

Agenda Item: 7.7
Meeting Date: October 19 & 20, 2006
Prepared by: Joy Sparks/Robbin Wilson/Betty Simms

**Proposed Amendments to 22 Texas Administrative Code §§ 214.7 and 215.7, Relating to
Criteria for Faculty Waiver Requests in Nursing Programs**

In September 2006, the Staff of the Sunset Commission recommended in its report that the Board adopt “its current requirements for waivers of faculty requirements into Board rule...and the Board would no longer need to issue waivers.” In compliance with this recommendation, the Staff proposes amendments to the professional and vocational nursing education rules incorporating the waiver guidelines (attachment #3) into rule. Though the education programs would no longer be required to submit a waiver petition, the proposed rule requires that they notify the Board with a notarized statement that they meet both the minimum criteria for the program and for the prospective faculty member as delineated in the rule. Board approval, however, will continue to be required if the programs NCLEX pass rate is too low, too many faculty member have been waived in, or the program has repeatedly had faculty waivers in a three-year period. The proposed rules for the vocational nursing education programs (§ 214.7 - attachment #1) and the professional nursing education programs (§ 215.7 - attachment #2) are attached.

Staff recommends that the Board move to propose amendments to 22 Texas Administrative Code sections 214.7 and 215.7 incorporating the faculty waiver language, as attached, and have them published in the *Texas Register* for a 30-day comment period. If no negative comments are received, adopt the rules as proposed.

214.7. Faculty Qualifications and Faculty Organization

(a) There shall be written personnel policies for nursing faculty that are in keeping with accepted educational standards and are consistent with the policies of the controlling agency. Faculty policies shall include, but not be limited to: qualifications, responsibilities, performance evaluation criteria, and terms of employment.

(1) Policies concerning workload for faculty and the director or coordinator shall be in writing.

(2) There shall be written plans for faculty orientation, development and evaluation.

(3) There shall be orientation of new faculty members at the onset of employment.

(4) A variety of means shall be used to evaluate faculty performance such as self, student, peer and administrative evaluation.

(b) Minimum Teaching Personnel--There shall be a minimum of one full-time nursing instructor for the program. A director/coordinator without major teaching or clinical responsibilities shall not be considered a full-time instructor. Use of part-time instructors is permissible.

(c) Faculty Qualifications and Responsibilities.

(1) Documentation of faculty qualifications shall be included in the official files of the program. Each faculty member shall:

(A) hold a current license or privilege to practice nursing in the State of Texas;

(B) have been actively employed in nursing for the past three years. If the instructor has not been actively employed in nursing for the past three years, the instructor's advanced preparation in nursing, nursing education, and nursing administration, and prior relevant nursing employment may be taken into consideration in evaluating qualifications for the position; and

(C) have had three years varied nursing experiences since graduation.

(2) In fully approved programs, if an individual to be appointed as faculty member does not meet the requirements for faculty as specified in subsection (c) of this section, the director or coordinator is permitted to waive ~~petition for a waiver of the Board's requirements, if the program and prospective faculty member meet the following criteria and after notification to the Board of the intent to waive the Board's faculty requirements for a temporary time period not to exceed one year: according to Board guidelines, prior to the appointment of said individual.~~

(A) minimum program criteria

(i) program's NCLEX-PN® Examination pass rate for the preceding exam year was 80% or above.

(ii) total number of faculty waivers at program shall not exceed 10% of the total number of nursing faculty

(iii) waiver is valid for up to one year and shall not be extended without Board approval.

(B) minimum criteria for prospective faculty member

(i) holds a current license or privilege to practice as a vocational or registered nurse in the State of Texas;

(ii) has been actively employed in nursing for at least two years in the last three years;

(iii) if not actively employed in nursing for the past three (3) years, the prospective faculty's advanced preparation in nursing, nursing education, and nursing administration shall be considered; and

(iv) prior relevant nursing employment.

(C) when the program does not meet the minimum program criteria or the prospective faculty member does not meet the minimum criteria for a faculty member, a petition for a waiver shall be submitted to the Board and be reviewed by the members of the Education Liaison Committee (ELC) for recommendation regarding approval and referred to the full Board for ratification.

