



---

## Texas Board of Nursing

---

1801 Congress Avenue, Ste. 10-200, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

**Katherine A. Thomas, MN, RN, FAAN**  
*Executive Director*

### **Office of the Governor Regulatory Compliance Division**

#### **Amended Rule Submission Memorandum**

To: Regulatory Compliance, Division Director

From: John Vanderford, Deputy General Counsel, Texas Board of Nursing

Date: August 31, 2023

Subject: Sections 214.3, 214.6, 214.7, 215.3, 215.6 & 215.7

---

On June 11, 2021, the Texas Board of Nursing proposed a Rule Review of Title 22 Texas Admin. Code, Chapters 214 and 215 pursuant to Tex. Gov't Code §2001.039. On August 2, 2021, the Office of Regulatory Compliance sent a request for additional information regarding proposed Sections 214.3, 214.6, 214.7, 215.3, 215.6, and 215.7. The Board has now published proposed substantive amendments to Chapters 214 and 215 (48 TexReg 3481) and submits this memorandum to the division for review. The PDF version of the preambles and text of the proposed amendments, as published in the *Texas Register*, and the language of any amendments to the proposed rules that the Texas Board of Nursing intends to adopt, are attached to this memorandum.

The Texas Board of Nursing intends to meet on October 19, 2023 to consider the rules.

---

To facilitate the Regulatory Compliance Division's review of the proposed rule, the Texas Board of Nursing provides answers to the following questions.

**1. Briefly describe the proposed rule.**

Board Rules found in 22 Tex. Admin. Code §§ 214.3 and 215.3 relate to Program Development, Expansion, and Closure of vocational and professional nursing schools. This rule sets the minimum requirements for new nursing programs in Texas, the qualifying criteria to open an extension site/campus, and the protocol for the closure of a program.

The Board rules found in 22 Tex. Admin. Code §§ 214.6 and 215.6 provide the organizational structure and requirements for the administration of vocational and professional nursing schools. 22 Tex. Admin. Code §§ 214.6(a)-(e) and 215.6(a)-(e) provide that the governing entity of the program shall be approved or deemed exempt by the Texas Workforce Commission (TWC) or The Higher Education Coordinating Board (THECB) as well as outline the governing entity's requirements for support necessary for the operation of a nursing program. 22 Tex. Admin. Code §§ 214.6(f) and 215.6(f) provide the minimum requirements for a director or coordinator of a nursing program, the requirements when a director or coordinator is changed by a governing entity, and the authority of the director or coordinator.

Board Rules found in 22 Tex. Admin. Code §§ 214.7 and 215.7 establish the faculty requirements for a nursing program including qualifications and responsibilities.

The Board proposed amendments to these sections of Chapters 214 and 215 at its regularly scheduled April 2023 meeting for publication in the Texas Register for public comment. The proposed amendments correct outdated references, contain clarifying and editorial changes, and simplify the existing numbering system for the Board's educational guidelines currently referenced in the rule.

The specific proposed amendments relating to the sections at issue in this memorandum are laid out below.

The proposed amendments to 22 Tex. Admin. Code §214.3 contains the Board's requirements for nursing education program development, expansion, and closure with relation to a vocational nursing education program. First, the proposed amendments clarify factors that will be considered by the Board when determining whether to approve a new nursing education program. Second, the proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule. Third, the proposed amendments clarify factors that will be considered by the Board when determining whether a nursing education program is high-risk. The proposal also specifies that the Board may require the appointment of a mentor to assist the director of a nursing education program who does not have prior experience in the director role to ensure the success of a high-risk program. Finally, the proposed amendments correct typographical errors in the section.

The proposed amendments to 22 Tex. Admin. Code §§214.6 simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule.

The proposed amendments to 22 Tex. Admin. Code §214.7 make editorial changes for better readability within the section.

The proposed amendments to 22 Tex. Admin. Code §215.3 contains the Board's requirements for nursing education program development, expansion, and closure with relation to a professional nursing education program. First, the proposed amendments clarify factors that will be considered by the Board when determining whether to approve a new nursing education program. Second, the proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule. Third, the proposed amendments clarify factors that will be considered by the Board when determining whether a nursing education program is high-risk. The proposal also specifies that the Board may require the appointment of a mentor to assist the director of a nursing education program who does not have prior experience in the director role to ensure the success of a high-risk program. Finally, the proposed amendments correct typographical errors in the section.

