

REPLACEMENT REPORT
COMMENTS AND RESPONSES TO COMMENTS ON PROPOSED AMENDMENTS
TO §§215.2 (DEFINITIONS), 215.3 (PROGRAM DEVELOPMENT, EXPANSION AND CLOSURE), AND
215.4 (APPROVAL), AND ADOPTION OF AMENDMENTS, AS PROPOSED [NO COMMENTS
RECEIVED], TO §§215.6 (ADMINISTRATION AND ORGANIZATION), AND 215.12 (RECORDS AND
REPORTS), RELATING TO PROFESSIONAL NURSING EDUCATION

SUMMARY OF REQUEST:

Consider adoption of proposed amendments to §§215.2 (Definitions), 215.3 (Program Development, Expansion and Closure), and 215.4 (Approval) with consideration of comments received as well as staffs' suggested responses and recommendations, and adoption of amendments as proposed (no comments received) to §§215.6 (Administration and Organization), and 215.12 (Records and Reports) relating to Professional 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. Comments and responses of board staff are presented below regarding §§215.2 (Definitions), 215.3 (Program Development, Expansion and Closure), and 215.4 (Approval). Since comments received for changes to § 214.2 related to specifying the term limitations on faculty waivers would also apply to §215, board staff is recommending making the identical change to definition 19 in §215.2.

Three comments related to §215.3 (Program Development, Expansion and Closure) were received. Board staff agrees with one comment which pointed out repetition in wording in two areas of the rule and board staff recommends deletion of §215.3(a),(1)(B)(I). The other two comments warranted clarification only.

Two comments related to §215.4 (Approval) were received and Board staff did not see a need for changes but provided an explanation of wording to each.

Staff Responses to Comments to Rule Revisions for §§215.2, 215.3 and 215.4:

Comment Related to 214.2: 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).

Board recommends this same changed wording to be made to §215.2:

(19) Faculty waiver—a waiver granted by a dean or director of a professional nursing educational program and submitted to the Board on a notarized notification form, or by the Board, as specified in §215.7(c)(E)(iii), to an individual who has a baccalaureate degree in nursing and is currently licensed in Texas, or has a privilege to practice, to be employed as a faculty member which is valid for up to one year ~~a specified period of time.~~

Comment: The wording in §215.3(a), (1), (B)(i) and (ii) 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 flaw 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.

Board Response: Board agrees that there is repetition and will delete §215.3(a)(B)(i).

Comment: The wording in §215.3(a)(1)(G) says that there must be a “process in place by 2015 to ensure that...” The board does not want a process, but wants a finalized plan so that by 2015 the graduates are entitled to a degree.

Board Response: HB2426 states that “a diploma program of study in this state that leads to an initial license as a registered nurse under this chapter and that is completed on or after December 31, 2014, must *entitle a student to receive a degree on the student’s successful completion of a degree program of a public or private institution of higher education...*” Following deliberations with legislators and constituents, the consensus was that the intent was for diploma programs to establish a plan whereby their graduates would be entitled to an academic degree. This allows diploma programs the prerogative of determining how the awarding of degrees would occur. The outcome is the same, but there may be a difference in semantics. The Board does not plan to change the wording.

Comment: Is there an appeal process in §215.3(a)(1)(N) ? Perhaps it is addressed elsewhere.

Board Response: There is no appeal process described in the rule. The program has an opportunity to answer questions and clarify issues at the Board meeting when the proposal is presented. If a program is denied, they may reapply after a twelve-month waiting period.

Comment: In §215.4(a)(2)(B,) the sentence at the top suggests that the programs with full approval status may do certain things ... on their own. Is that really the intent? Does the board mean that programs must have full accreditation status before they SEEK to initiate and SEEK to grant?