(D) a waiver is valid for up to one year.

(E) the director or coordinator shall submit a sworn (notarized) notification of waiver to the Board.
(F) if an extension of the waiver is needed, the director or coordinator shall petition the Board for an extension of the original waiver.

(3) Faculty shall be responsible for:

(A) supervision of students in clinical learning experiences;

(B) all initial nursing procedures in the clinical area and ascertain that the student is competent before allowing the student to perform an actual nursing procedure independently;

(C) developing, implementing, and evaluating curriculum; and

(D) participating in the development of standards for admission, progression, probation, dismissal of students, and participation in academic guidance and counseling.

(4) Non-nursing faculty are exempt from meeting the faculty qualifications as long as the teaching assignments are not nursing didactic or clinical courses.

(5) Clinical preceptors shall be responsible for providing clinical instruction and/or supervision when a program faculty member is unavailable in clinical sites. The clinical preceptor shall meet the requirements of Rule 214.10(k)(1).

(6) Substitute faculty may be employed to meet emergent program needs. Substitute faculty beyond ten consecutive working days and/or on an interim basis shall meet qualifications as specified in Rule 214.7(c)(1).

(7) Part-time faculty may participate in all aspects of the program. Clear lines of communication of program policies, objectives and evaluative criteria shall be included in policies for part-time faculty.

(8) Military faculty--Federal laws and regulations regarding licensure of military nursing personnel shall apply to Texas based military faculty members functioning within vocational nursing programs.

(d) The faculty shall meet regularly and function in such a manner that all members participate in planning, implementing and evaluating the nursing program. Such participation includes, but is not limited to the initiation and/or change in program policies, personnel policies, curriculum, utilization of affiliating agencies, and program evaluation. Minutes of faculty organization and meetings shall document the reasons for actions and the decisions of the faculty and shall be available for reference.

215.7. Faculty Qualifications and Faculty Organization.

(a) There shall be written personnel policies for nursing faculty that are in keeping with accepted educational standards and are consistent with those of the governing institution. Policies which differ from those of the governing institution shall be consistent with nursing unit mission and goals (philosophy and outcomes).

(1) Policies concerning workload for faculty and the dean or director shall be in writing.

(2) Sufficient time shall be provided faculty to accomplish those activities related to the teaching-learning process.

(3) Teaching activities shall be coordinated among full-time, part-time faculty, clinical preceptors and clinical teaching assistants.

(b) A professional nursing education program shall employ sufficient faculty members with graduate preparation and expertise necessary to enable the students to meet the program goals. The number of faculty members shall be determined by such factors as:

(1) The number and level of students enrolled;

(2) The curriculum plan;

(3) Activities and responsibilities required of faculty;

(4) The number and geographic locations of affiliating agencies and clinical practice settings; and

(5) The level of care and acuity of clients.

(c) Faculty Qualifications and Responsibilities.

(1) Documentation of faculty qualifications shall be included in the official files of the programs. Each nurse faculty member shall:

(A) Hold a current license or privilege to practice as a registered nurse in the State of Texas;

(B) Show evidence of teaching abilities and maintaining current knowledge, clinical expertise, and safety in subject area of teaching responsibility;

(C) Hold a master's degree or doctorate degree, preferably in nursing.

(D) A nurse faculty member holding a master's degree or doctorate degree in a discipline other than nursing shall hold a bachelor's degree in nursing from an approved or accredited baccalaureate program in nursing; and

(i) if teaching in a diploma or associate degree nursing program, shall have at least six semester hours of graduate level content in nursing appropriate to assigned teaching responsibilities, or

(ii) if teaching in a baccalaureate level program, shall have at least 12 semester hours of graduate-level content in nursing appropriate to assigned teaching responsibilities.

(E) In fully approved programs, if an individual to be appointed as faculty member does not meet the requirements for faculty as specified in this subsection, the dean or director is permitted to waive petition for a waiver of the Board's requirements, if the program and prospective faculty member meet the following criteria and after notification to the Board of the intent to waive the Board's faculty requirements for a temporary time period not to exceed one year: according to Board guidelines, prior to the appointment of said individual.