The proposed amendments to 22 Tex. Admin. Code §215.6 simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule.

The proposed amendments to 22 Tex. Admin. Code §215.7 make editorial changes for better readability within the section.

## **2. What is the purpose of the proposed rule?**

The purpose of these rules is to ensure that the Board has fulfilled its statutory duty of prescribing and publishing the minimum requirements and standards for a course of study in each program that prepares registered nurses and vocational nurses. Additionally, the purpose of these rules is to ensure that the Board has met its statutory duty of adopting rules necessary to conduct approved schools of nursing. These rules serve to ensure the success of both nursing students and nursing programs.

Specifically, 22 Tex. Admin. Code §§ 214.3 and 215.3 provide the procedure by which new programs apply for approval from the Texas Board of Nursing as well the procedure for approved programs to establish an extension site or expansion. The purpose of these rules is to ensure that a program proposal meets the minimum requirements for success in the Board's experience.

The amendments proposed to 22 Tex. Admin. Code §§ 214.3(a)(2)(B) and 215.3(a)(2)(B) clarify that if a proposed program with poorly performing out-of-state programs, it may result in denial of the program in Texas. This prevents low performing entities from migrating their historically poor curriculum or program of study to Texas. The Board of Nursing's mission is to protect the public, including nursing students, who will not be

served by a nursing program that fails to adequately prepare students for nursing practice in Texas.

The current text as well as the amendments proposed to 22 Tex. Admin Code §§ 214.3(a)(2)(H)(ii) & 215.3(a)(2)(I)(ii) provide the characteristics of a proposed program that have been found, by the Board, to be risk factors associated with poor program performance. Unfamiliarity of the governing entity with nursing education and inexperience of a potential director or coordinator portend potential issues with program management. Lack of rigor in admission criteria has been linked to poor outcomes for a program. The use of a standardized national curriculum has been found to be a risk factor for poor program performance because they often omit Texas rules about jurisprudence and required competencies. Further, a national curriculum used in all programs often does not include input from faculty at all sites, which results in educational deficits. The Board has also found that new directors without requisite experience often have brief tenures, which is a risk factor for program performance. As such, the proposed amendments allow for the assignment of an appropriate mentor to guide an inexperienced director to best support the program and students. These factors are designed to increase monitoring and support for a program that has known risk factors. The current text of 22 Tex. Admin. Code §§ 214.3 and 215.3, in concert with the proposed amendments, further the mission of the Board to protect the public, including nursing students who will not be served by a nursing program where faculty has no input in the curriculum or an inexperienced director is appointed without the requisite experience. The purpose of the rules is to prevent program failure and thus ensure adequate preparation of nursing students in Texas for practice as licensed nurses.

The Board rules found in 22 Tex. Admin. Code §§ 214.6 and 215.6 provide the organizational structure and requirements for the administration of vocational and professional nursing schools. 22 Tex. Admin. Code §§ 214.6(a)-(e) and 215.6(a)-(e) provide that the governing entity of the program shall be approved or deemed exempt by the Texas Workforce Commission (TWC) or The Higher Education Coordinating Board (THECB) as well as outline the governing entity's requirements for support necessary for the operation of a nursing program. 22 Tex. Admin. Code §§ 214.6(f) and 215.6(f) provide the minimum requirements for a director or coordinator of a nursing program, the requirements when a director or coordinator is changed by a governing entity, and the authority of the director or coordinator. The purpose of these requirements is to ensure that a governing organization can give appropriate resources and authority to a qualified director of a nursing program.

The Board rules found in 22 Tex. Admin. Code §§ 214.7 and 215.7 relate to the faculty requirements for vocational and professional nursing schools. The purpose of these rules is to ensure that sufficient faculty resources exist to prepare nursing students for licensure and practice as a licensed nurse.

**3. Describe any relevant factual background to the proposed rule and the impetus for the state agency to consider rulemaking**

Effective February 1, 2004, the Board of Nurse Examiners and the Board of Vocational Nurse Examiners merged into one agency, the Board of Nurse Examiners. This required the Board to adopt Chapter 214 to address education standards specific to vocational nursing education. Chapter 214 of the Board's rules was adopted effective February 13, 2005. This rule included 22 Tex. Admin. Code §§ 214.3, relating to Program Development, Expansion, and Closure, 214.6, relating to Administration and Organization, and 214.7, relating to Faculty Qualifications and Faculty Organizations.

