

**CONSIDERATION OF MODIFICATION OF THE GUIDELINE OF  
SPECIFIC EXEMPTIONS PERTAINING TO ADMINISTRATION AND ORGANIZATION  
FROM EDUCATION RULE REQUIREMENTS  
FOR NURSING EDUCATIONAL PROGRAMS  
HOLDING VOLUNTARY NATIONAL NURSING ACCREDITATION**

**SUMMARY OF REQUEST:**

Consider the staff recommendation concerning a modification of specific exemptions from education rule requirements for nursing educational programs holding voluntary national nursing accreditation as outlined in Education Guideline 3.2.4.a. and related to the Texas Nursing Practice Act Section 301.157(b)(5) requiring that the Board select one or more national nursing accrediting agencies to accredit nursing programs.

**HISTORICAL BACKGROUND:**

- In their report dated September 2006, the Sunset Commission recommended that nursing programs, once accredited by an agency recognized by the U. S. Department of Education, are exempt from Board approval.
- HB 2426 effective September 1, 2007, enacted by the 80<sup>th</sup> Session of the Texas Legislature requires in Section 301.157(b)(5) that "The board shall select one or more national nursing accrediting agencies, recognized by the United States Department of Education and determined by the board to have acceptable standards, to accredit schools of nursing and educational programs..."
- Subsequently Rule 215.4 Professional Nursing Education, and Rule 214.4 Vocational Nursing Education, Section(c)(4) relating to *Approval* state that "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." (These rule changes were adopted at the October 2007 Board meeting and became effective January 8, 2008.)
- Board staff collaborated with representatives from the Commission on Collegiate Nursing Education (CCNE) and the National League for Nursing Accrediting Commission (NLNAC) in 2007 to determine whether the voluntary organizations' accreditation standards are equivalent to Texas Board of Nursing (BON) ongoing approval standards.
- After a careful review and analysis, board staff determined that, though CCNE and NLNAC standards are not identical to Texas BON standards, most are generally comparable EXCEPT for areas where there are significant exceptions, mainly in areas focusing on protection of the public and patient safety.
- Board staff concluded that the accreditation standards of the two national nursing accrediting agencies, CCNE and NLNAC, warrant their selection as acceptable accreditation agencies with exceptions in criteria related to protecting the public, patient safety and jurisprudence.
- At the July 2008 meeting, Board members approved the guideline indicating sections of the education rules from which programs which hold voluntary national nursing accreditation may be exempt and sections of the education rules related to public safety and jurisprudence that will be required of all nursing educational programs (See Attachment #1).
- Issues related to qualifications of professional nursing educational programs have surfaced during the last year and warrant a modification of the exceptions to include Rule 214.6 and Rule 215.6 Administration and Organization.
- Even though the accreditation standards and Texas BON Rule 215.6 both require that directors of professional nursing programs hold a graduate degree in nursing, several programs have appointed or are proposing to appoint directors do not meet the required qualifications.
- Board staff have been in communication with NLNAC staff regarding conflicting information about director appointments and recognize the difficulty in monitoring all aspects of nursing educational programs from a distance.
- Even though their standards are credible, the accreditation agencies have limited access to the day-to-day administrative structure of the nursing educational programs and also have less ability to insure

- program compliance in areas such as program director qualifications.
- Additional rationale for modifying Texas BON authority to include program director approval for all programs relates to the Texas BON practice of maintaining current and accurate contact information for all programs which is shared with the accreditation agencies and other state agencies.

**PROS:**

- Requiring Texas BON approval of all nursing educational program directors prior to their appointment would insure that directors are adequately qualified and that accurate information related to program administration and contact is maintained.
- Texas BON staff and accreditation agency staff will continue to collaborate in compliance issues of accredited nursing educational programs.

**CONS:**

- Accredited nursing educational programs will be responsible for adhering to standards for accreditation and for BON approval.

**STAFF RECOMMENDATION:**

Move to modify the exemptions from education rule requirements for nursing educational programs holding voluntary national nursing accreditation to include Texas BON oversight for requirements in Rule 214.6 and Rule 215.6 *Administration and Organization* as indicated in Attachment #2.

**TEXAS BOARD OF NURSING**  
**3.2.4.a. EDUCATION GUIDELINE**  
**Specific Exemptions From Education Rule Requirements**  
**For Nursing Educational Programs**  
**Holding Voluntary National Nursing Accreditation**  
**Adopted July 2008**  
**Effective October 2008**

**BACKGROUND:**

- House Bill (HB) 2426 effective September 1, 2007, enacted by the 80<sup>th</sup> Session of the Texas Legislature requires in Section 301.157(b)(5) that "The board shall select one or more national nursing accrediting agencies, recognized by the United States Department of Education and determined by the board to have acceptable standards, to accredit schools of nursing and educational programs..."
- Additionally HB 2426 stated that nursing educational programs that are accredited and maintain their voluntary accreditation and maintain acceptable pass rates on the licensing examination are exempt from board rules that require ongoing approval.
- Texas Board of Nursing (BON) staff have conducted an extensive comparison of accreditation criteria with board standards and have found that though the accrediting agencies' standards are generally acceptable, there are a few areas where significant exceptions exist, specifically those related to protection of the public and patient safety.
- Based upon the results of the comparison between accreditation standards and Board criteria, programs with voluntary national nursing accreditation are **exempt** from the education rules that are comparable to accreditation standards but are **not exempt** from rules related to protecting the public, patient safety and content related to jurisprudence. These distinctions are provided below.

