

Regulatory Analysis Form

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IRRC REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Nursing

(2) I.D. Number (Governor's Office Use)

16A-516

IRRC Number: 2171

(3) Short Title

General Revisions of the Professional Nursing Provisions

(4) PA Code Cite

49 Pa. Code, Chapter 21

(5) Agency Contacts & Telephone Numbers

Primary Contact: Herbert Abramson - 783- 7200

Secondary Contact: Joyce McKeever - 783-7200

(6) Type of Rulemaking (check one)

Proposed Rulemaking

Final Order Adopting Regulation

Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No

Yes: By the Attorney General

Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

These proposed revisions would eliminate outdated provisions, standardize and simplify language in provisions that maintain their validity, and make changes to reflect educational, testing, and practice developments. The most important changes include placing a nursing education program on provisional status if 20% or more of its graduates taking the licensure examination for the first time fail the examination (§21.34); requiring the director of a baccalaureate degree program to hold an earned doctoral degree (§21.71(b)(2)); requiring the director of the diploma program to hold a masters degree in nursing (§21.71(b)(3)); consolidating the separate provisions pertaining to baccalaureate, associate degree and diploma programs into one category: nursing education programs (§§21.61-21.126); and deleting obsolete provisions and provisions made unnecessary, including §§21.62, 21.63, 21.74-21.76, 21.81-21.89.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The Board has authority to promulgate regulations under Section 2.1(k) of the Professional Nursing Law, Act of May 22, 1951, P.L. 317, as amended, 63 P.S. §212.1(k). Section 6.1 of the Law (63 P.S. §216.1) requires the Board to establish standards for the operation and approval of nursing education programs for the preparation of registered professional nurses.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

These regulations are not mandated by federal or state law, court order or regulations.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Most of these regulations pertaining to professional nurses have not been amended since 1976. The regulations are outdated and redundant. There is a compelling public interest in eliminating obsolete and unnecessary provisions and updating necessary provisions so that they are consistent with current practice and consolidating provisions pertaining to nursing education programs.

Some nursing education programs in the Commonwealth have a high percentage of failures of first time examinees taking the licensure examination. Pennsylvania's pass rate has been considerably lower than the national pass rate. These regulations would place on provisional status a nursing program if 20% or more of its first time examinees fail the examination. In this way, programs should be motivated to maintain the necessary standards to provide quality education for safe and effective entry-level nursing practice. Requiring the director of a baccalaureate program to hold a doctorate and the director of a diploma program to hold a master's degree in nursing is now the standard of the profession and should be reflected in the Board's regulations.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation would affect the public health and safety by permitting nursing students to continue to be educated in programs that do not provide the highest quality education for safe and effective entry-level nursing practice. Nonregulation would also result in obsolete provisions remaining on the books.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

These proposed amendments would benefit both consumers of nursing services and nursing students in assuring that nursing education programs maintain high educational standards. The regulations would clarify existing provisions, delete obsolete provisions and aid the reader in comprehending requirements pertaining to professional nursing.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Nursing education programs may perceive that they are adversely affected by the need to have 80% of their graduates pass the licensure examination on their first attempt. If the amendments were in effect now, 11 of 22 associate degree programs, 17 of 32 baccalaureate degree programs, and six of 26 diploma programs would be placed on provisional approval status because their students do not achieve the 80% pass rate. At the present time 35 of 50 jurisdictions use a percentage of first-time successful examinees as a criterion for approving nursing education programs. The current 60% minimum pass rate in Pennsylvania is the lowest in the nation. Seven states have established 75% as the minimum, 13 have established 80% as the minimum, and six states have established 85% as the minimum.

Nursing education programs which do not meet the new standard, which would go into effect one year after the regulations are implemented, would have to implement policies (such as providing additional student support services) to raise the passing rate of first time examinees.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Nursing education programs that train professional nurses would be required to comply with these regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

In accordance with Executive Order 1996-1 the Board sent a draft of this proposed rulemaking on August 10, 1998, to 25 nursing, health care, and professional associations which the Board has identified as having an interest in this rulemaking and solicited their comments. The Board considered these comments at the November 16-17, 1998, meeting and made revisions to the draft as a result of those comments. A copy of the list of persons and groups who were involved is attached to this regulatory analysis form.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

It is not possible to provide a specific estimate of the costs or savings to the regulated community associated with complying with these regulations. Compliance should not involve any legal, accounting, or consulting procedures.

Complying with the new 80% pass rate is most likely to generate costs. Education programs not yet achieving this level may have to provide additional student support services to improve their students' likelihood of passing the licensure examination the first time. However, it is the Board's opinion that programs with higher pass rates do not have more resources available to them than programs with lower pass rates.

A savings to the regulated community will be realized by nursing education programs which experience a change in ownership but not a change in program or staffing. These programs will no longer have to provide a new feasibility study, but will merely have to inform the Board of the change.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

This rulemaking will not involve any direct costs or savings to local government and will not involve any legal, accounting or consulting procedures.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

It is not possible to provide a specific estimate of the savings to state government associated with the implementation of the regulation. Under §21.31 Board staff time will no longer be expended in making routing visits to nursing education programs which are accredited by the National League of Nursing Accreditation Association.

The remaining provisions are not expected to cause savings or costs to state government.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

| | Current FY Year | FY +1 Year | FY +2 Year | FY +3 Year | FY +4 Year | FY +5 Year |
|-----------------------------|--------------------|---------------|---------------|---------------|---------------|---------------|
| SAVINGS: | \$ | \$ | \$ | \$ | \$ | \$ |
| Regulated | N/A | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Savings | | | | | | |
| COSTS: | | | | | | |
| Regulated | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Costs | | | | | | |
| REVENUE LOSSES: | | | | | | |
| Regulated | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Revenue Losses | | | | | | |

(20a) Explain how the cost estimates listed above were derived.

N/A

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

| Program | FY -3 | FY -2 | FY -1 | Current FY |
|---------|-------|-------|-------|------------|
| N/A | | | | |
| | | | | |
| | | | | |
| | | | | |

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory approaches were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The Board is not aware of any federal standards that relate to the issues addressed in this rulemaking.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This rulemaking is consistent with the regulations of other states and should not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No other regulations and state agencies would be affected by these regulation.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

An early draft of this proposed rulemaking was sent out for public comment in accordance with paragraph (16) above. The Board holds monthly meetings at which all information relative to this rulemaking will be discussed.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The feasibility study prepared by entities wishing to establish nursing education programs will be slightly reduced in that these studies will have to address fewer subjective areas and not have to supply a needs and impact analysis (§21.51 and page 9 of the preamble).

Nursing education programs would not have to increase the amount and categories of the records they keep, but they will have to keep records for specific time periods (§21.122).

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No groups of persons with special needs will be adversely affected by the proposed amendments.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Although there is not a deadline for action, the Board urges the proposed amendments be adopted as soon as possible.

(31) Provide the schedule for continual review of the regulation.

The proposed amendments have not been given a sunset date. The Board would regularly evaluate the effectiveness of the proposed amendments following their adoption as final rulemaking.

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Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: *Christine J. Capron*
ATTORNEY GENERAL

State Board of Nursing
(AGENCY)

BY: *Howard J. Bue*
DEPUTY GENERAL COUNSEL

SEP 27 2000

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-516

DATE OF ADOPTION:

8/21/00
DATE OF APPROVAL

BY: *Christine Michnie*
M. Christine Michnie, PhD, RN

Deputy General Counsel
(Chief Counsel,
Independent Agency)
(Strike inapplicable title)

Chairperson
TITLE: (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable.
No Attorney General approval
or objection within 30 days
after submission.

NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF NURSING
49 Pa. CODE, CHAPTER 21
GENERAL REVISIONS OF THE PROFESSIONAL NURSING PROVISIONS

The State Board of Nursing (Board) proposes general revisions to its regulations governing professional nurses (RNs) at 49 Pa. Code, Chapter 21, as set forth in Annex A.

A. Effective Date

The amendments will be effective upon publication of final form regulations in the Pennsylvania Bulletin.

B. Statutory Authority

The Board is authorized to adopt regulations necessary for the administration of its enabling statute under section 2.1(k) of the Professional Nursing Law (Law) (63 P.S. §212.1(k)). Section 6.1 of the Law (63 P.S. §216.1) requires the Board to establish standards for the operation and approval of nursing education programs for the preparation of registered professional nurses.

C. Background and Purpose

The proposed amendments represent the results of the Board's systematic review of its professional nursing regulations. The Board began the review in 1993. The Board held a public hearing in that year in order to receive public comments from the profession on an early draft of these proposed amendments. The Board continued its review in accordance with the principles and requirements of Executive Order 1996-1 of February 6, 1996. The Executive Order directs executive agencies to evaluate existing regulations and amend and repeal regulations as necessary to comply with the order. In accordance with the Executive Order a draft of this proposal was sent on August 10, 1998, to 27 agencies, associations, health care entities, and individuals who have been identified as interested parties or who have expressed an interest in this proposed rulemaking. The Board reviewed these comments at its meeting of November 17, 1998.

The Board seeks in these revisions to eliminate outdated provisions, to standardize and simplify language in provisions that maintain their validity, and to reflect educational, testing, and practice developments.

D. Description of Amendments

These revisions would make editorial changes to 31 sections, eliminate 20 sections, and add five new sections. These revisions would also consolidate separate provisions pertaining to baccalaureate, associate degree, and diploma programs into one category, nursing education programs, the term used in section 6.1 of the Law (63 P.S. §216.1). Seven new definitions are proposed for §21.1 (pertaining to definitions). The content of section §21.26 (pertaining to percentage failing rate) would be moved to §21.34(b) (pertaining to removal of a nursing education program from the approved list). A new standard for removing nursing education programs based on the failure rate of first-time examinees is proposed. Major substantive changes are also proposed for faculty and staff requirements for a nursing education program.

Major Changes

§21.34. Removal from approved list; percentage failure rate in examination.

The Board proposes to reserve §21.26 (pertaining to failing rate of a school in examination), move its contents to §21.34, clarify the procedure for removing a nursing education program from the approved list, and establish a new standard for removal of a program based on the failure rate for the licensure examination.

