

**Proposed Adoption of Amendments to 22 Tex. Admin. Code §215.9, Pertaining to Program of Study, Written Comments Received, and Board Responses to Comments**

**Background:** The proposed amendments to §215.9 were approved by the Board at its April 2014 meeting for submission to the *Texas Register* for public comment. The proposal was published in the *Texas Register* on May 23, 2014, and the comment period ended on June 23, 2014.

The Board received one written comment on the proposal, which is attached hereto as Attachment "A". A summary of the comment and Staff's proposed response to the comment is attached hereto as Attachment "B".

**Board action:** Move to adopt the proposed amendments to §215.9 without changes, as published in the *Texas Register* on May 23, 2014. Further, authorize Staff to publish the summary of the comment and response to the comment, as set forth in Attachment "B".

**From:** Carlos E Martinez [<mailto:Carlos.Martinez@austin.utexas.edu>]  
**Sent:** Thursday, June 19, 2014 1:40 PM  
**To:** Johnston, Dusty; 'jan.hooper@bon.texas.gov'  
**Cc:** Grigsby, Gwen  
**Subject:** Texas Board of Nursing: Comments to Proposed Rules (Due date: June 23, 2014)

Mr. Johnson/Dr. Hooper,

Thank you for the opportunity to comment on the Texas Board of Nursing's proposed amendments to the rules related to Professional Nursing Education, 22 TAC §215.9 intended to implement parts of SB 215 and SB 497, 83<sup>rd</sup> Texas Legislature, Regular Session, 2013. We submit the following comment for your consideration:

- UT Austin's School of Nursing believes that the proposed change related to Professional Nursing Education would present an unnecessary burden on nursing programs throughout the state of Texas. Proposed §215.9(i)(2)(C) and (D) would establish that any revision in program hours and the addition/reduction of any course(s) in the program of study to be major changes that require Board staff approval before the changes could be implemented. This change would increase the difficulty that nursing programs have to make revisions and updates to the curriculum that already undergoes a cumbersome approval process. To ameliorate some of the burden, we recommend that the proposal be amended to provide for Board staff approval for those revisions affecting more than three program hours and that add/reduce the number of hours in the program of study by more than three.. We believe this change would strike a healthier balance between the Board's interest in protecting the integrity of Professional Nursing Education programs and the important interest that nursing schools have in efficiency when making needed changes to the nursing curricula.

We genuinely appreciate the opportunity to comment on these proposed rules, and hope you find our comments helpful as you consider crafting the final rules. If you have any questions, please feel free to call on us.

Carlos

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## **Attachment “B”**

**Comment:** A commenter representing the University of Texas at Austin's School of Nursing believes that the proposed rule change presents an unnecessary burden on nursing programs throughout the state of Texas. The commenter states that proposed §215.9(i)(2)(C) and (D) would establish any revision in program hours and the addition/reduction of any course(s) in the program of study as major changes that require Board staff approval before the changes could be implemented. The commenter states that this change would increase the difficulty that nursing programs have to make revisions and updates to the curriculum that already undergo a cumbersome approval process. To ameliorate some of the burden, the commenter recommends that the proposal be amended to provide for Board staff approval for those revisions affecting more than three program hours and that add/reduce the number of hours in the program of study by more than three. The commenter believes that this change would strike a healthier balance between the Board's interest in protecting the integrity of professional nursing education programs and the important interest that nursing schools have in efficiency when making needed changes to the nursing curricula.

**Response:** The Board declines to make the suggested change. The Board appreciates the commenter's position and is cognizant that some programs undergo a rigorous, in-house approval process for curriculum changes. However, the Board is also aware that not all programs have an established in-house review process, and the proposed changes are necessary to ensure that all programs remain in compliance with the Board's requirements for program content subsequent to curriculum changes. Over the last few

years, the Board has seen problems arise, such as decreased pass rates on the national nursing licensing exam, when programs have modified their curriculum without prior consultation with Board staff or approval. The Board is tasked with protecting the interests of the public, including nursing students. When nursing education programs make changes to their approved curriculum, the Board must ensure that the changes will not negatively impact students' ability to receive quality nursing education or the program's ability to graduate safe and competent practitioners. The proposal is designed to detect potential problems with program curriculum changes early in the process, so programs can make the necessary changes before implementing changes in curriculum that may be detrimental to the program or their students. Further, the proposed changes to §215.9 are necessary for consistency with the existing requirements of §214.9 of this title (relating to Program of Study), which relate to vocational nursing education programs. Vocational nursing education programs have been required to seek Board staff approval for revisions in program hours and the addition and/or reduction of courses in their programs of study since at least 2005, without notable difficulty or impasse. The Board believes that consistency among the treatment of nursing education programs in this state is important, particularly when there is not a justifiable reason to treat vocational and professional nursing education programs differently. Further, the proposed amendments do not affect the redistribution of course content or credit hours; these types of changes are considered minor curriculum changes and would not be subject to the proposal.

Additionally, the proposed amendments are not intended to be obstructive, nor does the Board expect that the proposed changes will have such effect. Many program directors currently discuss potential curriculum changes with Board staff prior to making such

changes to ensure they will remain in compliance with the Board's requirements. Board staff is available to discuss these types of concerns and typically complete a straightforward review of a program's requested curriculum changes within fourteen business days, without need for revision to the program's requested changes. Further, many nursing education programs are eligible to file an abbreviated proposal with Board staff for review of curriculum changes. The eligibility requirements and procedures for filing an abbreviated proposal for the review of curriculum changes are currently set out in Education Guideline 3.7.1.a. Further, programs that hold national nursing accreditation are already required to submit curriculum changes to the program's accreditation organization for review and approval. The Board believes it may be appropriate to amend its education guidelines to permit accredited programs to file the same report with Board staff that they file with their accrediting organization(s) for purposes of reviewing the program's requested proposed curriculum changes. This should reduce duplicative efforts for these programs, while still allowing Board staff to review proposed changes to program curriculum to ensure continued compliance with Board requirements.