22 Tex. Admin. Code §§ 214.3, 214.6, and 214.7 have since been amended multiple times. All revisions have included an opportunity for public comment on the Board's proposed amendments. Some amendments were made in response to legislative changes. Often, these amendments included stakeholder input through advisory committee meetings. Each of the proposals and adoptions concerning Chapter 214 is attached to this memorandum and additional information is available regarding the amendments as necessary for the division's review.

Chapter 215, in its current form, was adopted effective January 9, 2005 after a repeal of the prior chapter concerning professional nurse education. This rule included 22 Tex. Admin. Code §§ 215.3, relating to Program Development, Expansion, and Closure, 215.6, relating to Administration and Organization, and 215.7, relating to Faculty Qualifications and Faculty Organizations. This rule was originally developed with the input of the Board's Advisory Committee on Education which began the process of discussing the repeal and revision of the Chapter in February 2002. The rules found in 22 Tex. Admin. Code §§ 215.3, 215.6, and 215.7 have since been amended multiple times. All revisions have included an opportunity for public comment on the Board's proposed amendments. Some amendments were made in response to legislative changes. Often, these amendments included stakeholder input through advisory committee meetings. Each of the proposals and adoptions concerning Chapter 215 is attached to this memorandum and additional information is available regarding the amendments as necessary for the division's review.

The recently proposed amendments to Chapters 214 and 215 have been proposed to correct outdated references, clarify the rules, and simplify the existing numbering system for the Board's educational guidelines currently referenced in the rules. Specifically, the Board has found that the performance of schools in other jurisdictions can be predictive of their performance in Texas. The Board has further found that the qualifications and support available to a program director are predictive of program outcomes. Further, one of the factors that may trigger a change in approval status is the receipt of multiple complaints about a nursing program from its students. Additionally, the Board has found that at times, a governing entity will not support nursing programs with resources or policies that promote success. In the Board's

experience, this can lead to the failure of a program to adequately prepare students for practice as a licensed nurse.

**4. Describe the legal authority for the proposed rule.**

- a. Is the proposed rule specifically required or authorized by state statute? If so, list the statute(s).

The rules that are the subject of this memorandum are both required and authorized by state statute. The Nursing Practice Act, Tex. Occ. Code §301.157, governs the Board's regulation of nursing educational programs. That statute requires the Board to prescribe and publish the minimum requirements and standards for a course of study in each program that prepares registered nurses or vocational nurses and to prescribe other rules as necessary to conduct approved schools of nursing and educational programs for the preparation of registered nurses or vocational nurses. Rulemaking authority is also derived from Tex. Occ. Code §301.151, granting authority to make rules to regulate the practice of professional nursing and vocational nursing. The Nursing Practice Act further requires the Board to deny or withdraw approval from a school of nursing or educational program that fails to meet the prescribed course of study or other standard under which it sought approval by the Board. The rules at issue here are the result of that statutory directive and authority.

- b. Is the proposed rule within the scope of the state agency's general authority to regulate in a given occupation or industry? If so, describe how the proposed rule is within the scope, and reference the applicable state statute(s).

The Board has specific authority to regulate nursing educational programs. The Board is required to prescribe programs of study and to publish the minimum requirements and standards for each course of study, pursuant to Tex. Occ. Code §301.157, and has rulemaking authority, pursuant to Tex. Occ. Code §§ 301.157(b) & 301.151, to make rules related to nursing education.

**5. Describe the process that the state agency followed in developing the proposed rule, including any public hearings held, public comments invited, studies conducted, and data collected or analyzed.**

The rules that are the subject of this memorandum in Chapters 214 and 215 have been in existence since 2005 and have been amended multiple times after adoption. Each of these amendments invited public comments. Amendments have taken place after stakeholder input and advisory committee meetings. Further, Staff routinely collects data that informs the Board's adoption of amendments. Staff will provide additional information about specific amendments and adoptions upon request.