**Texas BON Education Rule Exemptions for Programs Holding Voluntary Nursing Accreditation**

<b>Exemptions from Rule 214 Vocational Nursing Education</b>	<b>Exemptions from Rule 215 Professional Nursing Education</b>	<b>Section Title</b>
214.2	215.2	Definitions
214.3	215.3	Program Development, Expansion and Closure
214.4	215.4	Approval
214.5	215.5	Philosophy/Mission and Objectives/Outcomes
214.6	215.6	Administration and Organization
214.7	215.7	Faculty Qualifications and Faculty Organization
214.11	215.11	Facilities, Resources and Services
214.12	215.12	Records and Reports
214.13	215.13	Total Program Evaluation

**Texas BON Education Rules Not Exempt to Programs Holding Voluntary Nursing Accreditation**

<b>Sections Not Exempt - Rule 214 Vocational Nursing Education</b>	<b>Sections Not Exempt - Rule 215 Professional Nursing Education</b>	<b>Section Title and Specific Exception Area</b>
214.1	215.1	General Requirements - director/coordinator and faculty are accountable for complying with Board's rules.
214.8	215.8	Students - regulations related to TOC, TAC
214.9	215.9	Program of Study - inclusion of Texas law and rules in curriculum.
214.10	215.10	Management of Clinical Learning Experiences and Resources - regulations related to clinical supervision and faculty to student ratios.

Texas Occupation Code 301.157(d-1) related to Programs of Study and Approval requires that "A school of nursing or educational program is considered approved by the board and, except as provided by Subsection (d-7), is exempt from board rules that require ongoing approval if the school of program:

- (1) is accredited and maintains accreditation through a national nursing accrediting agency selected by the board under Subsection (b)(5); and
- (2) maintains an acceptable pass rate as determined by the board on the applicable licensing examination under this chapter."

Subsection (d-7) states that "A school of nursing or educational program approved under Subsection (d-1) shall:

- (1) provide the board with copies of any reports submitted to or received from the national nursing accrediting agency selected by the board;
- (2) notify the board of any change in accreditation status; and
- (3) provide other information required by the board as necessary to evaluate and establish nursing education and workforce policy in this state."

It will be the responsibility of programs holding voluntary national nursing accreditation to provide the board with accreditation reports from the accrediting agencies and to continue to provide other required information related to the educational program to the board.

**TEXAS BOARD OF NURSING**  
**3.2.4.a. EDUCATION GUIDELINE**  
**Nursing Educational Programs Accredited by the**  
**National League for Nursing Accrediting Commission and/or the**  
**Commission on Collegiate Nursing Education**  
**Specific Exemptions From Education Rule Requirements**

Rule 214.4 sets forth the requirements for approval of a vocational nursing educational program. Rule 215.4 sets forth the requirements for approval of a professional nursing educational program.

Additional language amendments to Rules 214 and 215 were approved on February 19, 2008 based upon House Bill 2426, effective September 1, 2007, enacted by the 80<sup>th</sup> Session of the Texas Legislature. Board staff conducted an extensive comparison of accreditation criteria from the National League for Nursing Accrediting Commission (NLNAC) and from the Commission on Collegiate Nursing Education (CCNE) with Board standards.

Based upon the results of the comparison between accreditation standards and Texas Board of Nursing (BON) criteria, programs with voluntary national nursing accreditation are **exempt** from the education rules that are comparable to accreditation standards but are **not exempt** from rules related to protecting the public, patient safety and content related to jurisprudence. These distinctions are provided in the rule citations outlined in the tables below.

