

**REPLACEMENT REPORT
COMMENTS AND RESPONSES TO COMMENTS ON PROPOSED AMENDMENTS
TO §214.2 (DEFINITIONS), AND ADOPTION OF AMENDMENTS, AS PROPOSED [NO COMMENTS
RECEIVED], TO §§214.3 (PROGRAM DEVELOPMENT), 214.4 (APPROVAL),
214.6 (ADMINISTRATION AND ORGANIZATION), AND 214.12 (RECORDS AND
REPORTS), RELATING TO VOCATIONAL NURSING EDUCATION**

SUMMARY OF REQUEST:

Consider adoption of proposed amendments to §214.2 (Definitions) with consideration of comments received as well as staffs' suggested responses and recommendation, and adoption of amendments as proposed (no comments received) to §§214.3 (Program Development), 214.4 (Approval), 214.6 (Administration and Organization), and 214.12 (Records and Reports) relating to Vocational Nursing Education.

HISTORICAL PERSPECTIVE:

Proposed amendments were approved at the October 2007 meeting of the Board of Nursing for submission to the *Texas Register* for public comment. They were published in the *Texas Register* on November 9, 2007, and the comment period ended on December 9, 2007. The following comments were received regarding §214.2 (Definitions). Board staff provided clarification on two comments and agreed with a third comment. Therefore, board staff is recommending one change to §214.2(22) specifying the term limitation for a faculty waiver.

Staff Responses to Comments to Rule Revisions for §214.2:

Comment: The definition of Assistant Program Director in §214.2(4) is unclear about what it means to have director or coordinator assume responsibilities other than program: Is this temporary such as vacation, illness/teaching courses?

Board Response: Section 214.6(e)(2) adds clarification in the statement that "the director may have responsibilities other than the program provided that an assistant program coordinator/lead instructor is designated to assist with the program management." The definition describes the role of the individual designated as assistant program director. The intent in 214.6(e)(2) is to insure that the director has adequate time for administrative responsibilities for the program in question. Other responsibilities refers to other administrative responsibilities in the school setting since some directors administer several types of nursing programs or may hold other academic positions in the setting. The responsibilities in question are academic responsibilities or school responsibilities.

Since this wording has not created confusion in the past, the Board recommends no change.

Comment: Inclusion of the word "employed" in the definition of faculty member in §214.2(21) needs clarification since some faculty may not be "employed" - they may be provided by a hospital without cost.

Board Response: This statement does not specify that the faculty member is hired by the school but that all or a portion of their job responsibility is to teach for the program. The faculty member is then considered an employed member of the faculty, either full time or part time, and they are included in the faculty count. The salary of this individual may be paid by a hospital and their job description for the hospital would include their teaching duties. This distinguishes this individual from a preceptor who is employed by a health care facility but mentors the student in clinical experiences. The preceptor is not considered as one of the employed faculty.

The Board recommends no change.

Comment: The definition for faculty waiver in §214.2(22) is not clear. The wording needs to include the temporary nature of the waiver rather than stating "for a specified period of time."

Board Response: The Board agrees and will change the language to include the year limitation on waivers in Sections 214.2(22) and 215.2(19).

(22) Faculty waiver—a waiver granted by a director or coordinator of a vocational nursing educational program and submitted to the Board on a notarized notification form, or by the Board, as specified in §214.7(c)(2)(C), to an individual who is currently licensed as an LVN or RN, or has a privilege to practice, as appropriate, in Texas and who is approved to be employed as a faculty member which is valid for up to one year ~~a specified period of time.~~

No comments were received related to proposed amendments for §§214.3 (Program Development), 214.4 (Approval), 214.6 (Administration and Organization), and 214.12 (Records and Reports) relating to vocational nursing education.

STAFF RECOMMENDATION:

1. Move to adopt proposed amendments to §§214.3 (Program Development, Expansion and Closure), 214.4 (Approval), 214.6 (Administration and Organization), and 214.12 (Records and Reports) as proposed in the November 9, 2007 *Texas Register*.
2. Move to adopt proposed amendments to §214.2 (Definitions) with changes in response to comments received and adopt the responses to comments and publish in the *Texas Register*.

