

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §223.1,
Pertaining to Fees**

Summary of Request: Consider proposal of amendments to §223.1, Pertaining to *Fees*.

Background: Over the last few years, Staff has seen a dramatic increase in the number of new nursing program proposals submitted to the Board. In 2007, Board Staff received 9 new nursing program proposals. In 2008, Board Staff received 8 new nursing program proposals. In 2009, Board Staff received 14 new nursing program proposals. Staff has received one new nursing program proposal in 2010, and has received 15 letters of intent for additional new nursing programs. This is in comparison to a total of 4 new nursing program proposals submitted in 2005 and 6 submitted in 2006.

The overwhelming increase in the number of new nursing program proposals has greatly impacted existing Staff resources. Although the number of Staff dedicated to reviewing and monitoring new nursing program proposals has not increased, the responsibilities and duties associated with reviewing proposals related to new programs in nursing has. Staff estimates that it spends approximately 75-90 hours reviewing a single new nursing program proposal.¹ This estimate includes reading the proposal and writing a review; consulting with the program and discussing necessary revisions; reviewing all revisions, for which there could be 2 or 3 revised drafts of the initial proposal; preparing information for the Board's review; and conducting site visits. While this amount of time is devoted primarily to the review of new nursing program proposals, Staff remains responsible for monitoring existing nursing programs in Texas, conducting site visits, and fulfilling their other daily duties and responsibilities.

In an effort to better utilize all available resources, Staff reviewed the current fee associated with the initial approval of a new nursing program in Texas. The current fee for the initial approval of a new nursing program is \$500. Staff surveyed other boards of nursing to determine the amount of fees that are being charged nationwide for the approval of new nursing programs. A copy of the results of the survey are attached hereto as Attachment "A" for reference. Of the 36 state boards that responded to the survey, 19 boards charge a fee associated with the approval of a new nursing program. The majority of these boards charge some sort of an initial application or approval fee. However, some boards only charge a survey fee or site visit fee. The amount of fees associated with the approval of new nursing programs range from \$50 to \$10,000. Including survey or site visit fees, the average fee amount associated with the approval of a new nursing program is

¹ This is true for those proposals that are considered legitimate and likely to be approved and successful. Many proposals are submitted that wholly fail to provide the Board with adequate information and data that would support approval. For these inadequate submissions, Staff time can vary tremendously and exceed average estimates.

approximately \$1,652.

The Board is authorized by the Occupations Code §301.155 to establish fees in amounts reasonable and necessary to cover the costs of administering the Nursing Practice Act, including costs associated with reviewing and approving new nursing programs in Texas. Staff expects the number of new nursing program proposal submissions to continue to increase over time. Staff expects to continue to expend at least 75-90 hours on each new nursing program proposal. Staff expects many of the proposals to continue to be submitted by program representatives with little or no experience in nursing education. Staff expects to spend additional time and resources on these nursing program proposals. Staff expects to continue to receive phone calls and inquiries regarding the shortage of clinical sites and qualified nursing faculty. In order to maintain the existing standards for quality nursing education in Texas, Staff recommends that the Board increase the amount of the fee associated with the initial approval of a new nursing program. Staff recommends increasing the current fee of \$500 to \$2,500. Not only is a fee of \$2,500 more likely to offset the costs associated with the review of a new nursing program proposal, but Staff anticipates that a higher fee will encourage the receipt of more organized and complete proposals, which should reduce Staff review time.

Board Action: Move to approve the proposed amendments to 22 Tex. Admin. Code §223.1, Pertaining to *Fees* and authorize Staff to publish the proposal in the *Texas Register* for a 30-day comment period, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §223.1, Pertaining to *Fees*, as proposed.