Board Response: This wording states that programs must have full approval status before they can branch out to extension sites or seek to use faculty who are not fully qualified (but require waivers). This means that new programs on initial approval (who have not had a first graduating class or have established an acceptable pass rate) or programs on warning or conditional approval (because of low pass rate) may not branch out to extension sites or use faculty who are not fully qualified (and require waivers). This puts a few more restrictions on new programs and on programs experiencing difficulties. Expansion to extension sites or using faculty who require additional mentoring would place additional challenges on new programs or programs experiencing difficulties. The Board does not plan to change the wording.

Comment: The statement in §215.4(c)(4)(B)(iii) 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...

Board Response: This wording was taken from the statute: HB2426 Section 301.157(b)(6)(C): “The board shall: deny or withdraw approval from a school of nursing or educational program that: fails to maintain the approval of the state board of nursing of another state and the board under which it was approved.” The Board does not plan to change the wording.

Comment: 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.

Board Response: The Board assumes that this question relates to §215.4(c)(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.”

The question seems to ask if all ADN programs are required to have accreditation from a national nursing accrediting agency. No, they are not required to have this accreditation; it is voluntary. If programs hold national nursing accreditation from an agency determined by the Board to have standards equivalent to the Board's ongoing approval standards, maintain that accreditation and an acceptable pass rate, they will be exempt from Board rules that require ongoing approval. Programs not holding national nursing accreditation will be subject to Board rules for ongoing approval. These changes were not made to alter the BON workload. The Board does not think that changes need to be made in response to this comment.

No comments were received related to proposed amendments for §§215.6 (Administration and Organization) and 215.12 (Records and Reports) relating to professional nursing education.

STAFF RECOMMENDATION:

1. Move to adopt proposed amendments to §§215.4(Approval), 215.6 (Administration and Organization), and 215.12 (Records and Reports) as proposed in the November 9, 2007 *Texas Register*.
2. Move to adopt proposed amendments to §§215.2 (Definitions) and 215.3 (Program Development, Expansion and Closure) with the changes made in response to comments 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

22 TAC §§215.2 - 215.4, 215.6, 215.12

The Texas Board of Nursing (BON) proposes amendments to 22 Texas Administrative Code (TAC) §215.2, concerning Definitions; §215.3, concerning Program Development, Expansion, and Closure; §215.4, concerning Approval; §215.6, concerning Administration and Organization; and §215.12, concerning Records and Reports. 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 215 as follows: §215.2 (Definitions)--clarifying previous terminology and adding new terminology throughout the rule; §215.3 (Program Development, Expansion and Closure)--clarifying requirements relating to accreditation of the governing institution of a school of nursing, 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, streamlining the Board's initial approval process for nursing educational programs, and degree requirements for diploma nursing programs by 2015; §215.4 (Approval)--clarifying requirements relating to the selection of national nursing accrediting agencies by the Board, accreditation of the governing institution of a school of nursing, limiting the role of the Board to approving nursing educational programs leading to initial licensure, degree requirements for diploma nursing programs by 2015, and increasing the Board's approval of nursing educational programs for longer than one year; §215.6 (Administration and Organization)--clarifying requirements relating to accreditation of the governing institution of a school of nursing and limiting the role of the Board to approving nursing educational programs leading to initial licensure, and §215.12 (Records and Reports)--ensuring consistency in the requirements for the proposed amendments in §215.4. Additional non-substantive changes were made throughout these sections for the purpose of clarifying the intent of the rule and correcting spelling/grammatical errors.

When a final delineation of responsibilities is completed, a 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 BON, Texas Workforce Commission (TWC), and Texas Higher Education Coordinating Board (THECB), the 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 BON approval process. Once the new program approval process is approved, new BON education guidelines will be developed and made available to the public on the BON web site.

Amendments to rules pertaining to Vocational Nursing Education (22 TAC Chapter 214) 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 in effect there will be no fiscal implications for state or local government as a result of implementing the proposed amendments.

Ms. Thomas has also determined that for each year of the first five years the proposal is in effect, the public benefit will be that the amendments will eliminate duplicative approval steps among the BON, TWC, and the 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 e-mail to joy.sparks@bon.state.tx.us; or by facsimile to (512) 305-8101.