December 10, 2007

Joy Sparks
Assistant General Counsel
Texas Board of Nursing
333 Guadalupe, Ste 3-460
Austin TX 78701

Dear Ms. Sparks,

Texas Nurses Association would like to respectfully submit the following comments to The Texas Board of Nursing proposed amendments to 22 Texas Administrative Code §§214 and 215.

§§214.2

Definitions:

#4

Assistant Program Director –Unclear what it means to have director or coordinator assume responsibilities other than program: Is this temporary such as vacation, illness/ teaching courses?

#21

Faculty member employed – need to clarify that some faculty may not be “employed”—that they may be provided by a hospital without cost.

#22

Faculty waiver-- not clear- wording needs to include temporary nature of waiver until specific criteria met. – rather than a specified period of time or in addition to the time

22 Texas Administrative Code §§215.2

Definitions:

#19 Same issue with faculty waiver as in LVN

1. Are there implications for Associate degree programs for accreditation? For example, if all ADN programs aren't accredited nationally, do these changes alter the BON workload? I think not and if that was part of the rationale for changes, the issue isn't fully addressed.

2. The wording in, 215.3 (a), (1), (B) (i) and (ii). The wording here is confusing. It says the process must precede then it says only that the approval by THECB and TWC must precede. I think they are two different things. The flow should be that the submission to all can be concurrent. THECB and TWC must complete their full approval processes and then the BON institutes its approval process.

3. (G) The wording here says that there must be a "process in place by 2015 to ensure that..." we don't think the board wants a process, we think the board wants a finalized plan so that by 2015 the graduates are entitled to a degree.

4. (N) Is there an appeal process? Perhaps it is addressed elsewhere.

5. 215.4 (B) The sentence at the top suggests that that the programs with full approval status may do certain things...on their own. Is that really the intent? Does the board means that programs must have full accreditation status before they SEEK to initiate and SEEK to grant.

6. (B) (iii) This statement seems to nullify the prior points that the board made about national accreditation. Why would the board accept (and thus have to review) another state's standards. Why not make the requirement that, like Texas schools, if the out of state school is accredited by a national nursing accrediting body

Respectfully,



Clair B. Jordan, MSN, RN
Executive Director

Filed with the Office of the Secretary of State on October 29, 2007.

TRD-200705200

Katherine Thomas

Executive Director

Texas Board of Nursing

Earliest possible date of adoption: December 9, 2007

For further information, please call: (512) 305-6823

Chapter 214. VOCATIONAL NURSING EDUCATION

22 TAC §§214.2 - 214.4, 214.6, 214.12

The Texas Board of Nursing (BON) proposes amendments to 22 Texas Administrative Code §214.2 (Definitions), §214.3 (Program Development, Expansion and Closure), §214.4 (Approval), §214.6 (Administration and Organization), and §214.12 (Records and Reports) relating to Vocational Nursing Education. The Sunset Advisory Commission Report to the 80th Legislature, May 2007, Recommendations, Change in Statute and Management Action, made recommendations, and House Bill (HB) 2426 (Board's Sunset Bill), implemented those recommendations, resulting in changes to Chapter 301 of the Texas Occupations Code (Nursing Practice Act). Amendments to §301.157(a) - (d) resulted in proposed amendments to 22 TAC Chapter 214 as follows: §214.2 (Definitions)--clarifying previous terminology and adding new terminology used throughout the rule; §214.3 (Program Development, Expansion and Closure)--clarifying requirements relating to limiting the role of the Board to approving nursing educational programs leading to initial licensure, the authority of the Board to approve nursing educational programs approved by other state boards of nursing; and streamlining the Board's initial approval process for nursing educational programs; §214.4 (Approval)--clarifying requirements relating to the selection of national nursing accrediting agencies by the Board; limiting the role of the Board to approving nursing educational programs leading to initial licensure, and increasing the Board's approval of nursing educational programs for longer than one year; §214.6 (Administration and Organization)--clarifying requirements relating to limiting the role of the Board to approving nursing educational programs leading to initial licensure; and §214.12 (Records and Reports)--ensuring consistency in the requirements for the proposed amendments in §214.4. Additional non-substantive changes were made throughout these sections for the purposes of clarifying the intent of the rule and correcting spelling/grammatical errors.