The Board considered the recently proposed amendments to Chapters 214 and 215 at its regularly scheduled April 2023 meeting and, by a unanimous vote, approved the proposal for publication in the Texas Register for public comment and final adoption should no

negative comments be received.<sup>1</sup> The rules were published in the June 30, 2023 edition of the Texas Register (48 TexReg 3481). The comment period ended on July 31, 2023. The Board received one comment from the Texas Medical Association, which is attached.

**6. Describe the harm that the proposed rule is intended to address and how the proposed rule will address the harm.**

The purpose of these rules is to prevent the failure of a nursing program in Texas as well as to ensure that students are adequately prepared for the nursing profession. The quality and rigor needed to train professional and vocational nursing is well-established. The demand for nursing, and public funds available for student aid, has spawned ill-prepared proposals seeking to fill the need. The Board's experience with the failure of nursing programs and awareness of the catastrophic financial and professional damage to nursing students has allowed Board staff to highlight those factors that consistently put the success of a program at risk. The rules and current proposed amendments clarify the qualifications for nursing programs to operate in Texas and add additional factors that could increase monitoring and support to those programs that may be at risk of failure.

**7. Do any less restrictive alternatives to the proposed rule exist for addressing the same harm? If so, include a comparison of the proposed rule to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.**

No less restrictive alternatives exist. The current rules, in concert with the proposed amendments, are the least restrictive rules necessary to protect nursing students as well as ensure safe nursing practice in Texas. These sections take the state environment into consideration and are no more restrictive than nursing education regulation in other states and, in some cases, less restrictive than the requirements of other states. For instance, the requirements in 22 Tex. Admin. Code §§ 214.7 and 215.7, relating to faculty, recognize the scarcity of Masters-prepared faculty for all programs and allow instructors of varying educational backgrounds to participate in the instruction of students, while some states require Masters-prepared faculty. The educational level for vocational programs is at a foundational level of nursing and the Board has recognized that a program can function with various educational requirements for faculty in specific courses and objectives. In vocational nursing education, vocational nurses may supervise clinicals, provide instruction in the nursing lab, and some foundational content. Allowing licensed vocational nurses to take advantage of opportunities to contribute to the education of vocational nursing students may motivate them to earn other degrees. These requirements were promulgated after a Board of Nursing faculty committee evaluated the outcomes of programs that used faculty with differing educational backgrounds and found there was no difference in program performance. There are also variations in requirements for faculty in registered nurse programs that encourages growth in credentials. National nursing accreditation standards recognize and acknowledge state requirements for faculty

---

<sup>1</sup> Link to the Board Meeting stream: <https://www.youtube.com/watch?v=yIm4fF9ZS6A>

credentials. Efforts are made to ensure that rule requirements are reasonable and allow progression.

**8. Indicate how the proposed rule affects market competition (See Section 57.105(d), Texas Occupations Code).**

The rules that are the subject of this memorandum and the proposed amendments to the same may discourage an application to establish a new nursing program in Texas for programs that do not meet the existing standard for nursing education in Texas. This may, theoretically, reduce the amount of nursing education programs in Texas. However, the Board has seen a consistent increase in the number of approved programs subject to Chapters 214 and 215, compliant with the Board's standards. The data indicate that there has been a consistent growth in the number of professional nursing students in Texas based on the survey commissioned by the Texas Center for Nursing Workforce Studies in collaboration with the Board attached to this memorandum. Vocational nursing student data is consistent with the nation-wide decline in vocational program admissions, though the Board continues to approve new vocational programs to enhance opportunity.

**9. Describe the specific impact that the proposed rule will have on market competition and how that effect is consistent with state policy as established by the Legislature in state statute.**

The rules found in Chapters 214 and 215 that are the subject of this memorandum may discourage nursing programs that do not meet the Board's standards for approval, administration, and faculty from applying for approval in Texas. Alternatively, these sections may encourage a program to increase their standards before applying for approval in Texas. The Board has seen a consistent increase in the number of approved programs subject to Chapters 214 and 215 which have ultimately increased marketplace competition for nursing education in Texas. The Texas Board of Nursing knows of no specific or quantifiable impact on the market as a result of the rule sections that are the subject of this memorandum. The data indicate that there has been a consistent growth in the number of professional nursing students in Texas based on the survey commissioned by the Texas Center for Nursing Workforce Studies in collaboration with the Board attached to this memorandum. Additional data and reports regarding nursing education programs have been published by the Department of State Health Services.<sup>2</sup>

