

**Michigan Office of Administrative Hearings and Rules**  
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Licensing and Regulatory Affairs

**Division/Bureau/Office:**

Bureau of Professional Licensing

**Name of person completing this form:**

Jennifer Shaltry

**Phone number of person completing this form:**

517-241-3085

**E-mail of person completing this form:**

ShaltryJ1@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Elizabeth Arasim

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2022-36 LR

**Title of proposed rule set:**

Board of Nursing-General Rules

**3. Purpose for the proposed rules and background:**

The purpose of the Board of Nursing Rules is to regulate the prelicensure education, licensure, specialty certification, licensure renewal, relicensure, continuing education for licensed nurses, and the nursing professional fund scholarship program.

The proposed rules are intended to address the requirements to take the NCLEX examination; clarify the nursing education program requirements; modify the nurse professional fund scholarship program requirements; clarify continuing education requirements; modify the nurse specialty certification requirements; and address licensure requirements.

**4. Summary of proposed rules:**

## Agency Report to JCAR-Page 2

The proposed rules include the following changes:

**General Provisions and Licensure:** updates to comply with current drafting standards; clarification of the process for licensure verification; recognition of a nursing education program accredited by the Canadian Association of Schools of Nursing; allowing another state board of nursing to attest that an unaccredited closed program, in that state, was in good standing when the program closed; requiring an applicant to pass the NCLEX within 1 year of obtaining a skills competency evaluation; omitting the curriculum review of an endorsement applicant who has been licensed for 5 years without discipline; and easing the licensure requirements for Canadian applicants for endorsement.

**Nursing Education Programs:** clarification of the self-study content requirements; clarification that a program may not enroll students until all site visit deficiencies have been rectified; clarification of reporting requirements and the content of major program changes and requests for seat increases; provision of a process to handle programs that lose accreditation; adoption of the most recent standards of the International Nursing Association for Clinical Simulation and Learning; and updates to the rules regarding board evaluation of a program and the action the board can take following a program evaluation.

**Nurse Specialty Certification:** the portfolio option for the clinical nurse specialist will be omitted as this option to obtain licensure has sunset.

**Continuing Education:** requiring renewal applicants, who also apply for a controlled substance license, to complete a one-time training in opioids and other controlled substance awareness. Petitions for a waiver of continuing education must be submitted at least 30 days before the last regularly scheduled board meeting before the license expires.

**Nurse Scholarship:** Removal of the restriction prohibiting a student who has a full scholarship from another source from participation.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

The Flint Journal, September 21, 2023  
The Grand Rapids Press, September 21, 2023  
The Mining Journal, September 23, 2023

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

10/15/2023

**7. Date, time, and location of public hearing:**

10/16/2023 09:00 AM at UL-3 , 611 W. Ottawa Street, Lansing, Michigan

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1395>

**9. List of the name and title of agency representative(s) who attended the public hearing:**

Agency Report to JCAR-Page 3

Jennifer Shaltry, Specialist, Bureau of Professional Licensing  
 Kerry Przybylo, Manager, Bureau of Professional Licensing

**10. Persons submitting comments of support:**

Jennifer Avery, Joshua Meringa, and Jaqueline Savalle.

**11. Persons submitting comments of opposition:**

John Leefers, Joshua Meringa, and Jaqueline Savalle.

**12. Persons submitting other comments:**

Jennifer Avery, Lauren Foltz, John Leefers, Joshua Meringa, Jaime Sinutko, and Debi Vendittelli.

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Rule Change and Description of Change(s) Made</b>	<b>Rule number &amp; citation changed</b>
1	Sinutko		Clarification was needed regarding the content of the survey that needs to be sent to existing programs by a prospective new program.	The board agreed that further detail was needed to guide prospective programs with what to include in the survey.	R 338.10303 (a)(ii)(D)
2	Sinutko		Clarification was needed on the details needed regarding the prospective program's plan to recruit faculty, the content of student policies, and the need for signed clinical contracts with the clinical partners.	The board agreed that further detail was needed to guide prospective programs on what information was needed regarding the plans to recruit faculty and student policies.	R 338.10303 (a)(ix)

Agency Report to JCAR-Page 4

3	Vendittelli		Commenter suggested removing "or letters of commitment" from subrule (b) (vii).	The board agreed to remove rule content to ensure that signed contracts with the clinical partners are submitted.	R 338.10303 (b)(vii)
4	Vendittelli		Commenter provided suggestions on rule content to provide clarity on required content in the nursing education program reports and the self-studies that are submitted to the board.	The board agreed with the suggestion and provided clarifying language so programs would understand the necessary content that must be provided when reporting to the board.	R 338.10303b (3)(a), (b), (d), (f), and (g)
5	Vendittelli		Commenter provided suggestions on rule content to provide clarity on required content of the NCLEX Improvement Plan that is submitted to the board when a program's pass rates fall below 80%.	The board agreed with the suggestion and provided clarifying language so that programs would understand the necessary content that must be provided in the NCLEX Improvement Plan.	R 338.10310a (1)(a)(iv)

Agency Report to JCAR-Page 5

6	Vendittelli		Commenter suggested removing content pertaining to training for identifying victims of human trafficking as this does not belong in the continuing education section because the training is a licensure requirement.	The board agreed to remove the information as that was included in error. The human trafficking content was removed from subrule (3) and subrules (4) and (5) renumbered.	R 338.10601 (3), (4), and (5)
7	Meringa		Commenter opposed the change which impacted the continuing education credit allowed for acting as a nurse preceptor and suggested giving continuing education credit to nursing clinical instructors directly supervising and training nursing students in clinical settings.	The board agreed with the comment and realized that there was a mistake in the draft. The correction was made to ensure proper credit was given for this necessary service that nurses provide to students.	338.10602(2)(i)
8	Leefers		Commenter opposed removing the continuing education exemption for nurses in their first license cycle based on the orientation programs newly hired nurses	The board declined to keep the continuing education exemption for new nurses because the original rationale for the exemption was that a new licensee's cycle was not a full cycle due to all	R 338.10602 (2)(j)

Agency Report to JCAR-Page 6

			complete.	nurses' licenses expiring on the same date under the old licensing platform. Under the current MiPLUS platform, all initial nurse licenses have a full license cycle, so the continuing education exemption is no longer needed. However, as a compromise, the board proposed that credit be granted toward the continuing education requirement for participation in learning experiences that may include clinical experiences, clinical laboratory hours, or classroom instruction related to nursing orientation or nurse residency programs.	
--	--	--	-----------	---	--

**14.Date report completed:**  
2/21/2024