One of the criteria used by the Board, as well as many other state boards of nursing, in approving a nursing education program is the passing rate of graduates of the program who take the licensure examination (NCLEX) for the first time. Under the current §21.26 a nursing education program's status will be downgraded from fully approved to provisionally approved if less

than 60% of its graduates pass the NCLEX when they take it the first time.

The amendments would reserve the current \$21.26 and move the criteria for establishing minimum pass rates to \$21.34, which deals with removal of a nursing education program from the Board's approved list. The amendments would cause a nursing education program, beginning one year after final rulemaking is implemented, to be downgraded from fully approved to provisionally approved if less than 80% of its graduates pass the NCLEX when they take it the first time. The Board proposes this change for the following reasons.

Pennsylvania's minimum passing rate is the least stringent standard in the nation when compared with other states that use the NCLEX passing rate as a criterion for approving a nursing education program. Under current standards a nursing education program will maintain full approval status if more than 60% of its graduates pass the NCLEX on their first attempt. Seven states have established 75% as the minimum passing rate, 13 states have established 80% as the minimum, and six states have established 85% as the minimum. National Council of State Boards of Nursing, Inc., Profiles of Member Boards-1996.

For the examination year October 1, 1997, to September 30, 1998, only ten of 56 jurisdictions had NCLEX performance rates below that of Pennsylvania. The ten jurisdictions are American Samoa (four candidates), Delaware, District of Columbia, Guam, Illinois, New York, Northern Mariana Islands (ten candidates), Puerto Rico, and Virgin Islands. The overall pass rate for first time examinees applying for licensure in Pennsylvania who were educated in Pennsylvania programs during the examination year October 1, 1997, to September 30, 1998, was 80.6%. The overall pass rate for the United States in the same period was 85.3%. When the Pennsylvania pass rate is broken down according to type of program, the pass rate for graduates of associate degree programs was 79% (1075 of 1355 examinees), baccalaureate degree programs, 80% (1157 of 1452), and diploma programs, 84% (717 of 853).

Under the current standards all nursing education programs in

Pennsylvania can maintain full approval status. If the amendments were in effect, 11 of 22 associate degree programs, 17 of 32 baccalaureate degree programs, and six of 26 diploma programs would be on provisional status. These programs would have to improve the performance of their graduates on the NCLEX in order to return to full approval status.

The Board believes that the minimum passing rate for Pennsylvania programs should be consistent with the rest of the nation. Programs will be motivated to improve if the minimum passing rate required for maintaining full approval is increased. The Board believes that a number of programs are not providing sufficient support services for students which results in lower pass rates for their graduates. It is the Board's understanding that programs with higher pass rates do not have more resources available to them than programs with lower pass rates.

The proposed §21.34(a) also clarifies the procedure for removing a nursing education program from the approved list. Under the current §21.34 the Board gives "sufficient" notice of its intent to remove a program. The proposed amendment will provide 90 days notice to the program.

§21.71. Faculty and staff requirements.

The current §21.71(b)(1) requires the director of a baccalaureate degree program to hold a master's degree in nursing and either an earned doctorate or a specific plan for completing the doctorate, and to have experience in nursing practice, nursing education within an institution of higher education, and educational administration. The amendments to §21.71(b) would require the nurse administrator of a baccalaureate nursing education program who is employed for the first time one year after the implementation of final rulemaking to hold an earned doctorate with a nursing major at either the master's or doctoral level. The nurse administrator will also be required to have experience in the areas of administration (not necessarily educational administration), nursing practice and nursing education within an institution of higher education.

The proposed requirement that the nurse administrator of a baccalaureate nurse education program have a doctorate reflects the current standard in nursing education. The nurse administrators of 30 of Pennsylvania's 32 baccalaureate degree programs hold doctorates. The remaining two programs would not be required to comply with the doctoral standard until there is a change of nurse administrator. When the current regulation went into effect in 1983, few nurses held doctorates. Today nurses holding doctorates are available.

The current §21.71(b) (2) and 21.74 require the director of an associate degree program or a diploma program to hold a master's degree in nursing and have experience in the areas of nursing practice, nursing education and educational administration. Additionally, a candidate without a master's degree who has made outstanding contributions to nursing education may, at the discretion of the Board, serve as the director of a diploma program.

Under the proposed amendments the nurse administrator of an associate degree or diploma program will still be required to hold a master's degree in nursing and have experience in the areas of nursing practice, nursing education and administration (although not necessarily educational administration). The Board will no longer require that a candidate for the position of nurse administrator of any educational program have administrative experience in the field of education. The Board is of the opinion that such a requirement is unnecessarily restrictive and that administrative experience gained outside of education is acceptable. Under the proposed amendments a diploma program will no longer have the option of seeking Board approval for a candidate who lacks the required master's degree but who has made outstanding contributions to nursing education.

The current §§21.71(a) (5) and 21.74(a) (3) require that all faculty members of all types of program have a master's degree in nursing with graduate preparation relevant to their clinical areas of responsibility. Under the proposed amendments at §21.71(a) (6) every faculty member will be required to have a master's degree in nursing or an earned doctoral degree in nursing with graduate

preparation and clinical experience relevant to their clinical areas of responsibility. Under both the current regulations and the proposed amendments nursing education programs may apply to the Board for permission to employ a faculty member without a master's degree in nursing for up to five years if qualified candidates are not available.

Section 21.71(b)(9) is being added to authorize clinical preceptors to guide nursing students in clinical activities. Under current regulations, only a faculty member could guide students in clinical activities. The Board believes the current regulation is unnecessarily restrictive.

§§21.61-21.126. Reorganization and consolidation of provisions pertaining to nursing education programs.

These amendments would consolidate all the separate and sometimes repetitive provisions pertaining to baccalaureate, associate degree, and diploma programs into one category under the statutory phrase, "nursing education programs." This consolidation simplifies the organization of the regulations and makes clear that the Board's approval of any program, whether a baccalaureate, associate degree, or diploma, assures that the program provides the minimal education necessary for licensure. Section 21.61 will contain the organizational requirements for all three types of programs. Section 21.71 will contain the faculty and staff requirements for all three types of programs.

The proposed rulemaking makes clear that the nursing education program faculty will be on the same footing as other faculty in the institution (§21.61(b)), that the administrative responsibility for the program must be in the nurse administrator (§21.61(f)), that the nurse administrator and the faculty will be required to conduct periodic evaluations of the program (§21.61(g)), and that the faculty must formulate all policies that relate to the operation of the nursing education program (§21.61(k)).

Under the heading "Student Services" the Board proposes to delete §§21.112 (pertaining to student employment), 21.113

(pertaining to student housing), and 21.115 (pertaining to financial aid). The Board has had a minimal role in these areas; these regulations are obsolete. The Board does not believe that it can lawfully regulate student employment. Most diploma programs do not provide student housing. Housing for baccalaureate and associate degree programs is established and regulated on an institution-wide basis and regulated by the colleges themselves. Financial aid programs are regulated by other state and federal agencies.

As a result of this reorganization it will be possible to delete §§21.62, 21.63, 21.74, 21.75, 21.76, 21.81, 21.82, 21.83, 21.84, 21.85, 21.86, 21.87, 21.88, 21.89. New §§21.90, 21.90.1 - 21.90.3, and 21.131 will be added to cover curriculum, educational, and program evaluation criteria for all three types of programs. Additionally §§21.61, 21.71-21.73, 21.91, 21.101-21.103, 21.114, 21.118, 21.121, 21.122, 21.124, and 21.125 will be revised either for editorial improvement or to reflect current terminology appropriate to all nursing education programs and current practice.

Other Changes

§§21.21-21.23. Applications for examination.

The conversion of NCLEX from a "pencil and paper" examination to computer adaptive testing (CAT) on April 1, 1994, requires changes to §§21.21 and 21.23 and allows the deletion of §21.22. Prior to CAT the examination was scheduled just a few times a year. The current §21.21(a) (pertaining to application for examination) authorizes the applicant to submit an application during the last term of the nursing program in order to be scheduled to take the next examination, as long as he or she completed the program before taking the examination. Under CAT the examination can be administered on six days of the week on a date and at a location chosen by the applicant. It is no longer necessary for the Board to receive applications before the applicant actually completes the program because under CAT, after the applicant completes the nursing education program, the applicant may submit the application

and take the test when the applicant wishes.

Section 21.22 (pertaining to date and location of examinations) may be deleted because under CAT it is no longer relevant. Section 21.23(a) is modified to remove the potential implication that the examination must be handwritten.

§21.27. Temporary Practice Permits.

The current §21.27 is based on earlier law which provided for a graduate of a nursing education program to practice as a graduate nurse for one year. The proposed amendments to §21.27 reflect the addition of section 4.1 of the Law (63 P.S. §214.1) which requires that graduates obtain a temporary practice permit during the one-year period from completion of the person's nursing education program or from the date a licensee of another jurisdiction of the United States or Canada files an application for a Pennsylvania license.

§21.28. Licensure By Endorsement.

Section 7(a) of the Act (63 P.S. §217(a)) authorizes the Board to issue a license without examination to an applicant who has completed a course of study equivalent to that required in Pennsylvania and who is licensed by examination in another jurisdiction of the United States or Canada. The proposed amendment to §21.28 brings the Board's regulation pertaining to endorsement into harmony with the Act. The proposed amendment identifies those who are licensed by examination in Canada as among those who would be eligible for licensure by endorsement. The proposed amendment also recognizes that the licensure examination in Canada is not NCLEX. The current regulation at §21.28(a) would authorize licensure by endorsement to a Canadian educated nurse only if the nurse passed NCLEX. NCLEX, however, is not employed as a licensing examination in Canada. The proposed regulation makes it clear that the Canadian examination will support licensure by endorsement for nurses who have been educated and obtained licensure in Canada.

§21.29. Expiration and renewal of license.

The recitation of the schedule for renewing licenses in subsection (a), published in 1985, and now in effect for over a decade, is eliminated in this proposed rulemaking and replaced with the simple statement that licenses shall be renewed biennially. All nurses have actual knowledge of the expiration and renewal date of their licenses because the expiration date is printed on their licenses and wallet cards. Renewal applications are sent to all nurses two months before their licenses expire.

