

**PROPOSED AMENDMENTS TO §214.3 AND §215.3 RELATING TO THE
AUTHORITY OF THE TEXAS BOARD OF NURSING TO APPROVE
NURSING EDUCATION PROGRAMS APPROVED BY OTHER STATE BOARDS OF NURSING**

SUMMARY OF REQUEST:

Consider the proposed amendments to §214.3 and §215.3 relating to the authority of the Board to approve nursing education programs approved by other state boards of nursing.

HISTORICAL PERSPECTIVE:

- In April 2006, the Board issued a charge to the Advisory Committee on Education (ACE) to study the issues involved in the Board approving nursing education programs outside Texas' jurisdiction currently operating in Texas or desiring to operate in Texas.
- In April 2007, the Board approved the process/education guideline recommended by ACE that allows a nursing educational program outside Texas' jurisdiction to request approval to conduct clinical learning experiences in Texas (See Attachment).
- Since April 19, 2007, at least four professional nursing educational programs located outside Texas' jurisdiction have submitted requests for Board approval to conduct clinical learning experiences in Texas, but to date the programs have not been approved because Texas Higher Education Coordinating Board (THECB) approval has not yet been obtained allowing the programs to conduct business in Texas.
- The Sunset Advisory Commission Report to the 80th Legislature, May 2007, under Recommendations, Change in Statute 1.3 states "Clarify the Board's authority to approve nursing education programs approved by other state boards of nursing."
- House Bill (HB) 2426 Section 301.157(d-4) requires that "The board may recognize and accept as approved under this section a school of nursing or educational program operated in another state and approved by a state board of nursing of another state. The board shall develop policies to ensure that the other state board's standards are substantially equivalent to the board's standards."

PROPOSED RULE CHANGES:

- §214.3 Program Development, Expansion and Closure
 - (e) Approval of a Nursing Educational Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas.
 - (A) The nursing educational program outside Texas' jurisdiction seeking approval to conduct clinical learning experiences in Texas should initiate the process with the Texas Board of Nursing two to three months prior to the anticipated start of the clinical learning experiences in Texas.
 - (B) A written request and the required supporting documentation shall be submitted to the Board office following Board guidelines.
 - (C) Evidence that the program has been approved/licensed by the appropriate Texas agency, i.e., THECB, TWC, to conduct business in the State of Texas must be obtained before approval can be granted by the Texas Board of Nursing for the program to conduct clinical learning experiences in Texas.

- §215.3 Program Development, Expansion and Closure
 - (e) Approval of a Nursing Educational Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas.
 - (A) The nursing educational program outside Texas' jurisdiction seeking approval to conduct clinical learning experiences in Texas should initiate the process with the Texas Board of Nursing two to three months prior to the anticipated start of the clinical learning experiences in Texas.
 - (B) A written request and the required supporting documentation shall be submitted to the Board office following Board guidelines.
 - (C) Evidence that the program has been approved/licensed by the appropriate Texas agency, i.e., THECB, to conduct business in the State of Texas must be obtained before approval can be granted by the Texas Board of Nursing for the program to conduct clinical learning experiences in Texas.

PROS AND CONS:

Pros -

- Proposed amendments to §§214.3 and 215.3 above reflect statutory changes and operationalize the statute.
- Proposed amendments and the attached education guideline provide an approval mechanism for programs outside Texas' Jurisdiction seeking to obtain approval to conduct clinical learning experiences in Texas.

Cons -

- Time frame for programs to receive from the THECB or the Texas Workforce Commission to conduct business in Texas may require that programs outside Texas' jurisdiction seek approval at least six to eight months before clinical learning experiences can be implemented in Texas.

STAFF RECOMMENDATION:

- The motion to approve the proposed amendments to §214.3 relating to the authority of the Board to approve nursing education programs approved by other state boards of nursing will be included as part of Agenda Item 7.10.12.
- The motion to approve the proposed amendments to §215.3 relating to the authority of the Board to approve nursing education programs approved by other state boards of nursing will be included as part of Agenda Item 7.10.13.

TEXAS BOARD OF NURSING

3.1.1.d. EDUCATION GUIDELINE

Process for Approval of a Nursing Educational Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas

Effective Date: 04/19/07

Revision Date: 10/01/07

Rule 214.4 sets forth the requirements for approval of a vocational nursing educational program. Rule 215.4 sets forth the requirements for approving a professional nursing educational program (diploma, associate degree, baccalaureate degree, or entry-level master's degree) nursing educational program. The following guideline sets forth the process for Approval of a Nursing Educational Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas.

- A nursing educational program outside Texas' jurisdiction seeking approval to conduct clinical learning experiences in Texas shall be:
 - fully approved/accredited by the state board of nursing in the state where the nursing education program originates and,
 - approved/licensed by the appropriate Texas agency, i.e., Texas Higher Education Coordinating Board (THECB), Texas Workforce Commission (TWC) to conduct business in the State of Texas.
- The approval process conducted by THECB or TWC must precede the approval process conducted by the Texas Board of Nursing (BON).
- The written request and the required supporting documentation for approval to conduct clinical learning experiences in Texas may be submitted to the Texas BON at the same time that an application is submitted to THECB or TWC, but the request to conduct clinical learning experiences in Texas cannot be approved until the program is approved by THECB or TWC to conduct business in the State of Texas.

