



## Ohio Administrative Code

### Rule 4723-5-08 Requirements for seeking conditional approval.

Effective: February 1, 2022

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[Comment: Information regarding the availability and effective date of materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

(A) In order to obtain conditional approval, a program applicant shall first submit a letter of intent to the board:

(1) The letter of intent must include the following information and records:

(a) The type of program the applicant intends to establish;

(b) The location of the program and a detailed assessment of the need for a new nursing education program in the area;

(c) The name and credentials of the registered nurse who will serve as the program administrator, if known at the time the letter is submitted, as well as the program administrator's:

(i) Resume; and

(ii) Official transcripts verifying academic preparation that satisfies the requirements set forth in rule 4723-5-10 of the Administrative Code if the proposed program is a registered nursing education program or rule 4723-5-11 of the Administrative Code if the proposed program is a practical nursing education program;

(d) A list of potential sites for students to obtain clinical experience as required by rule 4723-5-13 of the Administrative Code for a registered nursing education program, and rule 4723-5-14 of the Administrative Code for a practical nursing education program.

(e) A certified copy of a document indicating that the applicant is approved, authorized, or has a



certificate of registration issued by:

(i) The Ohio department of higher education;

(ii) The Ohio department of education; or

(iii) The state board of career colleges and schools.

(2) If information about the program administrator is not available at the time of submission of the letter of intent, the applicant shall submit a subsequent letter at the time of appointment of an individual to serve as program administrator that includes the information required by paragraph (A)(1)(c) of this rule.

(3) In order to meet the requirements of paragraph (A)(1)(e) of this rule, an applicant may submit a copy of its application for a certificate of registration, filed with the state board of career colleges and schools if:

(a) The state board of career colleges and schools has not made a decision regarding the certificate of registration at the time the applicant submits a letter of intent to the board; and

(b) At least thirty days before the board considers the program for full approval status, as set forth in paragraph (A) of rule 4723-5-04 of the Administrative Code, the program submits a certified copy of certificate of registration from the state board of career colleges and schools demonstrating that the program has been approved by the state board of career colleges and schools.

(B) When the board receives the information set forth in paragraph (A) of this rule and has verified that the program administrator satisfies the requirements of this chapter, the board shall notify the program that the program administrator meets the requirements of paragraph (A)(1)(c) of this rule.

(C) In order to obtain conditional approval, the applicant program administrator shall submit a complete "PN New Program Proposal Application" or "RN New Program Proposal Application" that includes the following:



- (1) The defined target region from which the student population will be drawn;
- (2) The planned strategy for establishing the proposed program within the defined target region that includes, but is not limited to, documentation with referenced data addressing the following:
  - (a) The shortage or surplus of existing registered nurses if the proposal is for a registered nursing education program;
  - (b) The shortage or surplus of existing licensed practical nurses if the proposal is for a practical nursing education program;
  - (c) Copies of letters of intent from proposed clinical education sites to the applicant, indicating that the site should be able to accommodate the applicant's students. The letters of intent submitted by the applicant to the board must demonstrate that the proposed program would be able to provide students clinical experiences that meet course objectives or outcomes, provide students the opportunity to practice skills with individuals or groups across the life span, and provide students clinical experience at sites concurrent with related theory instruction;
- (3) The official name and address of the proposed program and the proposed program's controlling agency;
- (4) The planned date for admission of the first class and a projected date of completion for the first graduate of the proposed program;
- (5) The following information and documents:
  - (a) Organization and administration of the program as set forth in rule 4723-5-09 of the Administrative Code;
  - (b) Qualifications of administrators, faculty, teaching assistants and preceptors for a registered nursing education program as set forth in rule 4723-5-10 of the Administrative Code, or for a practical nursing education program as set forth in rule 4723-5-11 of the Administrative Code;