State Board	Amount of Fee	Has fee been increased within last 5 years?	How was fee determined?
Massachusetts Member Board	\$0	N/A	N/A
Nevada Member Board	\$150	No, we would like to increase fees but do not have legislative approval.	Historically, not sure
Michigan Member Board	\$0	N/A	N/A
Kansas Member Board	\$700	No	Uncertain - don't know.
Florida Member Board	\$1,000	No	Time and talent that it takes to review.
Louisiana PN Member Board	\$500 (survey fee only)	Yes; an increase of \$250	Statute contains list of fees. A survey is minimum \$250.00 and maximum is \$500.00.
Akansas Member Board	\$0	N/A	N/A
Wisconsin Member Board	\$0	N/A	N/A
Iowa Member Board	\$0	N/A	N/A
New York Member Board	\$0	N/A	N/A
Colorado Member Board	\$0	No	We haven't had this conversation yet.
Alabama Member Board	\$1,500	No; added fee approx. 3 years ago	Looked at how much time it takes us to review and came up with a reasonable fee.
Missouri Member Board	\$3,000	Yes; the fee was increased last year due to findings of an extensive cost analysis	Extensive cost analysis
Virginia Member Board	currently \$1200; have submitted a request to increase fee to \$1650	No	The time involved for the nursing education consultant and any support staff time to process an application and review the curriculum materials. This would also include a site visit to the program prior to granting approval to admit students (including travel expenses).
Ohio Member Board	\$0	No	Have never charged a fee.

Delaware Member Board	\$2,500	No; the current fee was added within the past 24 months, as there was no fee prior to that.	Initial recommended fee (had to be approved) was \$8800 and was based on best estimates of average amount of manhours invested in initial reviews, site visits, subsequent reviews and site visits. The resulting fee was set by the Division Director.
Alaska Member Board	have proposed a fee of \$2,000	No	We reviewed the survey results and took into consideration the amount of work a review of the application would take. For a CNA program the application fee is \$500, so that fee was also taken into consideration.
Pennsylvania Member Board	\$935	Yes, an increase of \$200	This is done by our budget department and their analysis of time requirements for the advisor's review.
Georgia RN Member Board	\$1,000	No	The Board just did it.
Arizona Member Board	\$0	N/A	N/A - However, a new application takes approximately 80 hours of a master's prepared consultant's time; Would suggest you base your cost on that.
Vermont Member Board	\$0	N/A	N/A
Oregon Member Board	\$0	N/A	N/A

New Hampshire Member Board	Initial Approval: \$3,000 for first site visit; \$1,000 per subsequent site visit. Application for Additional Program: \$500. Complications with Accreditation Requiring Site Visit: \$2,000 for each resulting site visit. Stipends for Program Approval Evaluation Team Members: \$1,000 for Team Chair; \$750 per Non-Chair Team Member. Approval (not as part of Initial Approval): \$1,500 for first site visit; \$1,000 per subsequent site visit.	No; this is a new rule since 2/25/09	We adopted the fees charged by the Department of Education for a new program in the non-nursing arena.
Kentucky Member Board	\$2,000	No; it is a new fee/charge within the last 5 years	No real criteria.
Maryland Member Board	\$0	N/A	N/A
West Virginia RN Member Board	\$50	No	Has been \$50.00 since 1965
Idaho Member Board	\$250 per day (survey fee only)	No	Survey fee was based on some assessment of the cost to the Board for staff time, travel, follow-up, etc.
DC Member Board	\$10,000	[No Answer Entered]	[No Answer Entered]
Wyoming Member Board	\$0	N/A	N/A
Texas Member Board	\$500	No	Trying to keep it reasonable.
Alabama Member Board	\$1,500	No	[No Answer Entered]
South Carolina Member Board	\$0	[No Answer Entered]	[No Answer Entered]

Utah Member Board	\$500 for initial approval; \$250 (site visit only)	No	Looked at the cost for per diem, traveling, and housing for those attending the visit.
New Mexico Member Board	\$0	N/A	N/A
Vermont Member Board	\$0	N/A	N/A
North Dakota Member Board	\$500 (survey fee only)	No	[No Answer Entered]

Attachment “B”

§223.1. Fees.

(a) The Texas Board of Nursing has established reasonable and necessary fees for the administration of its functions.

(1) - (8) (No change).

(9) approval of new nursing education programs: \$2,500 [~~\$500~~];

(10) - (24) (No change).

(b) (No change).