The amendments are proposed 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.

§215.2. Definitions.

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

(1) Accredited nursing educational [~~education~~] program--a professional nursing educational [~~education~~] program having voluntary accreditation by a Board-approved nursing accrediting body [(~~i.e. NLNAC, CCNE~~)].

(2) - (3) (No change.)

~~[(4) Annual Report--a document required by the Board to be submitted at a specified time by the nursing education program dean or director that serves as verification of the program's adherence to chapter 215, Professional Nursing Education.]~~

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

(5) [~~(6)~~] Articulation--a planned process between two or more educational systems to assist students to make a smooth transition from one level of education to another without duplication in learning.

(6) [~~(7)~~] Board--the Texas Board of Nursing [~~Board of Nurse Examiners for the State of Texas~~] composed of members appointed by the Governor for the State of Texas.

(7) [~~(8)~~] 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.

(8) [~~(9)~~] Clinical preceptor--a registered nurse or other licensed health professional who meets the minimum requirements in §215.10(f)(5) of this chapter (relating to Management of Clinical Learning Experiences and Resources), not paid as a faculty member by the governing institution, and who directly supervises a student's clinical learning experience. 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).

(9) [~~(10)~~] Clinical teaching assistant--a registered nurse licensed in Texas, who is employed to assist in the clinical area and work under the supervision of a Master's or Doctorally prepared nursing faculty member and who meets the minimum requirements in §215.10(g)(4) of this chapter.

(10) Compliance Audit--a document required by the Board to be submitted at a specified time by the nursing educational program dean or director that serves as verification of the program's adherence to this chapter.

(11) - (13) (No change.)

(14) Dean or Director--a registered nurse who is accountable for administering [~~one or more of the following:~~] a pre-licensure nursing educational [~~education~~] program [~~or a post-licensure baccalaureate or higher degree program for registered nurses~~], who meets the requirements as stated in §215.6(f) of this chapter (relating to Administration and Organization), and [~~who~~] is approved by the Board.

(15) (No change.)

(16) Examination year--the period beginning October 1 and ending September 30 used for the purposes of determining programs' NCLEX-RN TM examination pass rates.

(17) Extension Program--instruction provided by an approved professional pre-licensure nursing educational [~~education~~] program providing a variety of instructional methods to any location(s) other than the program's main campus and where students are required to attend activities such as testing, group conferences, and/or campus laboratory. An extension program may offer the entire identical curriculum or may offer a single course or multiple courses.

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

(18) Faculty member--an individual employed to teach in the professional nursing educational [~~education~~] program who meets the requirements as stated in §215.7 of this chapter (relating to Faculty Qualifications and Faculty Organization).

(19) Faculty waiver--a waiver granted by a dean or director of a professional nursing educational program and submitted to the Board on a notarized notification form, or by the Board, as specified in §215.7(c)(1)(E)(iii) of this chapter, [~~the Board~~] to an individual who has a baccalaureate degree in nursing and is currently licensed in Texas, or has a privilege to practice, to be employed as a faculty member for a specified period of time.

(20) Governing institution-- the entity with administrative and operational authority over a Board-approved professional nursing educational program [~~an accredited college, university, or hospital responsible for the administration and operation of a Board-approved nursing program~~].

(21) - (25) (No change.)

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

(27) (No change.)

(28) Professional Nursing Educational [~~Education~~] Programs -- [-]

[~~(A) Pre-licensure nursing education program~~] an educational entity that offers the courses and learning experiences that prepares graduates who are competent to practice safely and who are eligible to take the NCLEX-RN™ examination and often referred to as a pre-licensure nursing program. Types of pre-licensure nursing programs:

(A) [~~(i)~~] Associate degree nursing educational [~~education~~] program--a program leading to an associate degree in nursing conducted by an educational unit in nursing within the structure of a college or university.

(B) [~~(ii)~~] Baccalaureate degree nursing educational [~~education~~] program--a program leading to a bachelor's degree in nursing conducted by an educational unit in nursing which is a part of a senior college or university.