§21.30. Registered nurses licensed outside of the United States, its territories or Canada.

Section 21.30(b) may be eliminated because it is obsolete. This provision authorized a graduate nurse licensed in another country to participate in an approved exchange-visitor program or in a accredited graduate program in nursing for two years without a license and compensation. Such programs have not been available for a decade. Moreover, the Board is not aware of any barrier that would prevent a duly credentialed graduate nurse licensed in another country from either obtaining licensure in the Commonwealth or participating in a nursing education program.

The current §21.30(c) requires an applicant from a nondegree granting institution outside of the United States or Canada to obtain a certificate of preliminary education through the Department of Education. This provision may be deleted as obsolete. Since January 1, 1995, the Department of Education ceased evaluating foreign credentials for professional licensing boards. The Board itself under the authority of section 6 of the Act (63 P.S. §216) makes the determination that an applicant has completed work equal to a standard high school course.

§21.31. Compliance Reviews of Nursing Education Programs.

The amendments to §21.31 would replace "survey visits" of nursing education programs with "compliance reviews" and announce that a compliance review of every basic nursing education program will be conducted at least once every three years.

Section 6.1 of the Law (63 P.S. §216.1) requires an approved nursing education program to submit an annual report to the Board and that a site visit of the program be made at least once every three years to assure that the program maintains acceptable standards. Since 1995 the Board has been accepting the accreditation reviews of the National League of Nursing Accreditation Association (NLN), which include site visits, in place of site visits made by Board personnel. The on site evaluations conducted by the NLN are in accordance with standards acceptable to the Board. The Board still conducts site visits every three years to nursing education programs which do not have NLN accreditation. Every nursing education program continues to submit an annual report to the Board and a compliance review every three years. A recognized national accreditation survey assures that an approved nursing education program continues to meet Board standards. This change is reflected in the amendments to section 21.31.

Section 6.2 of the Act (63 P.S. §216.2) requires the Board to annually prepare and make available a list of all approved programs. The new §21.31(b) tracks this provision.

§21.33. Types of approval.

The Board grants initial approval to a new program, full approval to a program that maintains acceptable standards, and provisional approval to a program that does not meet acceptable standards. Under the current §21.33(c) a program not meeting acceptable standards could remain on provisional status for up to two years. This provision also provides for removing a nursing education program from the list of approved programs if it does not meet acceptable standards. The amendments would allow for more flexibility in both restricting and correcting programs not meeting acceptable standards. The amendments would eliminate the two-year maximum time period and enable the Board to set a specific time for a program to comply with Board requirements. The amendments also provide notice that a nursing education program downgraded to provisional status may be restricted from establishing new satellite campuses or offering alternative scheduling plans.

§21.51. Establishment of a nursing education program.

Most of the proposed changes to this section attempt to clarify the process under which a new program obtains approval from the Board. Under both the current and proposed rulemaking the program first submits a feasibility study (§21.51(b)(1)-(4) of the current regulations, §21.51(b)(1)-(2) of the proposed rulemaking). After the feasibility study is approved by the Board, the program submits an educational plan (§21.51(b)(5) of the current regulations, §21.51(b)(3) of the proposed rulemaking). The distinction between the feasibility study and the educational plan is clarified in the amendments (proposed §21.51(b)(3)).

Aspects of the current regulation which appeared subjective and not subject to enforcement (See, §21.51(b) (compatibility of the philosophy of the parent institution)) will be deleted. Similarly, provisions which appear to place restraints on the establishment of a new program based on the "need" for a program, assurances of an "adequate supply and flow of interested candidates" and impact on other nursing programs are also deleted. (See, §21.51(b)(1)(i) - (iii)). The amendments require the feasibility study for the establishment of a new nursing education program to demonstrate that the program has an appropriate curriculum, the necessary hours of instruction, adequate academic and clinical resources, and reasonably committed financial resources.

After the Board approves a feasibility study, a new nursing education program will be required to submit a report at least eight months before students are admitted. The report must include an outline of the administrative structure of the new program, a job description for each faculty position, a statement of philosophy and objectives, admissions policies, a four-year budget projection and information about various agencies which will provide supervised clinical experience for the nursing students.

Under the current regulations the new education program must employ the faculty at least one semester before they start teaching. (§21.51(b)(6)) The proposed amendments delete this costly requirement and implicitly authorize a new program to employ the faculty when it becomes necessary.

The current regulations treat the change of ownership of a nursing education program as the establishment of a new program, requiring a new feasibility study. (§21.51(c)). The proposed §21.51(d) recognizes that a change in ownership may not result in any change to a program and, in such a situation, only requires the administrator of the program to inform the Board of a change in ownership.

§21.72. Faculty policies.

Proposed amendments to §21.72(f) will require faculty members to maintain a record of participation in continuing education, self-development, and other activities which promote the maintenance of expertise in their teaching area. While many professionals maintain such records as part of their resume, this proposed rulemaking makes such record keeping mandatory.

§§21.90-21.90.2. Curriculum.

These provisions require all types of nursing education programs to formulate a statement of philosophy and purpose, to have a curriculum which addresses the areas of entry level nursing practice identified in the job analysis of the National Council of State Boards of Nursing, and to stress critical thinking. These provisions replace the current §§21.81, 21.82, and 21.84-21.89.

§21.90.3. Changes requiring Board approval.

This section would replace the current §21.83. The proposal makes clear that major changes to curriculum require Board approval and simplifies the procedure for obtaining Board approval.

§21.91. Facility and resource requirements.

The proposal simplifies this provision, eliminating requirements that are subjective (e.g. the "facilities shall be attractive") and not subject to the Board's enforcement jurisdiction or expertise (e.g. "effective lighting, adequate heating and ventilation"), but rather are under the jurisdiction of other agencies.

§21.114. Counseling and guidance.

Current regulations encourage student counseling programs to include personal, professional, and academic counseling and referral of students to appropriate counselors. Under the proposed amendments these services will be required.

§21.122. Record maintenance.

The current regulations require a nursing education program to keep student records "ad infinitum." The proposed amendments reduce this time to 50 years. The proposed amendments will require that minutes of organizational and faculty meetings, annual reports, and program evaluations be retained for ten years and budgets for three years. The current regulations do not specify how long these records should be kept.

§21.124. Records to be filed with the Board.

The proposed section 21.124(b) is simplified because the only information that a nursing education program need provide the Board consists of a list of those who completed the program and are eligible for a temporary practice permit. The student himself or herself submits the application.

§21.131. Evaluation.

This proposed amendment requires each nursing education program to perform self-evaluations which examine the program's administration, faculty, curriculum, facilities, and student policies.

E. Fiscal Impact and Paperwork Requirements.

Some of the provisions of this proposed rulemaking are likely to have a fiscal impact. It is not possible to estimate the impact with any likelihood of precision. The proposal at §21.34 to downgrade the status of a nursing education program from full approval to provisional approval based on the performance of

graduates on the licensure examination may increase costs for those programs which may have to increase student support services in order to raise the passing rate of its graduates. An increase in the passing rate will have a beneficial fiscal impact on students, possibly offsetting school costs.

The change proposed at §21.31 from routine site visits of nursing education programs performed by Board staff to compliance reviews based on NLN accreditation site reviews every three years will result in savings to both the Commonwealth and to the nursing education programs. The Commonwealth benefits from saving staff time because staff no longer have to visit sites. The programs benefit by not having to prepare for two similar on-site surveys.

The change proposed at §21.51(b)(6), which no longer requires a new nursing education program to hire the faculty one semester before they start teaching, will result in savings to the private sector and public institutions.

The change proposed at §21.51(c), which will no longer consider a change of ownership of a nursing education program as the establishment of a new program, will result in savings to the private sector. Under the proposal the program will only have to inform the Board and not prepare a new feasibility study.

F. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989, P.L. 73, No. 19 (71 P.S. §§745.1-745.15), the Board submitted a copy of this proposed regulation on January 25, 2001 to the Independent Regulatory Review Commission, the House Committee on Professional Licensure and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the

regulation, the Board has provided the Committees and the Commission with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed amendments, it will notify the Board within ten days of the close of the Committees' review period. The notification shall specify that regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of the objections prior to final publication of the regulation by the Board, the General Assembly and the Governor.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Martha Brown, Counsel, State Board of Nursing, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649 within sixty (60) days following publication for the proposed regulation in the Pennsylvania Bulletin. Please reference (16A-516) General Revisions when submitting comments.

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 21. STATE BOARD OF NURSING

GENERAL PROVISIONS

§ 21.1 Definitions.

* * *

Accredited program - A nursing education program which has been approved by an accrediting agency in nursing recognized by the US Department of Education.

* * *

Agency Data Form - A form provided by the Board which is used to collect demographic and other necessary information relevant to the clinical experience of nursing students at a cooperating clinical agency.

* * *

Clinical preceptor - A professional nurse associated with a cooperating clinical agency who guides a nursing student in designated clinical learning activities after the student has received appropriate didactic and clinical instruction.

Compliance review - A process of self-evaluation by the nursing education program pursuant to guidelines of the Board, which may also include a site visit by professional Board staff for the purpose of determining compliance with Board regulations.

Cooperating clinical agency - A facility which enters into a written agreement with a nursing education program or controlling institution to provide nursing students with supervised clinical experience.

* * *

NCSBN - National Council of State Boards of Nursing.

* * *

Satellite or branch campus - A dependent part of a nursing education program established at a location other than that of the originally approved site. The satellite or branch campus offers a majority of the courses of the originally approved program.

* * *

§21.2 Scope.

(a) The Board administers the act by providing rules and regulations on standards for nursing [schools and the conduct of the] education programs.

(b) The Board provides for licensure of graduate nurses from approved [schools] nursing education programs by examination [,] . The Board also provides for licensure of nurses by endorsement and by renewal of licenses.

(c) The Board has the [right] authority to establish rules and regulations for the practice of nursing.

(d) The Board may suspend or revoke licenses for cause as well as impose civil penalties.

(e) The Board will approve [basic] nursing education programs conducted in hospitals, colleges and universities[; approve foreign exchange visitor programs; and promulgate] and compile a list of approved programs.

(f) The Board will [approve applications] provide for inactive status pursuant to §11(b) of the Act.