When a final delineation of responsibilities is completed, a Texas BON approval process to establish a new nursing educational program will be developed by Board staff for both new vocational nursing educational programs and new professional nursing educational programs. Board staff anticipate that in addition to eliminating duplicative approval steps among the Texas BON, TWC, and THECB, the Texas BON new program approval process will be designed to: reduce the amount of required written information that the applicant must provide; allow the applicant to complete standardized tables for providing required data; and allow the applicant to submit copies of documentation required in the TWC or THECB approval process in order to meet certain requirements in the Texas BON approval process. Once the new program approval process is approved, new Texas BON education guidelines will be

developed and made available to the public on the Texas BON web site.

Amendments to rules pertaining to Professional Nursing Education 22 TAC Chapter 215 are being proposed concurrently with these proposed amendments.

Katherine Thomas, executive director, has determined that for the first five-year period the proposed amendments are adopted there will be no fiscal implications for state or local government as a result of implementing the proposed amendments.

Katherine Thomas, executive director, has determined that for each year of the first five years the proposal is adopted, the public benefit will be that the amendments will eliminate duplicative approval steps among the BON, Texas Workforce Commission (TWC), and the Texas Higher Education Coordinating Board (THECB) for nursing educational programs and will implement the statutory changes passed by the legislature. There will be no additional cost to small businesses or affected individuals as a result of these proposed amendments.

Written comments on the proposal may be submitted to Joy Sparks, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701; by email to joy.sparks@bon.state.tx.us; or by facsimile to (512) 305-8101.

The proposed amendments are pursuant to the authority of Texas Occupations Code §301.151 and §301.152 which authorizes the BON to adopt, enforce, and repeal rules consistent with its legislative authority under the Nursing Practice Act.

This proposal will affect Texas Occupations Code §301.157.

§214.2. Definitions.

Words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(1) Affidavit of Graduation--an official Board form containing an approved nursing educational [~~education~~] program's curriculum components and hours, a statement attesting to an applicant's qualifications for vocational nurse licensure in Texas, the official school seal and the signature of the nursing program director/coordinator.

(2) (No change.)

[~~(3) Annual Report--a document required by the Board to be submitted at a specified time by the nursing education program director or coordinator. This document serves as verification of the program's adherence to Chapter 214, Vocational Nursing Education.~~]

(3) [~~(4)~~] Approved vocational nursing educational [~~education~~] program--a vocational nursing educational [~~education~~] program approved by the [~~Board of Nurse Examiners for the State of~~] Texas Board of Nursing .

(4) [~~(5)~~] Assistant Program Coordinator--a registered nurse faculty member in the vocational nursing educational [~~education~~] program who is designated to assist with program management when the director or coordinator assumes responsibilities other than the program.

- (5) [(6)] Board--the [~~Board of Nurse Examiners for the State of~~] Texas Board of Nursing composed of members appointed by the Governor for the State of Texas.
- (6) [(7)] Class Hours--those hours allocated to didactic instruction and testing in each subject.
- (7) [(8)] Clinical Conferences--scheduled presentations and discussions of aspects of client care experiences.
- (8) [(9)] Clinical Learning Experiences--faculty planned and guided learning activities designed to assist students to meet stated program and course outcomes and to safely apply knowledge and skills when providing nursing care to clients across the life span as appropriate to the role expectations of the graduates. These experiences occur in nursing skills and computer laboratories; in simulated clinical settings; in a variety of affiliating agencies or clinical practice settings including, but not limited to: acute care facilities, extended care facilities, clients' residences, and community agencies; and in associated clinical conferences.
- (9) [(10)] Clinical Practice Hours--hours spent in actual client care assignments, simulated laboratory experiences, observations, clinical conferences and clinical instruction.
- (10) [(11)] Clinical Preceptor--a licensed nurse who meets the minimum requirements in §214.10(1)(5) of this chapter (related to Management of Clinical Learning Experiences and Resources), not paid as a faculty member by the controlling agency, and who directly supervises clinical learning experiences for no more than two students. A clinical preceptor facilitates student learning in a manner prescribed by a signed written agreement between the educational institution, preceptor, and affiliating agency (as applicable).
- (11) Compliance Audit--a document required by the Board to be submitted at a specified time by the nursing educational program director or coordinator that serves as verification of the program's adherence to chapter 214, Vocational Nursing Education.
- (12) - (13) (No change.)
- (14) Controlling Agency--institution that has direct authority and administrative responsibility for the operation of a board approved nursing educational [~~education~~] program.
- (15) - (18) (No change.)
- (19) Director or Coordinator--denotes the nurse directly in charge chosen by the controlling agency, approved by the Board, and who is administratively responsible for the nursing educational [~~education~~] program.
- (20) Examination Year--the period beginning January 1 and ending December 31 used for the purposes of determining programs' NCLEX-PN TM examination pass rates.
- (21) Faculty member--an individual employed to teach in the vocational nursing educational [~~education~~] program who meets the requirements as stated in §214.7 of this chapter (relating to Faculty Qualifications and Faculty Organization).
- (22) Faculty waiver--a waiver granted a director or coordinator of a vocational nursing educational program and submitted to the Board on a notarized notification form, or by the Board, as specified in