(i) minimum program criteria

(I) program's NCLEX-RN® Examination pass rate for the preceding exam year was 80% or above.

(II) total number of faculty waivers at program shall not exceed 10% of the total number of nursing faculty

(ii) minimum criteria for prospective faculty member

(I) holds a current license or privilege to practice as a registered nurse in the State of Texas;

(II) has at least two years in the last four years of nursing practice experience in the anticipated subject area of teaching responsibility;

(III) has earned a bachelor's degree in nursing or completed, as part of a nursing education program culminating in a master's or doctorate degree in nursing, the course work equivalent to the course work required for a bachelor's degree in nursing; and either

(-a-) is currently enrolled in a master's nursing education program and has earned a minimum of 50% of the required credits toward the master's degree in nursing, excluding thesis or professional paper; or

(-b-) holds a master's degree in another field and has a documented plan to complete, within a designated time frame, the required number of graduate level nursing credits appropriate to the anticipated subject area of teaching responsibility, 6 graduate level nursing credits to teach in a diploma or associate degree nursing education program or 12 graduate level nursing credits to teach in a baccalaureate degree or entry-level master's degree in nursing education program.

(iii) when the program does not meet the minimum program criteria or the prospective faculty member does not meet the minimum criteria for a faculty member:

(I) a petition for a waiver shall be submitted to the Board and be reviewed by the members of the Education Liaison Committee (ELC) for recommendation regarding approval and referred to the full Board for ratification; or

(II) a petition for an emergency waiver may be submitted to the Board staff for approval when a vacancy occurs because a faculty member fails to report as planned, i.e., sudden illness or death of a faculty member, or there is an unexpected resignation, or qualified applicants/ prospective faculty are not available.

(iv) a waiver is valid for up to one year.

(v) the director or coordinator shall submit a sworn (notarized) notification of waiver to the Board.

(vi) if an extension of the waiver is needed, the director or coordinator shall petition the Board for an extension of the original waiver.

(F) In baccalaureate programs, an increasing number of faculty members should hold doctoral degrees appropriate to their responsibilities.

(2) All nursing faculty, as well as non-nursing faculty, who teach theory nursing courses, e.g., pathophysiology, pharmacology, research, management and statistics, shall have graduate level educational preparation verified by the program dean or director as appropriate to these areas of responsibility.

(3) Non-nursing faculty assigned to teach didactic nursing courses shall be required to co-teach with nursing faculty in order to meet nursing course objectives.

(d) Teaching assignments shall be commensurate with the faculty member's education and experience in nursing.

(e) The faculty shall be organized with written policies and procedures and/or bylaws to guide the faculty and program's activities.

(f) The faculty shall meet regularly and function in such a manner that all members participate in planning, implementing and evaluating the nursing program. Such participation includes, but is not limited to the initiation and/or change of academic policies, personnel policies, curriculum, utilization of affiliating agencies, and program evaluation.

(1) Committees necessary to carry out the functions of the program shall be established with duties and membership of each committee clearly defined in writing.

(2) Minutes of faculty organization and committee meetings shall document the reasons for actions and the decisions of the faculty and shall be available for reference.

(g) There shall be written plans for faculty orientation, development, and evaluation.

(1) Orientation of new faculty members shall be initiated at the onset of employment.

(2) A program of faculty development shall be offered to encourage and assist faculty members to meet the nursing program's needs as well as individual faculty member's professional development

needs.

(3) A variety of means shall be used to evaluate faculty performance such as self, student, peer and administrative evaluation.

I. PROGRAM CRITERIA

The following minimum program criteria will be considered when a dean, director, or coordinator of a nursing education program submits a petition requesting a faculty waiver:

- A. Program must have Full Approval status.
- B. Program's NCLEX-PN® or NCLEX-RN® Examination pass rate for the preceding exam year is 80% or above.
- C. Fully approved nursing education programs may have at least one non-emergency faculty waiver granted, but the total number of non-emergency faculty waivers granted shall not exceed 10% of the total number of nursing faculty.
- D. Program must not have requested waivers for faculty repeatedly for the previous three (3) years.

