

### **Consideration of Proposed Amendments to 22 Tex. Admin. Code §214.8**

**Background:** On October 23, 2014, the Board charged the Advisory Committee on Education (ACE) with examining and recommending rule changes related to Board approval for increasing enrollments in nursing programs. The Committee met on July 31, 2015 and September 18, 2015 to consider the Board's charge.

Attachment "A" contains proposed amendments to §214.8 that were recommended by the Committee after its review and discussions.

The proposed amendments require a vocational nursing educational program that plans to expand enrollment beyond twenty-five percent (25%) in one year to seek Board approval prior to implementing that increase. This proposed change is based upon the benchmark utilized by the Accreditation Commission for Education in Nursing (ACEN). ACEN requires programs to submit a proposal for substantive change if there will be a twenty-five percent (25%) increase in enrollment. ACEN also considers certain factors when determining whether approval for the increase in enrollment should be granted. The factors set forth in the proposed rule are consistent with the factors utilized by ACEN.

Further, because the proposed rule contains requirements that are equivalent to ACEN accreditation standards, the proposed amendments will only apply to non-accredited programs. Accredited programs are currently exempted from the Board's ongoing approval requirements so long as the program's accreditation requirements are equivalent to the standards set forth in Board rule. See §214.4(c)(5)-(13).

**Staff Recommendation:** Move to approve proposed amendment to 22 Tex. Admin. Code §214.8, pertaining to *Students*, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §214.8, pertaining to *Students*, as proposed.

§214.8. Students.

(a) (No change.)

(b) A program must seek approval prior to an increase in enrollment of twenty-five percent (25%) or greater by headcount in one (1) academic year for each nursing program offered. The program must notify Board Staff four (4) months prior to the anticipated increase in enrollment. The Executive Director shall have the authority to approve a requested increase in enrollment on behalf of the Board. When determining whether to approve a request for an increase in enrollment under this rule, the Executive Director and/or the Board shall consider:

1. the comparison of previous to projected nursing program enrollment by headcount;

2. enrollment projections and enrollment management plan;

3. the change of enrollment on faculty workload;

4. clinical placement/utilization;

5. additional resources required by the enrollment increase; and

6. the program's plan to evaluate the effect of the enrollment increase on the program's success.

(c)[(b)] Individuals enrolled in approved vocational nursing education programs preparing students for licensure shall be provided verbal and written information regarding conditions that may disqualify graduates from licensure and of their rights to petition the Board for a Declaratory Order of Eligibility. Required eligibility information includes:

(1) Texas Occupations Code §§301.252, 301.257, and 301.452-.469; and

(2) Sections 213.27 - 213.30 of this chapter [~~the Texas Administrative Code~~] (relating to Good Professional Character, Licensure of Individuals with Criminal History [~~Licensure of Persons with Criminal Offenses~~], Fitness to Practice [~~Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters~~], and Declaratory Order of Eligibility for Licensure).

(d)[(e)] The program shall have well-defined, written nursing student policies based upon statutory and Board requirements, including nursing student admission, dismissal, progression, and graduation policies that shall be developed, implemented, and enforced.

(1) - (4) (No change.)

(e)[(d)] Reasons for dismissal from the program shall be clearly stated in written nursing student policies and shall include any demonstration of the following, including, but not limited to:

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

(3) intemperate use, abuse of drugs or alcohol, or diagnosis of or treatment for a substance use disorder [~~chemical dependency~~], mental illness, or diminished mental capacity; and

(4) (No change.)

(f)[(e)] Policies shall facilitate mobility/articulation, be consistent with acceptable educational standards, and be available to students and faculty.

(g)[(f)] Student policies shall be furnished manually or electronically to all students at the beginning of the students' enrollment in the vocational nursing education program.

(1) (No change.)

(2) The program shall maintain evidence of student receipt of the criteria

regarding eligibility for licensure, as specifically outlined in subsection (c) [~~(b)~~] of this section.

(3) (No change.)

(h)[~~(g)~~] Acceptance of transfer students and evaluation of allowable credit for advanced placement remains at the discretion of the director or coordinator of the program and the governing entity. Upon completing the program's requirements, the transferred student is considered to be a graduate of the program.

(i)[~~(h)~~] Students shall have mechanisms for input into the development of academic policies and procedures, curriculum planning, and evaluation of teaching effectiveness.

(j)[~~(i)~~] Students shall have the opportunity to evaluate faculty, courses, and learning resources and these evaluations shall be documented.