§214.7(c)(2)(C) of this chapter, to an individual who is currently licensed as an LVN or RN, or has a privilege to practice, as appropriate, in Texas and who is approved to be employed as a faculty member for a specified period of time.

(23) - (27) (No change.)

(28) Pass rate--the percentage of first-time candidates within one examination year who pass the National Council Licensure Examination for Vocational Nurses (NCLEX-PN TM).

(29) (No change.)

(30) Program of Study--the courses and learning experiences that constitute the requirements for completion of a vocational nursing educational [~~education~~] program.

(31) - (34) (No change.)

(35) Staff--Employees of the Texas Board of Nursing [~~Nurse Examiners~~].

(36) (No change.)

(37) Survey Visit--an on-site visit to a vocational nursing educational [~~education~~] program by a Board representative. The purpose of the visit is to evaluate the program of learning by gathering data to determine whether the program is meeting the Board's requirements as specified in §§214.2 - 214.13 of this chapter.

(38) (No change.)

(39) Texas Higher Education Coordinating Board (THECB)--a state agency created by the Legislature to provide coordination for the Texas higher education system, institutions, and governing boards, through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants (Texas Education Code, Title 3, Subtitle B, Chapter 61).

(40) Texas Workforce Commission (TWC)--the state agency charged with overseeing and providing workforce development services to employers and job seekers of Texas (Texas Labor Code, Title 4, Subtitle B, Chapter 301).

(41) [~~(39)~~] Vocational Nursing Educational [~~Education~~] Program--a unit or entity within an educational setting which provides a program of study preparing graduates who are competent to practice safely and who are eligible to take the NCLEX-PN TM examination. Types of programs:

(A) Extension program--a site other than the program's main location where the program of study is provided, duplicating the current curriculum and teaching resources.

(B) MEEP--Multiple Entry Exit Program that offers mobility options for students.

(C) New program--a newly created program of study in which the curriculum, teaching resources, or program hours required to complete the program differs from that of the main location.

§214.3. Program Development, Expansion and Closure.

(a) New programs.

(1) Proposal to establish a new vocational nursing educational [~~education~~] program.

(A) An educational unit in nursing within the structure of a school, including a college, university, or proprietary school (career school or college), or a hospital is eligible to submit a proposal to establish a vocational nursing educational [~~education~~] program. Specialized institutions such as nursing homes, tuberculosis hospitals, and others do not qualify as controlling agencies, but may participate with a program as an affiliating health care facility. [~~The process to establish a new vocational nursing education program shall be initiated with the Board office one year prior to the anticipated start of the program.~~]

(B) The new vocational nursing educational program must be approved/licensed by the appropriate Texas agency, i.e. THECB, TWC, before approval can be granted by the Texas Board of Nursing for the program to be implemented.

(i) The approval process conducted by THECB or TWC must precede the approval process conducted by the Board.

(ii) The proposal to establish a new vocational nursing educational program may be submitted to the Board at the same time that an application is submitted to THECB or TWC, but the proposal cannot be approved by the Board until such time as the proposed program is approved by THECB or TWC.

(C) The process to establish a new vocational nursing educational program shall be initiated with the Board office one year prior to the anticipated start of the program.

(D) [~~(B)~~] The proposal shall be completed under the direction/consultation of a registered nurse who meets the Board-approved qualifications for a program director according to §214.6 of this chapter.

(E) [~~(C)~~] Sufficient nursing faculty, with appropriate expertise, shall be in place for development of the curriculum component of the program.

(F) [~~(D)~~] The proposal shall include information outlined in Board guidelines.