PROCESS

- I. The nursing educational program outside Texas' jurisdiction seeking approval to conduct clinical learning experiences in Texas should initiate the process with the Texas Board of Nursing (BON) 2-3 months prior to the anticipated start of the clinical learning experiences in Texas.
- II. A written request and the required supporting documentation shall be submitted to the Texas BON office following Board guidelines. The written request shall include the name, credentials, and contact information, including an email address, of the individual who completed the request, the director of the program in the home state, the person(s) in Texas who will serve as program liaison(s) and/or faculty member(s), and a brief description of the nursing educational program seeking approval to conduct clinical learning experiences in Texas. The credentials for the individual(s), the program liaison(s) and/or the faculty member(s) representing the program in Texas shall be equivalent to credentials required in Texas BON Rule 214 or Rule 215. The Texas BON Rules and Regulations are available on the Texas BON web site, www.bon.state.tx.us.
- III. The following required supporting documentation shall accompany the written request. **Note: If any of this required documentation is only available via online, please submit a hard copy with the written request.**
 - A. Completed "APPLICATION FOR APPROVAL OF A NURSING EDUCATIONAL PROGRAM OUTSIDE TEXAS' JURISDICTION TO CONDUCT CLINICAL LEARNING EXPERIENCES IN TEXAS" form.
 - B. Evidence of the program's current approval/accreditation status by the state board of nursing from the state where the nursing education program originates.
 - C. Evidence that the program has been approved/accredited/licensed by the appropriate Texas agency to conduct business in the State of Texas.
 - D. Description of the type (directly faculty supervised, preceptorship, specific practice area) of the proposed clinical learning experiences to be conducted in Texas, including the geographic location, names of proposed clinical facilities, and the anticipated date when the clinical learning experiences will begin.
 - E. Names, credentials, and verification of appropriate nursing licensure or privilege to practice in Texas of prospective clinical faculty.

- F. Written plans for the clinical supervision of nursing students enrolled in clinical learning experiences in Texas.
- G. Letter(s) from prospective clinical facilities or settings indicating the facilities' ability to accommodate students.
- H. Evidence of discussion regarding cooperative planning with directors of existing nursing programs for use of potential affiliate agencies and clinical practice settings.
- I. Provide evidence of written policies related to the management of clinical learning experiences to be conducted in Texas including:
 - II Evidence that faculty will be responsible and accountable for managing clinical learning experiences of students in accordance with faculty to student ratios as required by Texas BON Rule 214.10 or Rule 215.10;
 - II Criteria and rationale for the selection of affiliate agencies or clinical practice settings appropriate for the program of study;
 - II Process for the evaluation of affiliating agencies/clinical facilities or clinical practice settings and the frequency of evaluation;
 - II Written agreements between the program and affiliating agencies/clinical facilities which specify the responsibilities of the program to the agency and the responsibilities of the agency to the program;
 - II When clinical preceptors or clinical teaching assistants are used, written agreements between the program, clinical preceptor or clinical teaching assistant, and the affiliating agency, when applicable, delineating the functions and responsibilities of the parties involved;
 - II Written criteria for the selection of competent clinical preceptors and verification of qualifications as required by Texas BON Rule 214.10 or Rule 215.10;
 - II Process for the evaluation of student performance in clinical learning experiences, including the criteria for evaluating and the frequency of evaluation; and
 - II Provide, in table format, the specific clinical facilities that will be utilized, the number of the program's students at each clinical facility, the number of the program's clinical faculty at each clinical facility, and the number of preceptors that will be utilized at each clinical facility.

Note: Please be aware that if the program is approved to conduct clinical learning experiences in Texas, the program will be required to submit to the Texas BON office any changes to the information originally submitted with the request for approval, including, but not limited to, the program's approval/accreditation status by the state board of nursing that approves the nursing educational program, the specific clinical facilities that are being utilized, the number of the program's students at each clinical facility, the number of the program's clinical faculty at each clinical facility, and the number of preceptors that are being utilized at each clinical facility.

- IV. Board staff reserve the right to request additional information and/or documentation in order to provide clarity.
- V. Board staff **may** schedule an in-house consultation visit or a site visit of the proposed clinical facilities may be conducted, depending on the analysis of the written request and the required supporting documentation.
- VI. Board staff will notify the nursing educational program in writing when the request is approved.
- VII. Students shall not be enrolled in the clinical learning experiences to be conducted in Texas until the nursing educational program is approved by board staff to conduct clinical learning experiences in Texas.

Important: Please be aware that references to Texas BON Rule 214 and Rule 215 are not all inclusive.

APPLICATION FOR APPROVAL OF A NURSING EDUCATIONAL PROGRAM OUTSIDE TEXAS' JURISDICTION TO CONDUCT CLINICAL LEARNING EXPERIENCES IN TEXAS

Name of Nursing Educational Program Applying for Approval to Conduct Clinical Learning Experiences in Texas:

Address:

Web Site Address:

Telephone Number:

Official Title of Nursing Educational Program:

Type of Nursing Educational Program:

Name, Title, and Credentials of Nursing Program Administrator:

Address, if different from above:

Telephone Number, if different from above:

Email Address of Nursing Program Administrator:

Name of Contact Person, if different from Nursing Program Administrator:

Telephone Number of Contact Person, if different from Nursing Program Administrator:

Email Address of Contact Person, if different from Nursing Program Administrator:

***Texas BON staff, as part of the Approval of a Nursing Educational Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas, may make a survey visit of the potential clinical facilities and/or settings with 24-hour notice.**

BON USE ONLY

Date Received: _____

Date Approved: _____

Name of Nursing Consultant for Education: _____