Withdrawal of approval may involve cost associated with litigation or appeal process.

The benefit of the rule includes notice or transparency to programs of appeal rights and commission actions.

The benefits of this proposed rule outweigh associated cost.

WAC 246-840-571 Out-of-state distance learning nursing program approval for practice experiences in Washington state
Description of the rule: This proposed new rule incorporates the commission's procedure on approval of out-of-state distance nursing education programs' clinical and practice experiences in Washington state. It also informs the programs of due process in accordance with the provisions of chapter 18.79 RCW and Administrative Procedure Act, chapter 34.05. The rule also establishes clinical and faculty requirements similar to Washington State approved nursing education programs.

Cost/Benefit of proposed rule: This rule establishes approval criteria for out-of-state nursing education programs that have nursing students in the state of Washington. The cost associated with this rule involve the cost associated with quality IT development, curriculum, licensing faculty to practice teaching in the state of Washington, and the price of maintaining qualified faculty. Costs of compliance are variable and indeterminate.

The benefit of ensuring out-of-state distance program meet similar quality standards as Washington State nursing programs helps protect students and public in clinical practice situations. It provides assurance to students that out-of-state programs offer faculty planned student experiences. It protects the public by ensuring out-of-state programs assume responsibility in supervision of student practice experiences. Out-of-state distance learning programs offer Washington residents opportunity to obtain nursing degree not offered in Washington State.

The benefits of this rule outweigh the associated cost.

SECTION 6:
Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

The commission held nine rules workshops throughout the state of Washington in 2014-2015. The locations of these workshops included: Spokane (2); Yakima (1); North Seattle (2); Olympia (2); South Seattle x1) and Tukwila (1). The approximate number in attendance in total was over 400 participates. Participants included nursing education program directors and faculty; college administrators; union representatives; State Board and Technical College representative; Washington Student Achievement Council representatives; licensed nurses; and practice providers.

The following concerns were expressed and alternative measures were incorporated into the proposed rules:

- Expressed concern that nursing education programs would not be able to meet the NCSBN standard of requiring doctoral prepared nursing program nurse administrators – (the commission did not include this requirement in the proposed rules);
- Expressed concern over initial draft language related to fiscal resources and faculty salaries to retain adequate numbers of faculty (this was dropped from the proposed rules and original language to include adequate fiscal and human resources was retained);
- Expressed concern over required minimum clinical hours – (the minimum hours for PN ADN and BSN direct patient care were lowered – PN went from 400 to 300 hours; ADN went from 600 to 500 hours; and BSN from 700 to 600 hours);
- Expressed concern over requiring accreditation for all nursing education programs (the commission created a phased-in approach to this requirement, so that existing programs have until 2020 to obtain either accreditation or candidacy status);
- Expressed concern that English proficiency testing was too expensive for many internationally educated nurses just arriving to the U.S. and not employed – (the commission added other standards that demonstrate English proficiency such as other U.S. education or employment as a licensed nurse in the U. S. for at least 1000 hours of practice).

SECTION 7:

Determine the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The proposed rules do not violate federal or state laws.

SECTION 8:
Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The proposed rules do not impose more stringent performance requirements on private entities**.**

SECTION 8:

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The proposed rules do not differ from any federal regulation or statute applicable to the same activity or subject matter.

SECTION 9:

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The proposed rules are specific to nursing education programs and educational standards for nurses, which are state functions delegated to the Nursing Care Quality Assurance Commission.