22 Tex. Admin. Code §§ 214.3 and 215.3 provide the appropriate settings for nursing schools, the approval requirements for nursing programs, and the requirements for the approval of an extension site. These rule sections lay out a broad pathway for the establishment of professional and vocational nursing programs in Texas. A program may be within the structure of a school, including a college, university, or career school or college, or a hospital or military setting. A nursing school must have approval from a state entity to legitimize its establishment. Schools that have degree-granting authority may offer an associate or bachelor's degree. The authority to operate a school in Texas must be granted by either the Texas Workforce Commission or the Texas Higher Education Coordinating

---

<sup>2</sup> <https://www.dshs.texas.gov/texas-center-nursing-workforce-studies/nursing-education-reports>



Board. These agencies monitor the schools to assure their integrity in providing education. The Board works with these agencies to make sure there is not duplication of regulation and efforts as well as to ensure each agency carries out their responsibilities to ensure an appropriate education to students. Schools are permitted to begin working on the development of their nursing program while they are gaining approval from the other agencies.

These rule sections further establish that the proposed program has a timeline of up to one year to complete their program proposal and to prepare the program to present to the Board of Nursing. The one-year deadline is necessary because the submitted information becomes out of date if the timeline exceeds one year. The Board requires the author of the proposal to be the proposed program director to assure their allegiance to and continued involvement with the program. Institutions are assisted by Board Staff through numerous avenues in their effort to propose a new program including: being coached during an informal information session, written resources, and ongoing communication with the education consultants on Board Staff to assist with compliance with the Board's rules. The Board has promulgated a guideline for proposal development that outlines necessary portions of a new program proposal. The public is advised when new proposals are being presented if they wish to make comments. Additionally, these rules serve to notify a proposed program of high-risk factors that may affect their success. The Board may suggest monitoring by Board Staff to provide additional support for the success of the program.

These Board rule sections require programs that do not hold national nursing accreditation to submit a plan for an extension site for approval. Accredited programs are required by their accreditation organization to submit a report to them when an extension is planned. Board Staff provide a form for approval of an extension site (a distance site using the identical curriculum) which focuses on the plan to assure the program has the resources, faculty, and clinical sites for the extension. The rule also lays out the process for the closure of a nursing program. A required form is available for closure of a program to provide documentation of this occurrence, date, and reasons. Programs are required to provide secure storage of records and a plan for teaching out the students in the program prior to its closure.

Additionally, the rule establishes a process, initiated by legislative action in 2007, which would provide an avenue for nursing programs in other states to conduct clinicals for their students in Texas. The information required from the programs assures Texas residents and clinical facilities that the programs are quality and will provide supervision by qualified faculty. It is a measure for public protection.

Proposed amendments to 22 Tex. Admin. Code §§ 214.3(a)(2)(B) and 215.3(a)(2)(B) state that if the entity proffering a proposed program has poorly performing programs in other states, that fact may support a denial of authorization for a program in Texas; which has been identified by Board staff as a risk factor for program failure.

Additionally, the amendments proposed to 22 Tex. Admin Code §§ 214.3(a)(2)(H)(ii) and 215.3(a)(2)(I)(ii) refer to characteristics of a proposed program that have been found to be

risk factors that result in poor performance. These proposed amendments clarify standards for programs that are ultimately approved but are considered high risk. Such programs may be subject to additional monitoring by the Board associated with their initial approval. The additional monitoring required for high-risk programs is unlikely to have an impact on prices or competition in Texas nursing education.