(G) [~~(E)~~] After the proposal is submitted and reviewed, a preliminary survey visit shall be conducted by Board staff prior to presentation to the Board.

(H) [~~(F)~~] The proposal shall be considered by the Board following a public hearing at a regularly scheduled meeting of the Board. The Board may approve the proposal and grant initial approval to the new program, may defer action on the proposal, or may deny further consideration of the proposal.

(I) [~~(G)~~] The program shall not admit students until the Board approves the proposal and grants initial approval.

(J) [~~(H)~~] Prior to presentation of the proposal to the Board, evidence of approval from the appropriate regulatory/funding agencies shall be provided.

(K) [~~(I)~~] After the proposal is approved, an initial approval fee shall be assessed per §223.1 (related to Fees).

(L) [~~(F)~~] A proposal without action for one calendar year shall be inactivated.

(M) If the Board denies further consideration of a proposal, the educational unit in nursing within the structure of a school, including a college, university, or proprietary school (career school or college), or a hospital must wait a minimum of twelve calendar months from the date of the denial before submitting a new proposal to establish a vocational nursing educational program.

(2) Survey visits shall be conducted, as necessary, by staff until full approval status is granted.

(b) Extension Program.

(1) Only vocational nursing educational [~~education~~] programs which have full approval status are eligible to initiate an extension program.

(2) An approved vocational nursing educational [~~education~~] program desiring to begin an extension program which duplicates current curriculum and teaching resources shall:

(A) - (B) (No change.)

(C) Provide documentation of notification or approval from the controlling agency, THECB, TWC and /or other regulatory/funding agencies, as applicable [~~appropriate~~], at least four (4) months prior to implementation, as appropriate.

(3) (No change.)

(4) Extension programs of vocational nursing educational [~~education~~] programs which have been closed may be reactivated by submitting notification of reactivation to the Board at least four (4) months prior to reactivation, using the Board guidelines for initiating an extension program.

(5) (No change.)

(c) (No change.)

(d) Closure of a Program. A program shall notify the Board office in writing of their intent to close the program. [~~The controlling agency shall be responsible for graduating enrolled students or ensuring the satisfactory transfer of those students into another program. The controlling agency shall provide for permanent storage of student records. A program is deemed closed when the program has not enrolled students for a period of two years since the last graduating class or student enrollment has not occurred for a two-year period. Board-ordered enrollment suspensions may be an exception.~~]

(1) The controlling agency shall be responsible for graduating enrolled students or ensuring the satisfactory transfer of those students into another program.

(2) The controlling agency shall provide for permanent storage of student records.

(3) A program is deemed closed when the program has not enrolled students for a period of two years since the last graduating class or student enrollment has not occurred for a two-year period. Board-ordered enrollment suspensions may be an exception.

(e) Approval of a Nursing Educational Program Outside Texas' Jurisdiction to Conduct Clinical

Learning Experiences in Texas.

(1) The nursing educational program outside Texas' jurisdiction seeking approval to conduct clinical learning experiences in Texas should initiate the process with the Texas Board of Nursing two to three months prior to the anticipated start of the clinical learning experiences in Texas.

(2) A written request and the required supporting documentation shall be submitted to the Board office following Board guidelines.

(3) Evidence that the program has been approved/licensed by the appropriate Texas agency, i.e., THECB, TWC, to conduct business in the State of Texas must be obtained before approval can be granted by the Texas Board of Nursing for the program to conduct clinical learning experiences in Texas.

§214.4.Approval.

(a) The progressive designation of approval status is not implied by the order of the following listing. Approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and response to the Board's recommendations. Change from one status to another is based on NCLEX-PN™ examination pass rates, compliance audits [~~annual reports~~], survey visits, and other factors listed under §214.4(b) of this chapter. Types of approval include:

(1) Initial Approval . [~~Initial approval is written authorization by the Board for a new program to admit students and is granted if the program meets the requirements and addresses the recommendations issued by the Board. Initial approval begins with the date of the first student enrollment. The program shall not enroll more than one class per year while on initial approval. Change from initial approval status to full approval status cannot occur until the licensing examination result of the first graduating class is evaluated by the Board.~~]

(A) Initial approval is written authorization by the Board for a new program to admit students, is granted if the program meets the requirements and addresses the recommendations issued by the Board, and begins with the date of the first student enrollment.