II. CLASSIFICATIONS OF FACULTY WAIVERS

- A. Emergency -- **Available for professional nursing programs only.** No limit on the number of faculty waivers that may be granted.
- B. Non-emergency -- **Available for both vocational and professional nursing education programs.** May have at least one, but number shall not exceed 10% of total number of nursing faculty.

III. EMERGENCY FACULTY WAIVER FOR A PROFESSIONAL NURSING EDUCATION PROGRAM

A. Each prospective faculty member being considered for an emergency faculty waiver in a professional nursing education program must, at minimum:

- 1. Hold a current license or privilege to practice as a registered nurse in the State of Texas;
- 2. Have earned a bachelor's degree in nursing;
- 3. An individual who has completed, as part of a nursing education program culminating in a master's or doctorate degree in nursing, the course work equivalent to the course work required for a bachelor's degree in nursing will be considered as having met the requirement of earning a bachelor's degree in nursing if:
 - a) documentation from the dean or director of the master's or doctorate nursing education program attesting that the individual has completed, as part of the master's or doctorate nursing education program, the course work equivalent to the course work required for a bachelor's degree in nursing, is submitted to the Board office for review; and
 - b) Designated Nursing Consultant for Education reviews the above documentation and considers it sufficient to substantiate that the individual has completed, as part of the master's or doctorate nursing education program, the course work equivalent to the course work required for a bachelor's degree in nursing; and
- 4. Have at least two years in the last four years of nursing practice experience in the anticipated subject area of teaching responsibility.

B. An emergency faculty waiver may be approved by the Designated Nursing Consultant for Education when the above minimum program criteria and minimum criteria for consideration of an emergency faculty waiver are met and a vacancy occurs because a faculty member fails to report as planned, i.e., sudden illness or death of a faculty member, or there is an unexpected resignation, or qualified applicants/prospective faculty are not available.

C. An emergency faculty waiver may be granted for up to one year.

IV. NON-EMERGENCY FACULTY WAIVER FOR A VOCATIONAL NURSING EDUCATION PROGRAM

A. Each prospective faculty member being considered for a non-emergency faculty waiver for a vocational nursing education program must, at minimum:

- 1. Hold a current license or privilege to practice as a vocational or registered nurse in the State of Texas;
- 2. Have been actively employed in nursing for at least two years in the last three years;

B. A non-emergency faculty waiver for a vocational nursing education program may be approved by the Designated Nursing Consultant for Education when the above minimum program criteria and the minimum criteria for consideration of a non-emergency faculty waiver in a vocational nursing education program are met and the prospective faculty member has:

- 1. Advanced preparation in nursing, nursing education, and nursing administration; and
- 2. Prior relevant nursing employment.

C. When the program does not meet the minimum program criteria and/or the prospective faculty member does not meet the criteria for approval by the Designated Nursing Consultant for Education, the petition must be reviewed by the members of the Education Liaison Committee (ELC) for recommendation regarding approval and referred to the full Board for ratification.

- D. A non-emergency faculty waiver for a vocational nursing education program may be granted for up to one year.
- E. A non-emergency faculty waiver for a vocational nursing education program shall not be extended.

V. NON-EMERGENCY FACULTY WAIVER FOR A PROFESSIONAL NURSING EDUCATION PROGRAM

A. Each prospective faculty member being considered for a non-emergency faculty waiver in a professional nursing education program must, at minimum:

1. Hold a current license or privilege to practice as a registered nurse in the State of Texas;
2. Have at least two years in the last four years of nursing practice experience in the anticipated subject area of teaching responsibility;
3. Have earned a bachelor's degree in nursing or completed, as part of a nursing education program culminating in a master's or doctorate degree in nursing, the course work equivalent to the course work required for a bachelor's degree in nursing (See above under III. (A)(3) Emergency Faculty Waiver); and either
 - a) Be currently enrolled in a master's nursing education program and have earned a minimum of 50% of the required credits toward the master's degree in nursing, excluding thesis or professional paper; or
 - b) Hold a master's degree in another field and have a documented plan to complete, within a designated time frame, the required number of graduate level nursing credits appropriate to the anticipated subject area of teaching responsibility, 6 graduate level nursing credits to teach in a diploma or associate degree nursing education program or 12 graduate level nursing credits to teach in a baccalaureate degree or entry-level master's degree in nursing education program.