The requirements for program development, expansion, and closure found in 22 Tex. Admin. Code § 214.3 and 215.3 are consistent with state policy as established through the legislature in statute. The Board is granted general rulemaking authority to regulate the practice of professional and vocational nursing pursuant to Tex. Occ. Code §301.151. The Nursing Practice Act requires the Board to prescribe programs of study and to publish the minimum requirements and standards for a course of study in each program that prepares registered or vocational nurses pursuant to Tex. Occ. Code §301.157(b)(2). Further, the Nursing Practice Act requires the Board to prescribe other rules as necessary to conduct approved schools of nursing for the preparation of registered and vocational nurses pursuant to Tex. Occ. Code §301.157(b)(3). Rules related to program approval, expansion, and closure are required to operationalize the Tex. Occ. Code §301.157(b)(4) authority granted to the Board to approve schools of nursing and education programs that meet the Board's requirements. Additionally, the proposed amendments fall squarely within the Board's statutory authority to execute state policy as they relate directly to the minimum requirements of schools of nursing for approval. The amendments proposed to 22 Tex. Admin. Code §§ 214.3(a)(2)(B) and 215.3(a)(2)(B), relating to denial of a program in Texas, clarify the minimum requirements and standards for a school of nursing's approval as required by Tex. Occ. Code §301.157(b)(2). Additionally, the amendments proposed to 22 Tex. Admin. Code §§ 214.3(a)(2)(H)(ii) and 215.3(a)(2)(I)(ii), referring to the characteristics of proposed programs that have been identified as risk factors, are necessary to approve and conduct schools of nursing pursuant to Tex. Occ. Code §301.157(b)(2)&(3). The rules adopted and the amendments proposed by the Board are an exercise of the Board's statutory directive, duty, and authority to regulate nursing educational programs.

The rules found in 22 Tex. Admin. Code §§ 214.6 and 215.6 provide the requirements for the administration and organization of vocational and professional nursing programs. These rules serve to ensure that each nursing program is provided equality with other programs (other disciplines) under the governing entity. The governing entity must have the proper credentials to legitimize the nursing program and must assure that the nursing program receives adequate resources. This rule also outlines the qualifications for the program director. These requirements ensure the director has the experience and skills to successfully lead the program. Barring the requirement of director qualifications, the governing entity may attempt to have a lesser-prepared director who may not have a background to help them successfully lead the program. The rule allows for an interim director to be appointed if a qualified candidate is available. These rules also list the responsibilities of the program director and empower the director when a governing entity may attempt to assume some of these duties. These rules are necessary when corporations or administrators of a governing entity wish to assume a leadership role over the nursing program without adequate qualifications.

The Board's rules relating to Administration and Organization of nursing programs are consistent with the state policy as established by the legislature in statute. These rules are necessary for the operation of a successful nursing program. The Nursing Practice Act requires the Board to prescribe programs of study and to publish the minimum requirements and standards for a course of study in each program that prepares registered or vocational nurses pursuant to Tex. Occ. Code §301.157. The rule sections relating to administration and organization are the minimum standards that the Board is required to promulgate. Further, the Nursing Practice Act requires the Board to prescribe other rules as necessary to conduct approved schools of nursing for the preparation of registered and vocational nurses pursuant to Tex. Occ. Code § 301.157. The Board is granted general rulemaking authority to regulate the practice of professional and vocational nursing pursuant to Tex. Occ. Code § 301.151. The rules found in 22 Tex. Admin. Code §§ 214.6 and 215.6 are designed to cause nursing programs to maintain the minimum standards necessary to avoid common pitfalls that lead to program failure and concomitant catastrophic impact on individual students.

The rules found in 22 Tex. Admin. Code §§ 214.7 and 215.7 provide the requirements for faculty of vocational and professional nursing programs. The faculty, as a group, make up the organization of the nursing program. These rules for the faculty provide a framework for the business of being faculty. The first consideration is related to how they are organized to carry out their work as a whole. Policies are developed by the faculty and those provide guidance to the program. Policies are required to delineate faculty meetings, committees, and their maintenance of minutes recording when decisions are made and their rationales. A Faculty Handbook must outline the procedures, document the responsibilities, workload, employment, orientation, faculty development, and evaluation. This handbook not only guides the nursing faculty but informs the larger organization.

The rules about faculty set standards for the process to determine the number of faculty needed and required qualifications. Though qualifications may limit who can be employed, other rules in Clinical Learning Experiences offer some variations for faculty extenders (preceptors and clinical teaching assistants for RN programs). Within the rules for faculty, other options allow faculty options for prospective faculty and faculty waivers. These variations provide encouragement for "grow your own" faculty opportunities. Differences in qualifications for associate degree nursing programs and bachelor of science nursing program faculty are included, and the vocational education rule guides the use of vocational nurses in teaching activities. The use of non-nursing faculty is clarified as well as inclusion of part-time faculty in the faculty organization.