(B) The program shall not enroll more than one class per year while on initial approval.

(C) Change from initial approval status to full approval status cannot occur until the program has met requirements and responded to all recommendations issued by the Board and the licensing examination result of the first graduating class is evaluated by the Board.

(2) Full Approval.

(A) Full Approval is granted by the Board to a vocational nursing educational [~~education~~] program that is in compliance with all requirements and has responded to all recommendations.

(B) Only programs with Full approval status may initiate extension programs, grant faculty waivers, and petition for faculty waivers.

(3) [~~(B)~~] Full Approval with Warning is issued by the Board to a vocational nursing educational [~~education~~] program that is not meeting legal and educational requirements. [~~The program issued a warning, is provided a list of the deficiencies and given a specified time in which to correct the~~]

~~deficiencies.]~~

(A) A program issued a warning will receive written notification from the Board of the warning.

(B) The program is given a list of the deficiencies and a specified time in which to correct the deficiencies.

(4) ~~(3)~~ Conditional Approval ~~[--]~~ Conditional approval is issued by the Board for a specified time to provide the program opportunity to correct deficiencies.

(A) The program shall not admit students while on conditional status.

(B) The Board may establish specific criteria to be met in order for the program's conditional approval status to be changed.

(C) Depending upon the degree to which the Board's legal and educational requirements are met, the Board may change the approval status to full approval or full approval with warning, or may withdraw approval.

(5) ~~(4)~~ Withdrawal of Approval ~~[--]~~ The Board may withdraw approval from a program which fails to meet legal and educational requirements within the specified time. The program shall be removed from the list of Board approved vocational nursing educational ~~[education]~~ programs.

(b) Factors Jeopardizing Program Approval Status--Approval may be changed or withdrawn for any of the following reasons:

(1) - (5) (No change.)

(6) failure to comply with Board requirements or ~~[and]~~ to respond to Board recommendations within the specified time;

(7) - (10) (No change.)

(c) Ongoing Approval Procedures ~~[procedures]~~. Approval status is determined biennially ~~[annually]~~ by the Board on the basis of the program's compliance audit ~~[annual report]~~, NCLEX-PN™ examination pass rate, and other pertinent data.

(1) Compliance Audit ~~[Review of annual report]~~. Each approved vocational nursing educational ~~[education]~~ program shall submit a biennial audit ~~[an annual report]~~ regarding its compliance with the Board's legal and educational requirements.

(2) ~~[Pass rate of graduates on]~~ NCLEX-PN™ Pass Rates ~~[examination]~~.

(A) Eighty percent (80%) of first-time candidates who complete the program of study are required to achieve a passing score on the NCLEX-PN™ examination.

(B) When the passing score of first-time candidates who complete the vocational nursing educational ~~[education]~~ program is less than 80% on the NCLEX-PN™ examination during the examination year, the nursing program shall submit a self-study report that evaluates factors which contributed to the graduates' performance on the NCLEX-PN™ examination and a description of the corrective measures

to be implemented. The report shall follow Board guidelines.

(C) (No change.)

(D) A program shall be placed on conditional approval status if, within one examination year from the date the warning is issued, the performance of first-time candidates fails to be at least 80% on the NCLEX-PN™ examination, or the faculty fail to implement appropriate corrective measures.

(E) Approval [~~status~~] may be withdrawn if the performance of first-time candidates fails to be at least 80% during the examination year following the date that the program was placed on conditional approval.

(F) (No change.)

(3) [~~(4)~~] Survey Visit [~~visit~~]. Each vocational nursing educational [~~education~~] program shall be visited at least every six years after full approval has been granted, unless accredited by a Board-recognized national nursing [~~voluntary~~] accrediting agency [~~body~~].

(A) [~~(1)~~] The Board may authorize staff to conduct a survey visit at any time based upon established criteria.

(B) [~~(2)~~] After a program is fully approved by the Board, a report from a Board-recognized national nursing [~~voluntary~~] accrediting agency [~~body~~] regarding a program's accreditation status may be accepted in lieu of a Board survey visit.

(C) [~~(3)~~] A written report of the survey visit, compliance audit [~~annual report~~], and NCLEX-PN™ examination pass rate shall be reviewed by the Board biennially at a regularly scheduled meeting.