B. A non-emergency faculty waiver for a professional nursing education program may be approved by the Designated Nursing Consultant for Education when the above minimum program criteria and the minimum criteria for consideration of a non-emergency faculty waiver are met and the prospective faculty member:

1. Is currently enrolled in a master's nursing education program and has completed at least 75% of required course work, excluding thesis or professional paper; or
2. Is currently enrolled in a master's nursing education program to obtain the required number of graduate level nursing credits appropriate to the anticipated subject area of teaching responsibility and holds a master's degree in another field.

C. When the program does not meet the minimum program criteria and/or the prospective faculty member does not meet the criteria for approval by the Designated Nursing Consultant for Education, the petition must be reviewed by the members of the ELC for recommendation regarding approval and referred to the full Board for ratification.

D. A non-emergency faculty waiver for a professional nursing education program may be granted for up to one year.

VI. EXTENSION OF A FACULTY WAIVER FOR A PROFESSIONAL NURSING EDUCATION PROGRAM

A. An emergency faculty waiver shall not be extended.

B. The dean or director may petition for an extension of a non-emergency faculty waiver if the faculty member is unable to complete requirements as specified in the original non-emergency faculty waiver and meets the following minimum criteria for extension of a non-emergency faculty waiver:

1. Has a current license or privilege to practice as a registered nurse in the State of Texas;
2. Has at least two years in the last four years of nursing practice experience in the anticipated subject area of teaching responsibility;
3. Has earned a baccalaureate degree in nursing or completed, as part of a nursing education program culminating in a master's or doctorate degree in nursing, the course work equivalent to the course work required for a bachelor's degree in nursing (See above under III. (A) (3) Emergency Faculty Waiver);
4. Has been continuously enrolled in a graduate nursing education program or graduate nursing courses appropriate to subject area of teaching responsibility as evidenced by the Board's receipt of official transcripts; and
5. Has a current Board-approved non-emergency faculty waiver.

C. A non-emergency faculty waiver may be extended by the Designated Nursing Consultant for Education for a maximum of one year beyond the original approval date of the non-emergency faculty waiver if:

1. Faculty member meets the above minimum criteria for extension of a non-emergency faculty waiver; and
2. Dean or director of the program submits a satisfactory performance evaluation of the faculty member.

VII. EDUCATION LIAISON COMMITTEE

A. Petitions for emergency and non-emergency faculty waivers must be reviewed by the members of the ELC

for recommendation regarding approval and referred to the full Board for ratification when the program does not meet the minimum program criteria and/or the prospective faculty member does not meet the criteria for approval by the Designated Nursing Consultant for Education.

B. Petitions for an extension of non-emergency faculty waivers must be reviewed by the members of the ELC for recommendation regarding approval and referred to the full Board for ratification when the faculty member does not meet the minimum criteria for extension of a non-emergency faculty waiver and/or does not meet the criteria for approval by the Designated Nursing Consultant for Education.

C. When the members of the ELC evaluate a petition for a faculty waiver or an extension of a faculty waiver, the committee's decision is based on a simple majority vote.

D. If the members of the ELC make the decision to recommend to the Board approval of a faculty waiver, a temporary faculty waiver may be granted contingent on ratification of the recommendation by the Board at the next regularly scheduled Board meeting.

E. If the Board does not ratify the recommendation of the ELC, approval of the temporary faculty waiver shall be immediately rescinded.

VIII. NON-COMPLIANCE ISSUES

A. Nursing program deans, directors or coordinators who do not adhere to the policy, procedures and guidelines for faculty waivers or extensions for non-emergency faculty waivers may be subject to disciplinary action by the Board.

B. Faculty members who do not make consistent progress toward meeting the Board's education requirements as stated in the faculty waiver may have waivers rescinded.