- (c) Proposed policies as set forth in rule 4723-5-12 of the Administrative Code;
  - (d) Proposed curriculum for a registered nursing education program as set forth in rule 4723-5-13 of the Administrative Code, or for a practical nursing education program as set forth in rule 4723-5-14 of the Administrative Code;
  - (e) Proposed evaluation plan of the program as set forth in rule 4723-5-15 of the Administrative Code;
  - (f) The program contractual relationships as set forth in rule 4723-5-17 of the Administrative Code;
  - (g) Responsibilities of faculty teaching a nursing course as set forth in rule 4723-5-19 of the Administrative Code;
  - (h) Responsibilities of faculty, teaching assistants and preceptors in a clinical setting involving the delivery of care to an individual or group of individuals as set forth in rule 4723-5-20 of the Administrative Code;
  - (i) Program records maintenance plan as set forth in rule 4723-5-21 of the Administrative Code; and
- (6) Other information requested by the board.
- (D) After a representative of the board determines that a proposal is complete, the proposed program shall be subject to a survey visit in accordance with paragraph (A)(3) of rule 4723-5-06 of the Administrative Code. The board has discretion to conduct the initial survey either before the program is granted conditional approval, or after approval and within the first eight months of the program's operations as provided in paragraph (A)(3) of rule 4723-5-06 of the Administrative Code. A report of the survey visit shall be provided to the administrator of the program.
- (E) If an applicant for a proposed program fails to communicate with the board for a period of one year following receipt of the letter of intent required by paragraph (A) of this rule, or following submission of the program proposal required by paragraph (C) of this rule, the board shall consider that the letter of intent or the program proposal has been withdrawn.



(F) At a regularly scheduled board meeting, the board shall review a summary of the proposal and review the survey visit report to consider the approval status of the program. At the board's request, the administrator of the program, who prepared the proposal, shall present the proposal to the board and may provide any additional information.

(G) If the board determines that the requirements of this chapter are met, and the proposal outlines a plan for maintaining the requirements, the program shall be granted conditional approval.

(H) If the board determines that the requirements of this chapter have not been met or maintained where applicable, the board shall propose to deny conditional approval in accordance with Chapter 119. of the Revised Code. The adjudication may result in the granting of conditional approval, granting of conditional approval based on compliance with the terms and conditions of a board order or consent agreement, or denial of conditional approval.

(I) A proposed program shall not accept students into the program until the board grants conditional approval to the program.

(J) When conditional approval is granted to a program, the program shall be implemented with the first class entering on the date originally identified by the proposed program. If circumstances alter the plan to admit students on the originally identified date, the program shall submit to the board, not more than seven business days following the originally identified implementation date, a written request for an extension of the implementation date.

(K) During the period of conditional approval, the administrator of the program shall submit progress reports to the board as directed. The progress reports shall include at least the following information:

- (1) A summary of the evaluations of each course implemented by the program faculty;
- (2) A summary of the evaluations of each clinical experience in relation to the established clinical objectives;
- (3) Verification of meeting and maintaining the requirements of this chapter;



- (4) Any problem related to this chapter encountered during the implementation of the program, and measures used to resolve each problem;
- (5) Any variation from the proposal occurring in the implementation process and the rationale for the variation;
- (6) The number of students who have been admitted and are continuing in the program;
- (7) Copies of executed contracts with cooperating entities for student clinical experience. The program shall include with each contract information indicating the name of the nursing education course to which the contract corresponds; and
- (8) Other information requested by the board.
- (L) A survey visit of a program with conditional approval may be conducted by a representative of the board when deemed necessary.
- (M) Prior to completion of the program by the first class who entered the program after conditional approval was granted, a survey visit shall be conducted by a representative of the board in accordance with rule 4723-5-06 of the Administrative Code to determine whether the program is meeting and maintaining the requirements of this chapter.
- (N) In accordance with rule 4723-5-04 of the Administrative Code, the approval status of a program with conditional approval shall be reconsidered by the board after completion of the program by the first class that entered the program immediately after conditional approval was granted.
- (O) The provisions of this rule do not apply to a program that intends to expand to another location provided that the program in the new location is governed by the same controlling agency and has the same philosophy, conceptual framework or organizing theme, program objectives or outcomes, curriculum and admission, progression and completion policies as the program currently approved, and the program satisfies the following prior to accepting students in another location:



(1) Provides written notice to the board no later than ninety days prior to expanding to another location;

(2) Submits to the board the information and documentation required by paragraphs (C)(1), (C)(2), (C)(3), (C)(4) and (C)(6) of this rule to explain the need for the nursing program in the location for which an expansion is planned.

(P) The board may deny approval to a person who submits or causes to be submitted false, misleading or deceptive statements, information, or documentation to the board in the process of applying for approval of a new education program, pursuant to an adjudication conducted under Chapter 119. of the Revised Code.