(C) [~~(iii)~~] Master's degree nursing educational [~~education~~] program--a program leading to a master's degree, which is an individual's first professional degree in nursing, and conducted by an educational unit in nursing within the structure of a senior college or university.

(D) [~~(iv)~~] Diploma nursing educational [~~education~~] program--a program leading to a diploma in nursing conducted by a single purpose school usually under the control of a hospital.

(E) [~~(v)~~] MEEP--a Multiple Entry-Exit Program which allows students to challenge the NCLEX-PN examination when they have completed sufficient course work in a professional nursing educational program that will meet all requirements for the examination.

[~~(B) Post-Licensure nursing education program--an educational unit the purpose of which is to provide mobility options for registered nurses to attain undergraduate academic degrees in nursing. Post-licensure programs may be components of educational units within pre-licensure nursing education programs or independent baccalaureate degree programs for registered nurses as defined in this section.~~]

(29) Program of study--the courses and learning experiences that constitute the requirements for completion of a professional pre-licensure nursing educational [~~education~~] program (associate degree nursing educational [~~education~~] program, baccalaureate degree nursing educational [~~education~~] program, master's degree nursing educational [~~education~~] program, or diploma nursing educational [~~education~~] program) [~~or a post-licensure nursing education program~~].

(30) - (32) (No change.)

(33) Staff--employees of the Texas Board of Nursing [~~Board of Nurse Examiners~~].

(34) (No change.)

(35) Survey Visit--an on-site visit to a professional 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 §§215.2 - 215.13 of this chapter.

(36) (No change.)

(37) 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).

(38) 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).

§215.3. Program Development, Expansion, and Closure.

(a) New Programs [~~programs~~].

(1) Proposal to establish a new professional pre-licensure [~~or post-licensure~~] nursing educational [~~education~~] program.

(A) The [~~A governing institution accredited by a Board-recognized accrediting body is eligible to submit a~~] proposal to establish [~~develop~~] a professional nursing educational [~~education~~] program may be submitted by:

(i) a college or university accredited by an agency recognized by the THECB or holding a certificate of authority from the THECB under provisions leading to accrediting of the institution in due course; or

(ii) a single-purpose school, such as a hospital, proposing a new diploma program.

(B) The new professional 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 professional 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 professional nursing educational [~~education~~] 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 approved qualifications for a program director according to §215.6 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 applicable Board guidelines.

(G) A proposal for a new diploma nursing educational program must include a written plan addressing the legislative mandate that all nursing diploma programs in Texas must have a process in place by 2015 to ensure that their graduates are entitled to receive a degree from a public or private institution of higher education accredited by an agency recognized by the THECB and, at a minimum, entitle a graduate of

the diploma program to receive an associate degree in nursing.

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

(I) [~~(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.

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

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

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

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

(N) 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 professional pre-licensure nursing educational program.

(2) (No change.)

(b) Extension Program.

(1) - (2) (No change.)

(3) A program intending to establish an extension program shall:

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

(D) Provide evidence of approval from the THECB, TWC [~~Texas Higher Education Coordinating Board~~] and /or other regulating/accrediting bodies , as applicable, to the Board four (4) months prior to implementation, as appropriate.

(4) Extension programs of professional pre-licensure 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) Transfer of Administrative Control by Governing Institutions. The authorities of the governing institution shall notify the Board office in writing of an intent to transfer the administrative authority of the program. This notification shall follow Board guidelines.

(d) (No change.)

(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, 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.

§215.4.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 responses to the Board's recommendations. Change from one status to another is based on NCLEX-RN™ examination pass rates, compliance audits [~~annual reports~~], survey visits, and other factors listed under subsection (b) of this section [~~§215.4(b)~~]. Types of approval include:

(1) Initial Approval [~~approval~~].

(A) 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 [~~of~~] the Board.

(B) (No change.)

(2) Full Approval [~~approval~~].