* * *

§21.3 Purposes of the Board.

[The Board will insure safe nursing services for the citizens of this Commonwealth.] The purpose of the Board is to assure the public health, safety and welfare of the residents of this Commonwealth. Embodied in this purpose are the following responsibilities:

(1) To establish safe minimum standards for the preparation of registered and practical nurses in approved [educational]

nursing education programs.

(2) To assure safe standards of nursing practice through examination and licensure of graduates of approved [educational] nursing education programs, through endorsement of registered and practical nurses from other jurisdictions, and through the regulation of the practice of nursing in this Commonwealth.

* * *

LICENSES

§21.21. Application for examination

(a) An application for the licensing examination [without transcript] together with the required fee in the form of a check or money order may be submitted to the Board office [during the last term] upon completion of the nursing education program. [The applicant will be scheduled for the subsequent examination.]

* * *

(c) A copy of the transcript for out of state candidates validating program completion shall be filed in the Board office. [at least 2 weeks prior to the testing dates.]

[(d) The Board will not proctor an applicant for another state board. The Board will not permit an applicant for Commonwealth licensure to be proctored by another state board.]

§21.22. (Reserved). [Date and location of examinations.

(a) The Board conducts licensing examinations at least twice a year.

(b) A list of examination dates and locations are published annually.]

§21.23. Qualifications of applicant for examination.

(a) An applicant shall pass an [written] examination as provided by the Board.

* * *

§21.24. Examination score requirements.

The candidate for licensure shall achieve a [minimum] passing score as mandated by the Board.

§21.25. Reexamination.

- (a) [A candidate shall submit the required fee in the form of a check for reexamination.] An application for reexamination may be submitted together with the required fee in the form of a check or money order to the Board office.

* * *

- (d) (Reserved.) [A request to retake an examination for the purpose of elevating a passing score will not be granted.]

§21.26. (Reserved.) [Failing rate of a school in examination.]

If 40% or more of the first time examinees of a school of nursing writing the examination in this Commonwealth fail the examination, the school will be placed on provisional approval status. The Board may consider additional documented statistics concerning the examination scores received in other states by Commonwealth graduates in determining the status of the school.]

§21.27. [Unlicensed candidate] Candidates for licensure; Temporary practice permits.

[The candidate] A candidate for licensure as a professional nurse who has completed a nursing education program may practice as a graduate nurse [until the licensing examination is passed] upon the issuance of a temporary practice permit pursuant to § 4.1 of the Act. [subject to the following:

(1) Unless licensed, the candidate may be employed as a graduate nurse for 1 year only from the date of completion of a nursing program except in the case where special permission is granted by the Board due to extenuating circumstances. In such a case the candidate shall present validating documentation.]

(1) A candidate for licensure as a professional nurse shall apply to the Board for admission to the examination and may apply for a temporary practice permit.

* * *

§21.28. Licensure by endorsement.

(a) [A registered nurse who has graduated from an approved nursing program in another state or territory of the United States or Canada and who is licensed by writing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth by endorsement of the original licensing board.] A registered nurse who has graduated from an approved nursing education program in another state or jurisdiction of the United States or the Dominion of Canada and obtained the license by passing the National Council of State Boards of Nursing Licensure Examination or the examination required for licensure in the Dominion of Canada may be granted licensure in this Commonwealth by endorsement of the license issued by the original jurisdiction.

* * *

§21.29. Expiration and renewal of license.

[(a) Registered nurses whose licenses expire on October 31, 1985 will thereafter be subject to the following license renewal schedule:

(1) Licenses of registered nurses whose license numbers end in the numbers 01 through 25 will expire on April 30, 1986 and, following renewal, will thereafter expire on April 30 in the even-numbered years. The license renewal fee for licenses that expire on April 30, 1986 will be 25% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of April 30, 1986 will be the renewal fee for the usual two-year renewal period.

(2) Licenses of registered nurses whose license numbers end in the numbers 26 through 50 will expire on October 31, 1986 and, following renewal, will thereafter expire on October 31 in the even numbered years. The license renewal fee for licenses that expire on October 31, 1986 will be 50% of the renewal fee for the usual two-year renewal period. The renewal fee for licenses that expire on an anniversary of October 31, 1986 will be the renewal fee for the usual two-year renewal period.

(3) Licenses of registered nurses whose license numbers end in the numbers 51 through 75 will expire on April 30, 1987 and, following renewal, will thereafter expire on April 30 in

the odd-numbered years. The license renewal fee for licenses that expire on April 30, 1987 will be 75% of the renewal fee for the usual two-year renewal period. The renewal fee for licenses that expire on an anniversary of April 30, 1987 will be the renewal fee for the usual two-year renewal period.

(4) Licenses of registered nurses whose license numbers end in the numbers 76 through 00 will expire on October 31, 1987 and, following renewal, will thereafter expire on October 31 in the odd-numbered years. The license renewal fee for licenses that expire on October 31, 1987 will be the renewal fee for the usual two-year renewal period. The renewal fee for licenses that expire on an anniversary of October 31, 1987 will be the renewal fee for the usual two-year period.

(5) Registered nurses who obtain initial licensure on or after November 1, 1985 and registered nurses who reactivate their licenses on or after November 1, 1985 will be assigned to one of the following license expiration dates:

- (i) April 30 in the even-numbered years.
- (ii) October 31 in the even-numbered years.
- (iii) April 30 in the odd-numbered years.
- (iv) October 31 in the odd-numbered years.]

(a) Licenses of registered nurses shall be renewed biennially.

* * *

§21.30. Registered nurses licensed outside of the United States, its territories or Canada.

[(a)] A nurse educated and licensed in another country other than Canada may not be employed as a nurse in this Commonwealth until the requirements for Commonwealth licensure have been met.

[(b) A graduate nurse licensed in another country may participate in an approved exchange-visitor program or in an accreditation graduate program in nursing for a period of 2 years without licensure and compensation in this Commonwealth.

(c) An applicant coming from a country outside of the United States or Canada who is from a nondegree granting institution shall obtain a Certificate of Preliminary Education through the Department of Education.]

* * *

APPROVAL OF [SCHOOLS OF] NURSING EDUCATION PROGRAMS

§21.31. [Surveys] Compliance Reviews; list of approved schools.

(a) [Survey visits are made] A compliance review of every basic nursing education program [s conducted in hospitals, colleges or universities of exchange visitor programs and of cooperating agencies. In this section, "cooperating agency" means an educational institution or health care delivery system which cooperates with the controlling institution. The survey] approved in the Commonwealth shall be conducted at least once every three years. A report is presented to the Board and a written report of recommendations or requirements, or both, is sent to the [school, college or university.] nursing education program. A site compliance visit may be made at the discretion of the Board and will be made at least once every three years to a nursing education program which is not accredited.

[(b) Classified lists of approved schools of nursing and of exchange visitor programs are compiled and published annually and are made available for distribution.

(c) A list of approved cooperating agencies that provide educational programs for schools of nursing is compiled and published annually and is made available for distribution.]

(b) The Board will compile and publish annually a list of approved nursing education programs located in this Commonwealth.

§21.32. Objectives of the approval process.

[Nursing schools in this Commonwealth are approved to effectuate the following] The purpose of the Board of Nursing's approval process for nursing education programs is to make certain that each approved nursing program meets the following objectives:

(1) Safeguard the [preparation] quality of [nurses] nursing education programs and assure safe minimum standards of nursing practice in this Commonwealth.

(2) Stimulate and maintain continued growth and improvement of professional nursing education in this Commonwealth.

[(3) Guide prospective students in the selection of approved

schools which offer adequate resources for sound basic nursing education.]

[(4)](3) Assure the graduates of professional nursing education programs of eligibility for admission to examination for licensure.

[(5)](4) Assist graduates of [schools of] nursing education programs in this Commonwealth to qualify for licensure by endorsement in other jurisdictions.

§21.33. Types of Approval.

The Board will grant initial, provisional or full approval status to a nursing education program contingent upon compliance with this chapter, and may require progress reports or other information deemed necessary for the evaluation of the program.

[(a)] (1) Initial. The Board may grant initial approval to a new [schools] nursing education program, with evidence that acceptable standards are being met, for a period of time necessary to evaluate the results of the licensing examination taken by the first graduates. Board action to grant initial approval authorizes a nursing education program to recruit students.

[(b)] (2) Full. The Board will place on full approval [those schools] a nursing education program which attains and maintains [the] acceptable standards and adheres to the policies and regulations of the Board. [considered essential for a sound program of nursing education.]

[(c)] (3) Provisional. The Board may place on provisional approval a [school] nursing education program not meeting [the] acceptable standards. [A period of 2 years will be the maximum time allowed for the correction of deficiencies resulting in provisional approval.] If the standards are not met within [this designated time] the time designated by the Board, the [school] program will be removed from the approved list as provided for in §21.34. A nursing education program placed on provisional status may be restricted from establishing new satellite campuses or offering alternative scheduling plans until the program resumes full approval status.

§21.34. Removal from approved list; percentage failure rate in examination.

[The Board will give sufficient notification of intent of removal from the approved list and provide an opportunity for school officials to show cause as to why approval should not be withdrawn.] (a) The Board will give 90 days notice of its intent to remove a nursing education program from the approved list and will provide an opportunity for the program to show cause why approval should not be withdrawn.

(b) Removal based on failure rate.

(1) Until one year after the effective date of this section, a nursing education program will be placed on provisional approval status if, in one examination year, 40% or more of its graduates taking the licensure examination for the first time fail the examination.

(2) Beginning one year after the effective date of this section, a nursing education program will be placed on provisional approval status if, in one examination year, 20% or more of its graduates taking the licensure examination for the first time fail the examination.

(3) An examination year is the period beginning October 1 of one year through September 30 of the following year.

(4) The Board may consider additional documented statistics concerning the examination scores received in other states by Commonwealth graduates in determining the approval status of the program.

DISCONTINUANCE OF A [SCHOOL OF] NURSING EDUCATION PROGRAM

§21.41. Notification: completion of program; records.

(a) Written notification of intent to discontinue a nursing education program [of nursing] shall be submitted to the Board within a reasonable time, but not less than [6] six months prior to discontinuance.