<p>Rule 214.4(c)(4)-(12) related to <u>Approval</u> requires in part that “(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. Identified areas that are not equivalent to the Board’s ongoing approval standards will be monitored by the Board on an ongoing basis.</p> <p>(5) 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.</p> <p>(6) The Texas Board of Nursing will deny or withdraw approval from a school of nursing or educational program that fails to:</p> <ul style="list-style-type: none"><li>• (A) meet the prescribed course of study or other standard under which it sought approval by the Board.</li><li>• (B) meet or maintain voluntary accreditation, by a school of nursing or educational program approved by the Board as stated in paragraph (7) of this subsection, with the national nursing accrediting agency selected by the Board under which it was approved or sought</li></ul>	<p>Rule 215.4(c)(4)-(12) related to <u>Approval</u> requires in part that “(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. Identified areas that are not equivalent to the Board’s ongoing approval standards will be monitored by the Board on an ongoing basis.</p> <p>(5) 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.</p> <p>(6) The Texas Board of Nursing will deny or withdraw approval from a school of nursing or educational program that fails to:</p> <ul style="list-style-type: none"><li>• (A) meet the prescribed course of study or other standard under which it sought approval by the Board.</li><li>• (B) meet or maintain voluntary accreditation, by a school of nursing or educational program approved by the Board as stated in paragraph (7) of this subsection, with the national nursing accrediting agency selected by the Board under which it was approved or sought</li></ul>
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<p>approval by the Board.</p> <ul style="list-style-type: none"> <li>• (C) 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.</li> </ul> <p>(7) 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:</p> <ul style="list-style-type: none"> <li>• (A) is accredited and maintains voluntary accreditation through an approved national nursing accrediting agency that has been determine by the Board to have standards equivalent to the Board's ongoing approval standards; and</li> <li>• (B) maintains an acceptable pass rate, as determined by the Board, on the applicable licensing exam.</li> </ul> <p>(8) 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.</p> <p>(9) A school of nursing or educational program, approved by the Board as stated in paragraph (7) of this subsection, that does not maintain 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 is subject to review by the Board.</p> <p>(10) The Board may assist the school or program in its effort to achieve compliance with the Board's standards.</p> <p>(11) A school or program from which approval has been withdrawn may reapply for approval.</p> <p>(12) A school of nursing or educational program accredited by an agency recognized by the Board shall:</p> <ul style="list-style-type: none"> <li>• (A) 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;</li> <li>• (B) notify the Board of any change in accreditation status within two (2) weeks following receipt of official notification letter; and</li> <li>• (C) provide other information required by the Board as necessary to evaluate and establish nursing education and workforce policy in this state."</li> </ul>	<p>approval by the Board.</p> <ul style="list-style-type: none"> <li>• (C) 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.</li> </ul> <p>(7) 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:</p> <ul style="list-style-type: none"> <li>• (A) 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</li> <li>• (B) maintains an acceptable pass rate, as determined by the Board, on the applicable licensing exam.</li> </ul> <p>(8) 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.</p> <p>(9) A school of nursing or educational program, approved by the Board as stated in paragraph (7) of this subsection, that does not maintain 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 is subject to review by the Board.</p> <p>(10) The Board may assist the school or program in its effort to achieve compliance with the Board's standards.</p> <p>(11) A school or program from which approval has been withdrawn may reapply for approval.</p> <p>(12) A school of nursing or educational program accredited by an agency recognized by the Board shall:</p> <ul style="list-style-type: none"> <li>• (A) 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;</li> <li>• B) notify the Board of any change in accreditation status within two (2) weeks following receipt of official notification letter; and</li> <li>• (C) provide other information required by the Board as necessary to evaluate and establish nursing education and workforce policy in this state."</li> </ul>
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**Nursing Educational Programs Accredited by NLNAC and/or CCNE are exempt from the following Education Rules:**

<b>Exemptions from Rule 214 Vocational Nursing Education</b>	<b>Exemptions from Rule 215 Professional Nursing Education</b>	<b>Section Title</b>
214.2	215.2	Definitions
214.3	215.3	Program Development, Expansion and Closure
214.4	215.4	Approval
214.5	215.5	Philosophy/Mission and Objectives/Outcomes
<del>214.6</del>	<del>215.6</del>	<del>Administration and Organization</del>
214.7	215.7	Faculty
214.11	215.11	Facilities, Resources and Services
214.12	215.12	Records and Reports
214.13	215.13	Total Program Evaluation

**Nursing Educational Programs Accredited by NLNAC and/or CCNE are required to adhere to the following Education Rules:**

<b>Sections Not Exempt - Rule 214 Vocational Nursing Education</b>	<b>Sections Not Exempt - Rule 215 Professional Nursing Education</b>	<b>Section Title and Specific Exception Area</b>
214.1	215.1	General Requirements
<u>214.6</u>	<u>215.6</u>	<u>Administration and Organization</u>
214.8	215.8	Students
214.9	215.9	Program of Study
214.10	215.10	Clinical Learning Experiences

It will be the responsibility of programs with voluntary national nursing accreditation to provide the Texas BON with accreditation reports from the accrediting agencies and to continue to provide other information required by the Board as necessary to maintain nursing program information and to evaluate and establish nursing education and workforce policy in this state.

Board staff shall:

- verify the program's accreditation status by a Texas BON-recognized national nursing accrediting agency biennially;
- review the program's pass rates of graduates on the NCLEX licensing examination annually; and
- review the other information required by the Texas BON as necessary to evaluate and establish nursing education and workforce policy in this state.

**Important: Please be aware that references to Rules 214 and 215 are not all inclusive.**