(A) [~~Pre-licensure nursing education program.~~] Full approval is granted by the Board to a professional pre-licensure nursing educational [~~education~~] program that is in compliance with all Board requirements and has responded to all Board recommendations. [~~Only programs with full approval status may propose extension programs and petition for faculty waivers.~~]

(B) Only programs with full approval status may initiate extension programs, grant faculty waivers and petition for faculty waivers. [~~Post-licensure nursing education programs. Full approval is granted by the Board to a post-licensure nursing education program after one class has completed the program and the program meets the Board's legal and educational requirements.~~]

(3) Full approval with warning is issued by the Board to a professional nursing educational [~~education~~] program that is not meeting legal and educational requirements. [~~The program is issued a warning, 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) Conditional Approval [~~approval~~]. Conditional approval is issued by the Board for a specified time to provide the program the opportunity to correct deficiencies.

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

(5) Withdrawal of Approval [~~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 professional nursing educational [~~education~~] programs.

(6) A diploma program of study in Texas that leads to an initial license as a registered nurse under this chapter must have a process in place by 2015 to ensure that their graduates are entitled to receive a degree from a public or private institution of higher education accredited by an agency recognized by the THECB. At a minimum, a graduate of a diploma program will be entitled to receive an associate degree in nursing.

(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 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-RN TM examination pass rate, and other pertinent data.

(1) Compliance Audit [~~Review of annual report~~]. Each approved professional 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-RN TM 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-RN TM examination.

(B) When the passing score of first-time candidates who complete the professional nursing educational [~~education~~] program of study is less than 80% on the NCLEX-RN TM 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-RN TM 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 of the warning, the performance of first-time candidates on the NCLEX-RN TM examination fails to be at least 80%, or the faculty fails to implement appropriate corrective measures.

(E) - (F) (No change.)

(3) [~~(d)~~] Survey Visit [visit]. Each professional 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-RN™ 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 subparagraph (C) of this paragraph, with the national nursing accrediting agency selected by the Board under which it was approved or sought approval by the Board; and

(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 subparagraph (C) of this paragraph, 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 governing institution, and others as determined by the Board.

§215.6. Administration and Organization.

(a) The governing institution of a professional nursing school/educational program, not including a diploma program, must [~~shall~~] be accredited by an [~~a Board-recognized~~] agency recognized by the THECB or hold a certificate of authority from the THECB under provisions leading to accreditation of the institution in due course .

(b) There shall be an organizational chart which demonstrates the relationship of the professional pre-licensure nursing educational [~~education~~] program to the governing institution, and indicates lines of responsibility and authority.

(c) - (e) (No change.)

(f) Each professional nursing educational [~~education~~] program shall be administered by a qualified individual who is accountable for the planning, implementation and evaluation of the professional nursing educational [~~education~~] program. The dean or director shall:

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

(4) have a minimum of three years teaching experience in a professional nursing educational [~~education~~] program;

(5) have demonstrated knowledge, skills and abilities in administration within a professional nursing educational [~~education~~] program; and

(6) (No change.)

(g) When the dean or director of the program changes, the dean or director shall submit to the Board office written notification of the change indicating the final date of employment.

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

(4) In a fully approved professional nursing educational [~~education~~] program, if the individual to be appointed as dean or director does not meet the requirements for dean or director as specified in subsection (f) 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.

(h) A newly appointed dean, director, interim dean, or interim director of a professional nursing educational [~~education~~] program shall attend the next scheduled orientation provided by the Board.

§215.12. Records and Reports.

(a) Accurate and current records shall be maintained in a confidential manner and be accessible to appropriate parties. These records shall include, but are not limited to:

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

(4) administrative records, which include minutes of faculty meetings for the past three years[~~, annual reports~~], and school catalogs;

(5) - (7) (No change.)

(b) (No change.)

(c) 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-200705195

Katherine Thomas

Executive Director

Texas Board of Nursing

Earliest possible date of adoption: December 9, 2007

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