(b) When a class is not admitted in a given year, the nursing education program shall close unless approval has been granted by the Board based on the justification for continuation submitted to the Board.

(c) If a nursing education program is discontinued, it is the responsibility of the controlling institution to provide for the

completion of the program for students currently enrolled, either by placing the students in an approved program or continuing the enrolled classes until completion. If the program is continued until completion, approved and qualified instruction shall be assured. A controlling institution is a university, college or hospital which conducts programs of education in nursing.

(d) The controlling institution has the legal responsibility to make provision for permanent retention of student and graduate records in conformity [of] with §21.125 (relating to custody of records).

[APPROVED PROGRAMS OF NURSING] APPROVAL PROCESS: NURSING EDUCATION PROGRAMS

§21.51. Establishment.

(a) A nursing education program shall be developed under the authority of a regionally accredited university or college, or hospital [approved] accredited by the Joint Commission on Accreditation of [Hospitals,] Health Care Organizations, and shall be administered under the leadership of a registered nurse who meets the requirements of §21.71(b)(2).

(b) A university or college or hospital may conduct a nursing education program[s] [of nursing] if there [is an] are adequate faculty and [adequate] clinical facilities. [and the philosophy of the parent institution encompasses dual programs of education. A hospital or educational institution] A university or college or hospital desiring to establish a [program of] nursing education program [is required to:] shall complete the following steps to receive initial approval:

(1) Complete and submit to the Board for approval with the required fee under §21.5(a) of this chapter (pertaining to fees) a feasibility study which shall include:

(i) [Sufficient statistical data to support the need for a program within the community and to assure availability of an adequate supply and flow of interested candidates.] A curriculum sequence which complies with § 21.90.1 of this chapter and identifies an adequate number of theoretical and clinical contact hours of instruction.

(ii) Identification of available academic and clinical practice resources for program implementation based on

the projected enrollment and faculty. [In viewing the clinical resources, the study shall speak to other nursing programs that share the teaching facilities identified in the study.]

(iii) Letters of intent from the cooperating agencies indicating positive commitment to the nursing program and the availability of sufficient clinical resources to meet the educational requirements of the program.

(iv) [Actual cost of the] A four-year budgetary projection of program costs, including [faculty needed] salaries, clinical teaching resources, educational supplies, office supplies, and [the like and sufficient] evidence of [stable] financial support.

(v) A program overview, including the anticipated number of students to be enrolled, projected faculty-student ratio for each proposed clinical course, and anticipated contract requirements for cooperating clinical agencies.

(vi) A statement of the controlling institution's philosophy or mission statement.

(vii) A job description for a full-time program director who meets the qualifications of section 21.71.

[(2) Submit the feasibility study to the regional health planning agency if that agency is willing to participate in the approval process.

(3) Submit 15 copies of the feasibility study and the written decision of the health planning agency, if obtained, to the Board for approval.

(4)] (2) Employ the nurse administrator of the educational unit at least 12 months prior to the intended admission date of students. Board approval of the nurse administrator's credentials must be obtained prior to the appointment.

(3) Complete and submit to the Board, upon approval of the feasibility study, a report documenting plans for the proposed nursing education program no less than eight months prior to the intended admission date of students.

[(5) Submit 15 copies of the tentative planned education

program to the Board at least 8 months prior to the intended admission date of students.

(6) Employ the teaching faculty at least 1 semester before the initiation of their teaching responsibilities.

(c) Change of ownership shall be processed as the establishment of a new program.

(d)]The report on the planned nursing education [al] program shall include:

[(1)] (i) Organization and administrative policies of the controlling institution.

[(2)] (ii) Administrative structure and functions of the nursing [school.] education program.

[(3) Educational preparation and nursing experience of faculty members employed.]

(iii) A job description for each nursing faculty position.

[(4)] (iv) Statement of the philosophy, purposes and objectives of the program.

[(5)] (v) Proposed curriculum design, [based on sound educational concepts and] including detailed course descriptions and identification of clinical practice.

[(6)] (vi) Admission policies.

[(7)] (vii) Educational standards.

[(8)] (viii) Copy of proposed budget projected for a minimum of [5] 4 years.

[(9)] (ix) A completed Agency Data Form for each cooperating clinical agency to be used in the program and a sample [Copies of] written agreement[s with cooperating agencies and facilities to be used in the program].

(x) A general description of facilities and resources pursuant to §91.

~~[(e)]~~(c) Following the review of the planned nursing education program and before final Board action [is taken] to grant [permission to recruit students,] initial approval in accordance with §33 of this chapter, an initial facility survey will be made by a nursing education advisor of the Board.

(d) A change in the ownership of a nursing education program which does not result in changes to the program's administrative structure, budget, policies, or curriculum shall not require the submission of a feasibility study to the Board for review and approval. The controlling institution shall advise the Board of any change in the name of the nursing education program. The administrator of the program shall notify the Board of any ownership changes.

ORGANIZATION AND ADMINISTRATION OF NURSING EDUCATION PROGRAMS

§21.61. [Baccalaureate and associate degree programs:] Organizational requirements.

(a) The educational unit in nursing shall be established as a department, division, school or college of the controlling institution in accordance with the structural plan of the institution.

(b) [Relationships with central administrative officers, interrelationship among other disciplines and services of the institution and] Nursing education program faculty shall be afforded the same opportunities for representation on institutional councils and committees [for faculty of the educational unit in nursing shall be consistent with the interaction and responsibilities accorded to] as other faculty members of the institution.

(c) Adequate funds shall be [allocated and properly] budgeted for the [sound and] effective operation of the program.

(d) Policies in effect for faculty members of the educational unit in nursing shall be those in effect for faculty members throughout the controlling institution, except where specified otherwise in this chapter.

(e) The educational unit in nursing shall have administrative authority and responsibility consonant with the general policies of the controlling institution.

(f) The authority and the administrative responsibility for the nursing education program shall be delegated by the governing body to the nurse administrator.

(g) The nurse administrator and faculty of the nursing education program shall conduct planned periodic evaluations of the program organization and program administration.

[(f)] (h) The resources, facilities and services of the controlling institution shall be available to and used by the [educational unit in nursing] nursing education program and shall be adequate to meet the needs of the faculty and the students.

[(g)] (i) Cooperating clinical agencies shall be subject to the following provisions:

[(1)] Agreements to utilize field agencies outside the structural control of the controlling institution shall be initiated by the educational unit in nursing.]

[(2)] (1) Cooperating clinical agencies or services selected by the [school] nursing education program shall be licensed or approved by the appropriate [State and National] regulatory bodies, if such exist.

[(3)] (2) The agreement between the [educational unit in nursing] nursing education program and the cooperating clinical agency shall be consistent with the standards of the nursing education program, developed jointly, recorded in writing, reviewed periodically by both parties, revised as occasion requires and consistently adhered to by those responsible for implementing the provisions.

[(4)] (3) The agreement shall insure full control of student education by the faculty of the program; faculty shall have the freedom to teach and guide students and to select appropriate learning experiences in consultation with designated members of agency staff.

[(5)] (4) The [field] agencies selected for use shall have the quality and variety of resources for planned learning experiences needed for the [program of the educational unit in nursing.] nursing education program, and shall retain ultimate responsibility for client care and services.

[(6)] (5) Approval by the Board shall be obtained before the [educational unit in] nursing education program may utilize a

new [field] cooperating clinical agency [for learning experiences. An Agency Data Form, provided by the Board, shall be submitted for each new field agency used for the first time].

[(h) The faculty of the educational unit in nursing shall conduct planned periodic evaluation of its organization and administration.]

(j) The organizational plan for the nursing education program shall describe relationships with the governing body, individuals and cooperating clinical agencies responsible for and participating in the program operation.

(k) The faculty shall formulate all policies that relate to the operation of the nursing education program.

§21.62. (Reserved). [Diploma programs; organizational requirements.

(a) The nursing school shall be established as an educational unit of the governing body.

(b) Adequate funds shall be allocated and properly budgeted for sound and effective operation of the school.

(c) The organizational plan for the school of nursing shall provide for relationships with the governing body, individuals and cooperating agencies responsible for and participating in the school operation.

(d) The authority and the administrative responsibility for the school shall be delegated by the governing body to the director of the school.

(e) The faculty shall formulate policies that relate to the operation of the school.

(f) Approval by the Board shall be obtained before the educational unit in nursing may utilize a cooperating agency or a new field agency for learning experiences. An Agency Data Form, provided by the Board, shall be submitted for each new cooperating agency and field agency.]

§21.63. (Reserved). [Diploma programs utilizing cooperating agencies.

(a) Cooperating agencies within this Commonwealth shall be subject to the following:

(1) The agreement between the educational unit in nursing and the cooperating agency shall be developed jointly, recorded in writing, reviewed periodically by both parties, revised as occasion requires and consistently adhered to by those responsible for implementing the provisions.

(2) Cooperating agencies on the approved list shall submit changes on curriculum content to the Board for approval before schools are notified of the changes.

(b) Cooperating agencies outside of this Commonwealth shall be subject to the following:

(1) The state board of nursing of the state in which the cooperating agency is located shall be contacted to determine the approval status of that agency in that state. Only fully approved programs may be considered.

(2) The school wishing to establish agreements with a cooperating agency shall initiate meetings with the proposed cooperating agency to determine:

(i) Compatibility of the educational philosophy and objectives of the cooperating agency with those of the present school.

(ii) Effectiveness with which the planned program of the cooperating agency can be utilized as a part of the total educational program of the school.

(iii) Quality of the faculty of the cooperating agency.

(iv) Ability of the cooperating agency to absorb an additional affiliating school.

(3) Following the exploratory meetings, the school shall submit written notification of intent to establish an affiliation with the cooperating agency for Board approval. The following shall accompany the letter of intent:

(i) A copy of the master curriculum plan of the school indicating the placement of the proposed program.

(ii) A copy of the course syllabus offered by the cooperating agency.

(iii) Faculty biographical forms on all faculty in the cooperating agency.

(iv) One copy of the annual report form required by the Board, completed by the cooperating agency.

(v) A copy of the agreement or contract between the cooperating agency and the affiliating school.