(4) The Texas Board of Nursing will select one or more national nursing accrediting agencies, recognized by the United States Department of Education and determined by the Board to have standards *equivalent to the Board's ongoing approval standards*.

(A) The Texas Board of Nursing will periodically review the standards of the national nursing accrediting agencies following revisions of accreditation standards or revisions in Board requirements for validation of continuing equivalency.

(B) The Texas Board of Nursing will deny or withdraw approval from a school of nursing or educational program that fails to:

(i) meet the prescribed course of study or other standard under which it sought approval by the Board.

(ii) meet or maintain voluntary accreditation, by a school of nursing or educational program approved by the Board as stated in §214.4(c)(4)(C) of this chapter, with the national nursing accrediting agency selected by the Board under which it was approved or sought approval by the Board.

(iii) maintain the approval of the state board of nursing of another state that the Board has determined has standards that are substantially equivalent to the Board's standards under which it was approved.

(C) A school of nursing or educational program is considered approved by the Board and exempt from Board rules that require ongoing approval if the program:

(i) is accredited and maintains voluntary accreditation through an approved national nursing accrediting agency that has been determined by the Board to have standards equivalent to the Board's ongoing approval standards; and

(ii) maintains an acceptable pass rate, as determined by the Board, on the applicable licensing exam.

(D) A school of nursing or educational program that fails to meet or maintain an acceptable pass rate, as determined by the Board, on applicable licensing examinations is subject to review by the Board.

(E) A school of nursing or educational program, approved by the Board as stated in §214.4(c)(4)(C) of this chapter, that does not maintain voluntary accreditation is subject to review by the Board.

(F) The Board may assist the school or program in its effort to achieve compliance with the Board's standards.

(G) A school or program from which approval has been withdrawn may reapply for approval.

(H) A school of nursing or educational program accredited by an agency recognized by the Board shall:

(i) provide the board with copies of any reports submitted to or received from the national nursing accrediting agency selected by the Board within three (3) months of receipt of official reports;

(ii) notify the Board of any change in accreditation status within two (2) weeks following receipt of official notification letter; and

(iii) provide other information required by the Board as necessary to evaluate and establish nursing education and workforce policy in this state.

(d) [(e)] Notice of a program's approval status shall be sent to the director, chief administrative officer of the controlling agency, and others as determined by the Board.

§214.6. Administration and Organization.

(a) (No change.)

(b) There shall be an organizational chart indicating lines of authority between the vocational nursing educational [~~education~~] program and the controlling agency.

(c) (No change.)

(d) The controlling agency shall:

(1) be responsible for satisfactory operation of the vocational nursing educational program;

(2) - (6) (No change.)

(7) select and appoint a qualified registered nurse director or coordinator for the program who meets the requirements of the Board. The director shall:

(A) - (C) (No change.)

(D) have had five years of varied nursing experience since graduation from a professional nursing educational [~~education~~] program.

(e) (No change.)

(f) In a fully approved vocational nursing educational [~~education~~] program, if the individual to be appointed as director or coordinator does not meet the requirements for director or coordinator as specified in subsection (d)(7) of this section, the administration is permitted to petition for a waiver of the Board's requirements, according to Board guidelines, prior to the appointment of said individual.

(g) A newly appointed director or coordinator of a vocational nursing educational [~~education~~] program shall attend the next scheduled orientation provided by the Board staff.

(h) The director or coordinator shall have the authority to direct the program in all its phases, including approval of teaching staff, selection of appropriate clinical sites, admission, progression, probation, and dismissal of students. Additional responsibilities include but are not limited to:

(1) - (3) (No change.)

(4) completing and submitting the Texas Board of Nursing Compliance Audit and Nursing Educational Program Information Survey [~~Annual Report the to the Board office~~] by the required dates [~~date~~].

§214.12. Records and Reports.

(a) - (d) (No change.)

(e) Copies of the program's Texas Board of Nursing Compliance Audit of the Nursing Educational Program (CANEP), Nursing Educational Program Information Survey (NEPIS), [~~Annual Reports~~] and important Board communication shall be maintained as appropriate.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 29, 2007.

TRD-200705194

Katherine Thomas

Executive Director

Texas Board of Nursing

Earliest possible date of adoption: December 9, 2007

For further information, please call: (512) 305-6823