(vi) A list of affiliating schools utilizing the cooperating agency.

(c) A cooperating agency providing faculty and instruction for clinical nursing courses shall be responsible for submitting 15 copies of proposed curriculum changes to the Board prior to the announcement of change to the affiliating school.

(d) Diploma schools of nursing utilizing their own faculties shall be subject to the following provisions:

(1) Agreements to utilize field agencies outside the structural control of the controlling institution shall be initiated by the school of nursing.

(2) Cooperating agencies or services selected by the school shall be approved by the appropriate state and national bodies, if such exist.

(3) The agreement between the school of nursing and the cooperating agency shall be developed jointly, recorded in writing, reviewed periodically by both parties, revised as occasion requires and consistently adhered to by those responsible for implementing the provisions.

(4) The agreement shall insure full control of student education by the faculty of the program. The faculty shall have the freedom to teach and guide students and to select appropriate learning experiences in consultation with designated members of the agency staff.

(5) The field agencies selected for use shall have the quality and variety of resources for planned learning experiences needed for the purpose of the program of the

school of nursing.]

ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

§21.71. Faculty and staff requirements [for baccalaureate and associate degree programs].

(a) [The minimum] Minimum faculty and staff requirements [for each program] are as follows:

(1) Full-time [director of the program.] nurse administrator.

(2) Full-time qualified faculty members in the areas of [specialized] practice encompassed within the curriculum.

(3) Additional faculty members as needed to insure an educationally effective student-faculty ratio.

(4) A minimum of one full-time secretary and additional [secretarial assistance] staff support personnel as needed.

(5) Full-time librarian with at least a bachelor's degree in library science if the nursing education program is not within an institution of higher education.

(b) Faculty and nurse administrator qualifications are as follows:

(1) Board approval of the nurse administrator's credentials shall be obtained prior to appointment.

[(1)](2) The [director] nurse administrator of a baccalaureate degree nursing education program, employed for the first time [after January 1, 1986,] one year after the effective date of this subsection shall hold an [master's degree in nursing and an] earned doctoral degree with a nursing major at the master's or doctoral level. [or a specific plan for completing doctoral preparation.] The [director] nurse administrator shall have experience in the areas of administration, nursing practice, and nursing education within an institution of higher education. [and educational administration. Candidates who have made outstanding contributions to nursing education shall be considered on an individual basis.]

[(2)](3) The [director] nurse administrator of an associate degree or diploma program shall hold the minimum of a master's degree in nursing. The [director] nurse administrator shall

have experience in the areas of nursing practice, nursing education and [educational] administration.

[(3)](4) The length of appointment of a temporary [and] or acting [heads] nurse administrator of a nursing education program[s] may not exceed 1 year.

[(4)] (5) The nurse administrator and every nurse faculty member shall be currently licensed as professional nurses in this Commonwealth.

[(5)](6) [Faculty members] Every faculty member shall have a master's degree[s] in nursing or earned doctoral degree in nursing, with graduate preparation and clinical experience relevant to their clinical areas of responsibility[;] and [they] shall give evidence of maintaining expertise in [their] clinical or functional areas of specialization.

[(6)] (7) Faculty members [with less than] without a master's degree in nursing may be employed if qualified candidates are not available; they shall function for a maximum of 5 years as assistants under the direct guidance of a faculty member fully qualified in the specific teaching area. These assistants shall have [a minimum of] a baccalaureate degree in nursing, and they shall give evidence of actively pursuing a master's degree in nursing or an earned doctoral degree in nursing. [The lack of availability of] In applying to employ a faculty member without a master's degree in nursing, the administrator of a nursing education program shall document efforts to recruit qualified faculty [shall be documented by, among other things] by submitting to the Board copies of advertisements placed in appropriate professional journals and newspapers, copies of recruitment letters to appropriate institutions of higher learning, and records of job interviews.

[(7)](8) Faculty employed to teach nutrition must be registered dietitians (R.D.) and eligible for membership in the American Dietetic Association.

(9) A clinical preceptor may be utilized to guide selected clinical activities. Faculty retain responsibility for planning and evaluating student learning experiences and shall have input into selection of preceptors.

§21.72. Faculty policies.

(d) Teaching hours and additional duties of nurse faculty shall be consistent with the policies of the controlling institution. [Seminar, discussion and laboratory contact hours shall be equated. Where additional expectations in terms of research, counseling, committee work or other institutional responsibilities are present, the teaching load shall be decreased accordingly.]

(e) The nurse administrator and nursing faculty shall be afforded the time and opportunity to engage in leadership activities within their profession commensurate with [the responsibilities inherent in the role of institutions of higher education in our society.] their responsibilities.

(f) There shall be a planned and active faculty development program designed to meet the [perceived] needs of the faculty. Faculty members shall maintain a record of participation in continuing education, professional self-development, and other activities which promote the maintenance of expertise in their respective areas of teaching.

§21.73. Internal nursing faculty organizations.

(a) There shall be a nursing faculty organization. [appropriate to its size and in harmony with other educational units within the controlling institution.]

(b) Policies and rules of procedure governing the faculty organization shall be in written form and periodically reviewed by the faculty.

~~(c)~~ (b) All members of the faculty shall participate in the activities of the faculty organization. [in ways consistent with their rank and responsibilities.]

~~(d)~~ (c) Committees shall be established as needed to implement the functions of the faculty effectively, and the purposes and membership of each shall be clearly defined.

~~(e)~~ (d) Committee reports and faculty actions shall be recorded, filed [systematically] and kept available for reference.

§21.74. (Reserved). [Faculty and staff requirements for diploma programs.]

(a) The minimum faculty and staff requirements for each program shall be as follows:

(1) When the responsibility of the director encompasses nursing service as well as responsibility for the school, there shall be a full-time person who is responsible for the operation of the school.

(2) Full-time faculty member for each clinical nursing course.

(3) Additional faculty members as needed to insure an educationally effective student-faculty ratio.

(4) Minimum of one full-time secretary and additional secretarial assistants as needed.

(5) A full-time librarian.

(b) Faculty qualifications are as follows:

(1) The director of the school shall have a master's degree in nursing applicable to directors. School directors appointed after July 1, 1977, shall have a master's degree in nursing and experience in the areas of nursing practice, nursing education and educational administration. Candidates who have made outstanding contributions to nursing education will be considered on an individual basis.

(2) Nurse faculty members shall be currently licensed as nurses in this Commonwealth.

(3) Faculty members appointed after January 1, 1986, shall have master's degrees in nursing with graduate preparation relevant to their clinical, or clinical and functional, areas of responsibility; and they shall give evidence of maintaining expertise in their clinical, or clinical and functional, areas of specialization.

(4) Faculty members with less than a master's degree in nursing may be employed if qualified candidates are not available; they shall function for a maximum of 5 years as assistants under the direct guidance of a faculty member fully qualified in the specific teaching area. Assistants shall have a minimum of a baccalaureate degree in nursing, and they shall give evidence of actively pursuing their academic preparation.

The lack of availability of qualified faculty shall be documented.

(5) Faculty members shall give evidence of participation in continuing education and self development as individuals and as a faculty group.

(6) Faculty members employed to teach Nutrition must be registered dietitians (R.D.) and eligible for membership in the American Dietetic Association.]

§21.75. (Reserved). [Faculty policies.

(a) Policies for selection, appointment and promotion of faculty shall be defined in writing.

(b) Functions and responsibilities of each faculty member shall be defined in writing.

(c) Personnel policies for the hospital are in effect for faculty members, with adjustments made for differences that may be required in an educational program.

(d) The faculty shall assume the responsibility for planning, implementing and evaluating a program of inservice education designed to meet their perceived needs.

(e) The director of the school and nursing faculty shall be afforded the time and opportunity to engage in leadership activities within their profession, commensurate with their responsibilities.

(f) In determining the teaching load of the faculty the following criteria shall be considered:

(1) Number of individual courses or units of study assigned to individual faculty members, giving consideration to differences in scope and depth.

(2) Number and size of scheduled weekly classes, including laboratory and clinical teaching contact hours.

(3) Additional assignments relative to the functions and responsibilities of the individual faculty member, such as guidance of students, student evaluation, class and laboratory preparation, program revision, improvement of teaching methods

and participation in the activities of the faculty organization.]

§21.76. (Reserved). [Faculty organizations.]

(a) Rules and regulations of the faculty organization shall be in writing and shall be revised by the faculty periodically.

(b) The committee structure shall be consistent with the size and needs of the faculty.

(c) Committee reports and faculty actions shall be recorded, filed systematically and kept available for reference.]

[CURRICULUM FOR BACCALAUREATE, ASSOCIATE DEGREE AND DIPLOMA PROGRAMS]

§21.81. (Reserved). [General curriculum requirements.]

(a) The curriculum shall be developed, implemented and evaluated by the faculty and shall implement the philosophy and objectives of the school.

(b) The curriculum shall be organized and developed to include the knowledge, attitudes, skills and abilities necessary for the specific levels of student achievement.

(c) Physical and biological sciences shall include content from the areas of anatomy and physiology, chemistry, microbiology, physics and nutrition, which may be integrated, combined or presented as separate courses; the scientific facts and principles drawn from these areas serve as a basis for planning and implementing nursing care. When the basic sciences are presented as distinct academic courses—that is, chemistry, anatomy and physiology and microbiology—there shall be related laboratory experience. A related laboratory experience is defined as an assigned period of time during which students participate in the testing of scientific principles.

(d) Selected courses shall be included in the humanities and social and behavioral sciences that support the philosophy, purposes, educational concepts and terminal objectives of the program.

(e) The curriculum shall provide concurrent theory and clinical experience in the care of men, women and children in age groups and

with the health problems characteristic of each group. Experiences shall be provided which include preventive aspects of nursing care during acute and chronic illness and rehabilitative care. Opportunities shall be provided for the student to participate in case findings, health teaching and health counseling for patients and their families. Evening and night assignments are considered part of the curriculum only in terms of the objectives to be achieved and if faculty supervision is provided.

(f) Content related to history, trends and professional responsibilities of nursing may be integrated, combined or taught as separate courses.

(g) The Board encourages curriculum experimentation designed to replicate or validate educational theories or to promote open-ended career development.]

§21.82. (Reserved). [Curriculum evaluation.

The curriculum shall be evaluated according to a plan developed by the faculty and shall include the following:

- (1) Careful review of aspects of the educational program based on the stated philosophy and objectives.
- (2) Continuous evaluation of instructional procedures, learning experiences and student progress.
- (3) Opportunities for students to participate in self-evaluation of their own learning experiences.
- (4) Performance of graduates on the licensing examination.
- (5) Opinions of graduates regarding the adequacy of their nursing program.
- (6) Evaluation of graduates by their employers.
- (7) Record system in operation which will assist in the evaluation of the educational program.]

§21.83. (Reserved). [Curriculum changes requiring Board approval.

(a) Major curriculum changes that require Board approval include:

(1) Alteration of the program philosophy, purposes and objectives which influences or affects the integration of material into the total curriculum, such as changes in course content or instruction, shifting content, changing course placement, adding or deleting courses, changing the length of a course or the program and changing the allotment.

(2) Reorganization of the entire curriculum.

(3) Changes in clinical facilities involving contractual agreements.

(b) When a program change is contemplated, a plan shall be presented to the Board showing:

(1) Rationale for the change.

(2) Present program.

(3) Proposed changed program.

(4) Philosophy and objectives of the proposed program.

(5) Old and new master rotation or organizational curriculum plans.

(6) The school bulletin and other pertinent information.

(c) Fifteen copies of the materials listed in subsection (b) shall be submitted to the Board at least 3 weeks prior to the Board meetings at which the matters are considered.]

§21.84. (Reserved). [Baccalaureate curriculum philosophy; purposes and objectives.

(a) A clear statement of philosophy and purposes of the baccalaureate nursing program, consistent with the philosophy and purposes of the controlling institution, shall be formulated and adopted.

(b) The philosophy, purposes and objectives of the educational unit in nursing shall be developed and clearly stated by the faculty and shall be reviewed and revised at stated time intervals by this group.

(c) The philosophy and purposes of the educational unit in nursing

shall be consistent with currently accepted social, educational and nursing standards.

(d) The objectives of the nursing program shall be consistent with the purposes of the educational unit.

(e) The terminal objectives of the program shall identify behavioral changes that are expected to occur in the student.]

§21.85. (Reserved). [Baccalaureate general educational criteria.

(a) The educational policies of the educational unit in nursing shall be consistent with those of the controlling institution.

(b) The curriculum shall reflect the philosophy and purposes of the educational unit in nursing and shall implement the objectives of the program.

(c) There shall be an educational rationale for the selection and distribution of courses and for the selection of theoretical and clinical laboratory content in nursing courses.

(d) The rationale for the allocation of credit for nursing courses shall be consistent with the practice of the institution.

(e) The courses shall be planned on the academic term basis common to the institution.

(f) The learning experiences and methods of instruction shall provide opportunity for fulfilling the purposes of the educational unit in nursing and the objectives of the program.

(g) Learning experiences and methods that promote critical thinking and synthesis of learning shall be utilized in the teaching - learning process.

(h) Consideration shall be given to individual differences among students.

(i) The program shall build its professional education on a general education basis.

(j) Courses in general education shall be shared with students in other disciplines of the controlling institution.

(k) Provision shall be made for students to take electives in upper divisional general education courses.

(l) Nursing courses shall be organized to use and reinforce relevant learnings from preceding and concurrent nursing courses.

(m) Education in the nursing major shall be offered largely at the upper divisional level.

(n) Nursing courses and curriculum shall be organized to continue the development of values, understandings, knowledge and skills needed in all aspects of professional nursing.

(o) Preparation insuring professional nursing competencies shall be provided through selected and supervised learning experiences.

(p) The ratio of credits in nursing, that is, the major field of study, general education and elective credits shall be consistent with the nature, purposes and requirements of the parent institution.

(q) The ratio of students to faculty shall assure optimal learning opportunities in clinical laboratory sessions and shall be consistent with the objectives of the clinical nursing courses.

(r) The curriculum for baccalaureate nursing programs shall give evidence of providing learning experiences which will prepare graduates for professional nursing practice. The standards of practice are defined and delineated by the nursing profession.

(s) Course syllabi that identify all aspects of each course shall be developed and readily available.]

§21.86. (Reserved). [Associate degree curriculum philosophy; purposes and objectives.

(a) A clear statement of philosophy and purposes of the associate degree program in nursing, consistent with the philosophy and purposes of associate degree education and with the controlling institution, shall be formulated and adopted.

(b) The philosophy, purposes and objectives of the educational unit in nursing shall be developed and clearly stated by the faculty and shall be reviewed and revised at stated time intervals by this group.

(c) The philosophy and purposes of the educational unit in nursing shall be consistent with currently accepted social, associate degree education and nursing standards.

(d) The objective of the nursing program shall be consistent with the purposes of the educational unit.

(e) The terminal objectives of the program shall identify behavioral changes that are expected to occur in the student.]

§21.87. (Reserved). [Associate degree general educational criteria.]

(a) The educational policies of the educational unit in nursing shall be consistent with those of the controlling institution.

(b) The curriculum shall reflect the philosophy and purposes of the educational unit in nursing and shall implement the objectives of the program.

(c) There shall be an education rationale for the selection and distribution of courses and for the selection of theoretical and clinical laboratory content in nursing courses.

(d) The rationale for the allocation of credit for nursing courses shall be consistent with the practice of the institution.

(e) The courses shall be planned on the academic term basis common to the institution.

(f) The learning experiences and methods of instruction shall provide opportunity for fulfilling the purposes of the educational unit in nursing and the objectives of the program.

(g) The nursing curriculum shall demonstrate the accepted pattern of development for associate degree education and be consistent with college policy.

(h) Courses in general education shall be shared with students in other programs of the controlling institution.

(i) Nursing courses shall be organized to use and reinforce relevant learnings from preceding and concurrent courses.

(j) Preparation insuring associate degree nursing competencies shall be provided through selected and supervised learning experiences.

(k) The ratio of credits in nursing to general education and elective credits shall be consistent with other associate degree programs in the college.

(l) The ratio of students to faculty shall assure optional learning opportunities in clinical laboratory sessions and shall be consistent with the objectives of the clinical nursing courses.

(m) The curriculum for associate degree nursing programs shall give evidence of providing learning experiences which will prepare graduates for associate degree nursing practice as defined and delineated by the nursing profession.

(n) Course syllabi that identify all aspects of each course shall be developed and readily available.]

§21.88. (Reserved). [Diploma curriculum philosophy; purposes, and objectives.

(a) A clear statement of philosophy, purposes and objectives consistent with the philosophy and objectives of the governing body shall be formulated and adopted.

(b) The philosophy, purposes and objectives of the school shall be developed by the faculty and reviewed at stated intervals.

(c) The philosophy of the school shall express beliefs about education, nursing and the responsibility of the school to the student.

(d) The terminal objectives of the school shall identify behavioral changes that are expected to occur in the student.]

§21.89. (Reserved). [Diploma general education criteria.

(a) The selection of learning experiences and methods of instruction shall provide opportunities for fulfilling the stated objectives of the program of studies or of the curriculum.

(b) Each school year shall be divided into specific time periods.

(c) The curriculum shall be planned in a sequence so that each course utilizes and strengthens the preceding and concurrent courses.

(d) Theory and practice shall be offered concurrently and be so planned that demands on the student within each time period are comparable.

(e) Course outlines that identify all aspects of each course shall be developed and readily available.

(f) The ratio of students to faculty shall assure optional learning opportunities in the clinical sessions and shall be

consistent with the objectives of the clinical nursing course.]

CURRICULUM

§21.90. Curriculum philosophy, purposes and objectives.

(a) A clear statement of philosophy and purposes of the nursing education program, consistent with the philosophy and purposes of the controlling institution, shall be formulated, adopted and reviewed or revised at stated time intervals by faculty.

(b) The philosophy and purposes of the nursing education program shall be consistent with currently accepted educational and nursing standards.

(c) The program objectives shall identify outcomes that the students are expected to achieve.

§21.90.1. Core curriculum requirements.

(a) The curriculum shall:

(1) Address representative areas of nursing practice identified as entry-level by the current job analysis conducted by the NCSBN.

(2) Be developed, implemented and evaluated by the faculty and shall include the knowledge, professional role development, skills and abilities necessary for the specific levels of student achievement.

(3) Include content from the areas of anatomy and physiology, chemistry, microbiology, physics, nutrition, and pharmacology which may be integrated, combined or presented as separate courses. When the basic sciences are presented as distinct academic courses, students shall participate in related laboratory testing of scientific principles.

(4) Include courses in the humanities and social and behavioral sciences.

(b) Content related to nursing history, trends and professional responsibilities may be integrated, combined or taught as separate courses.

§21.90.2 General education criteria.

(a) There shall be an educational rationale for the selection and distribution of courses and for the selection of theoretical and clinical laboratory content in nursing courses.

(b) The rationale for the allocation of credit for nursing courses shall be based on educational principles.

(c) Learning experiences and methods that promote critical thinking and synthesis of learning shall be utilized. Consideration shall be given to students' individual differences.

(d) All general education courses for nursing students shall be taught according to the course description in the catalog of the college or university.

(e) Nursing courses and curriculum shall be organized to continue the development of knowledge, skills and behaviors needed in all aspects of basic professional nursing.

(f) The ratio of students to faculty shall assure optimal learning opportunities in all classroom and clinical laboratory sessions and shall be consistent with the objectives of the clinical nursing courses.

(g) The curriculum for nursing education programs shall give evidence of providing learning experiences which will prepare graduates for basic professional nursing practice.

§21.90.3. Changes requiring Board approval.

(a) Prior Board approval is required for the following curriculum changes:

(1) Alteration of the program purposes and objectives; changes in didactic or clinical hours, credits, units; changes in course placement; addition or deletion of courses; changes in the length of a course or program; and deletion of content areas.

(2) Changes in nursing education program options such as accelerated second degree programs, weekend and evening full time programs.

(b) When a curriculum change is contemplated, a plan which reflects the present program, the proposed change, and the rationale for the change shall be presented to the Board. The plan

should also reflect associated changes in clinical practice rotations.

(c) Curriculum changes which require Board action shall be filed with the Board at least 30 days prior to the Board meeting at which consideration of the proposed change is requested.

FACILITIES FOR ADMINISTRATION AND TEACHING

§21.91. Facility and resource requirements.

* * *

(b) Facilities and resources of the [school] nursing education program shall include the following:

[(1) Offices and administrative and instructional personnel provided with appropriate and adequate space and equipment essential for attainment of the objectives of the program.

(2) Sufficient number and size of accessible classrooms, conference rooms and laboratories to meet the needs of the program, as follows:

(i) Such facilities shall be attractive, with effective lighting, adequate heating and ventilation.]

(1) Classrooms, conference rooms, science laboratories, nursing resource laboratories, clinical facilities and offices sufficient to meet the needs of students, faculty, administrators and staff.

[(ii)](2) [The educational facilities shall be provided with] Adequate equipment and supplies to meet the [teaching and] learning requirements of [both] students [and teachers].

[(iii)](3) [The selection and maintenance of the kind and quality of facilities needed in the individual nursing program shall be determined by the] Adequate material resources to implement curriculum design and teaching [methods utilized by] methodology of the faculty.

[(3)] (4) Adequate storage space for general supplies and equipment[. Policies shall be in existence for the] and procedures to ensure the periodic replacement of equipment,

furnishings and supplies.

[(4)] (5) Library facilities and resources[, which are planned and maintained to meet the specific needs of the student and the faculty,] as follows:

(i) The physical equipment of the library shall include adequate lighting and ventilation, sufficient tables and comfortable chairs, space for proper display of library holdings and exhibits and appropriate work space for the librarian.

(ii) Provision shall be made for adequate storage space to maintain the safety and security of the library materials and holdings.

(iii) Library holdings shall include sufficient current reference titles, periodicals and other educational materials to achieve the objectives of the curriculum.

STUDENTS

§21.101. [Selection and admission] Admission and graduation standards.

(a) Policies and procedures related to [the selection and] admission and graduation of students are the responsibility of each nursing education program. [the individual school. Consideration shall be given to scholastic aptitude, academic achievement, personal qualities and physical and emotional health necessary to fulfill the objectives of the program.

(b)] Students admitted to baccalaureate and associate degree programs shall meet the requirements for admission to the university or college and additional requirements that may be established for the nursing major.

[(c)] (b) Applicants shall have completed work equal to a standard high school course with a minimum of 16 units, including 4 units of English, 3 units of Social Studies, 2 units of Mathematics (1 of which is Algebra) and 2 units of Science with a related laboratory or the equivalent.

§21.102. Admission of classes.

[The Board recommends that only one class be admitted per year.]
The number of [candidates] admissions for each class shall be determined by the educational and clinical resources which the [school] nursing education program can provide.

§21.103. Transfer of students or advanced standing.

The [school] nursing education program shall have a written policy consistent with its philosophy and objectives concerning criteria for granting advanced standing or accepting transfer students. [The policies of the baccalaureate and associate degree programs shall be consistent with those of the controlling institution. Diploma programs shall assume responsibility for formulating their own policies and submitting them for Board approval. The Board requires that transfer students complete, as a minimum, the senior or final level in the school granting the diploma or degree.]

STUDENT SERVICES

* * *

§21.112. (Reserved). [Student employment.]

(a) If students are employed in health agencies, they may not be employed as registered or practical nurses unless they are currently licensed.

(b) Student employment shall be on a voluntary basis and not a requirement of the institution.

(c) Remuneration for employment shall be within the range of the salary scale for the position.]

§21.113. (Reserved.) [Student housing.]

Policies concerning student housing provided by the institution shall include the following:

(1) Adequate space, equipment and furnishings for each student, such as desk, chairs, proper lighting, ventilation and closet space.

(2) Safe and adequately maintained facilities directly related to personal hygiene and personal security measures which include appropriate supervision of housing facilities and periodic inspection of safety device, such as

extinguishers, housing exits and fire drills.

(3) Provision of facilities which promote recreational and social activities.

(4) Facilities for obtaining adequate, well-balanced meals.]

§21.114. Counseling and guidance.

(a) The scope of the counseling program shall be clearly defined [in accordance with the objectives of the program.] and [(b) a program should] shall include personal, professional and academic counseling, initiated by either faculty or students.

[(c)] (b) Adequate provisions [should] shall be made for referral of students to appropriate counselors when [assistance is] needed [for solving problems of students].

§21.115. (Reserved). [Financial aid.

(a) Policies and procedures relating to scholarships, loans and grants shall be developed within the framework of the philosophy of the controlling institution and defined in writing.

(b) It is recommended that each school maintain a list of available resources for financial assistance and that applicants and students be informed of these resources.

(c) Student accepting financial aid should be made aware of the provisions and responsibilities incurred with such assistance.]

* * *

STUDENTS LICENSED IN OTHER JURISDICTIONS

§21.118. Post-Basic Nursing Education Programs.

(a) A registered nurse currently licensed in another jurisdiction of the United States or Canada who has graduated from an approved program of nursing and who is enrolled in an accredited graduate nursing program, a bachelor of science nursing program, or a refresher course in nursing may practice nursing in a clinical setting as required by the educational program of studies without obtaining a Pennsylvania license so long as the student does not receive compensation except in the form of stipends, scholarships and other awards related to the [training] nursing education

program.

(b) A student who meets the description in subsection (a) and who also desires to practice as a registered nurse while participating in the [training] nursing education program shall submit an application for licensure by endorsement and obtain a temporary practice permit as provided by §21.28 [(relating to licensure by endorsement)].

RECORDS

§21.121. Program records.

(a) A record system essential to the operation of the program shall be maintained.

(b) Records shall be kept in locked [fireproof] files which assure their permanent safekeeping.

§21.122. Record maintenance.

[Each nursing faculty shall select record forms specifically for the nursing program and] Records to be maintained shall include the following:

(1) Student records, including [the following:

(i) Permanent record, including both clinical and theoretical experience and achievement, shall be kept ad infinitum.] complete academic transcripts and a summary of clinical performance evaluations. These records shall be retained for a period of fifty years.

[(ii)] (2) Health records [shall be kept] ,to be maintained throughout the time of attendance and for five years following completion of the program.

[(2)] (3) Faculty records [,including the following:]which include:

(i) "Display portion" or duplicate of all current Pennsylvania RN licenses.

(ii) Records of preparation and experience, including

official college transcripts.

(iii) Current record of continuing education activities and professional leadership activities.

[(3)] (4) Administrative records [,including the following] which include :

(i) [Affiliation agreements with] [c] Cooperating clinical agency agreements and letters of agreement regarding clinical experience and student observations.

(ii) Minutes of organizational and faculty meetings, to be retained for at least ten years.

(iii) Annual reports required by the institution and documentation of periodic evaluations required under §131 of this Chapter, to be retained for at least ten years.

(iv) [Follow-up studies of graduates.]

[(v)] Budgets , to be maintained for at least three years.

[(vi)] (v) Current [written] nursing education program policies.

[(4)] (5) School bulletins [,as follows:

(i) S] shall be accurate, comprehensive and current; [, since it serves as a contract of agreement between the applicant or student and the school.]

[(ii) S] shall include clearly defined [refund policies governing fees and tuition paid by the students.] tuition, fees, and refund policies; and

[(iii) S] shall include clearly defined [policies relating to admission, promotion, retention, transfer, advanced placement and dismissal] admission, progression, retention and graduation policies.

* * *

§21.123. (Reserved.) [Access and use of records.

(a) Students shall have access to personal records as defined by

Federal and State legislation.

(b) No information may be released from a student's record without written permission of the student.]

§21.124. Records to be filed with the Board.

(a) An annual report of the [school of] nursing education program shall be sent to the Board using the form supplied by the Board.

(b) [Upon completion of the entire program, a transcript or photocopy of the final record of the student shall be submitted along with the application for admission to the licensing examination. The transcript shall bear the impression of the school seal and signature of the director of the school or authorized representative.] Each nursing education program shall submit a list of individuals who completed the program and qualify for a temporary practice permit.

§21.125. Custody of records.

(a) When a [school] nursing education program closes, the controlling institution shall be responsible for the safekeeping of the records of students [,and official] for at least fifty years after graduation. Official copies of the records shall be made available upon request.

(b) If the controlling institution also closes, advice should be obtained from the Board concerning the permanent safekeeping and availability of the records of the [school of] nursing education program.

* * *

PROGRAM EVALUATION

§21.131. Evaluation.

The program shall be evaluated according to a systematic plan developed by the faculty which shall include the following:

- (1) Organization and administration of the nursing education program.
- (2) Administrative and instructional personnel.

(3) Curriculum.

(a) Review of the program based on its stated philosophy and objectives.

(b) Evaluation of instructional procedures, learning experiences and student progress.

(c) Performance of graduates on the licensing examination.

(d) Evaluation by students and graduates of the quality of education and entry level nursing competencies of the program.

(4) Facilities and resources.

(5) Student policies and student services.



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF NURSING
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7142**

January 25, 2001

The Honorable John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking of the State Board of Nursing
General Revisions of the Professional Nursing Provisions: 16A-516

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to General Revisions of the Professional Nursing Provisions.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "K. Stephen Anderson CRNA".

K. Stephen Anderson, CRNA, Chairperson
State Board of Nursing

KSA/MHB/dn
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Martha H. Brown, Counsel
State Board of Nursing
State Board of Nursing

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

RECEIVED
2001 JAN 25 PM 2:06
INDEPENDENT REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 16A-516
SUBJECT: General Revisions of the Professional Nursing Provisions
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

| DATE | SIGNATURE | DESIGNATION |
|---------|---------------------|---|
| 1-25-01 | <i>Lou A. Clark</i> | HOUSE COMMITTEE ON STATE GOVERNMENT Professional Licensure |
| 1/25/01 | <i>Sammy Weaver</i> | SENATE COMMITTEE ON STATE GOVERNMENT Consumer Protection Professional Licensure |
| 1/25/01 | <i>Elena Pagan</i> | INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL |
| 1/25/01 | <i>Mayra Carcas</i> | LEGISLATIVE REFERENCE BUREAU |