The Board rules found in 22 Tex. Admin. Code §§ 214.7 and 215.7 set the minimum standards the faculty role in a nursing program and are necessary for orderly organization of the instruction for the nursing curriculum. The rules are necessary for the operation of a successful nursing program. The Nursing Practice Act requires the Board to prescribe programs of study and to publish the minimum requirements and standards for a course of study in each program that prepares registered or vocational

nurses pursuant to Tex. Occ. Code §301.157. The rule sections relating to faculty are the minimum standard for a course of study in each program that the Board authorizes and rules necessary to conduct approved schools of nursing that the Board is authorized to promulgate. The Nursing Practice Act requires the Board to prescribe rules as necessary to conduct approved schools of nursing for the preparation of registered and vocational nurses pursuant to Tex. Occ. Code §301.157. The Board is granted general rulemaking authority to regulate the practice of professional and vocational nursing pursuant to Tex. Occ. Code §301.151. The rules found in 22 Tex. Admin. Code §§ 214.7 and 215.7 are designed to cause nursing programs to maintain the minimum standards necessary to avoid common pitfalls that lead to program failure and concomitant catastrophic impact on individual students.

**10. Does the proposed rule relate to a question that is the subject of an opinion request pending before the Office of the Attorney General? Does the proposed rule relate to an opinion previously issued by the Office of the Attorney General?**

No.

**11. Does the proposed rule relate to a matter on which there is pending litigation or a final court order?**

No.

**12. Is there anything else that the state agency would like the Regulatory Compliance Division to know about the proposed rule?**

Board Staff is available to provide additional information or documents as requested during the Division's review.

*Enclosures:*

- *Response to Request for Additional Information*
- *Board Report regarding Proposed Amendments.*
- *Amendment Proposal for Chapter 214.*
- *Amendment Proposal for Chapter 215.*
- *Comment received from Texas Medical Association regarding proposed Amendments.*
- *Documented detailing Co-Regulation of Nursing Education Programs and Texas Board of Nursing (BON) and Texas Workforce Commission (TWC)(2012)*
- *Document detailing Review Processes between The Higher Education Coordinating Board (THECB) and the BON. (2020)*
- *Texas Center for Nursing Workforce Studies Survey regarding Admission, Enrollment, and Graduation in Professional Nursing Programs*

- *Board Report Relating to Program Operation and Closures (2006-2022)*
- *Proposals and Adoption of Amendments relating to the relevant sections of Chapters 214 and 215 published in the Texas Register.*

(1) Reports. All reports required by permits and other information requested by the director, shall be signed by a person described in §5.203(a)(1)(B) of this title, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(A) the authorization is made in writing by a person described in §5.203(a)(1)(B) of this title;

(B) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; and

(C) the written authorization is submitted to the director.

(2) Changes to authorization. If an authorization under paragraph (1) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (1) of this subsection must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. All reports required by permits and other information requested by the director under this subchapter, shall be certified as follows: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(e) Record retention.

(1) The operator must retain all data collected under §5.203 of this title for Class VI permit applications throughout the life of the geologic sequestration project and for 10 years following storage facility closure.

(2) The operator must retain data on the nature and composition of all injected fluids collected pursuant to §5.203(j)(2)(A) of this title until 10 years after storage facility closure. The operator shall submit the records to the director at the conclusion of the retention period, and the records must thereafter be retained at the Austin headquarters of the Commission.

(3) The operator must retain all testing and monitoring data collected pursuant to the plans required under §5.203(j) of this title, including wellhead pressure records, metering records, and integrity test results, and modeling inputs and data used to support AOR calculations for at least 10 years after the data is collected.

(4) The operator must retain well plugging reports, post-injection storage facility care data, including data and information used to develop the demonstration of the alternative post-injection storage facility care timeframe, and the closure report collected pursuant to the requirements of §5.206(k)(6) and (m) of this title for 10 years following storage facility closure.

(5) The operator must retain all documentation of good faith claim to necessary and sufficient property rights to operate the geologic storage facility until the director issues the final certificate of closure in accordance with §5.206(k)(7) of this title.

(6) The director has authority to require the operator to retain any records required in this subchapter for longer than 10 years after storage facility closure.

(7) The director may require the operator to submit the records to the director at the conclusion of the retention period.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 13, 2023.

TRD-202302143

Haley Cochran

Assistant General Counsel, Office of General Counsel

Railroad Commission of Texas

Earliest possible date of adoption: July 30, 2023

For further information, please call: (512) 475-1295



## TITLE 22. EXAMINING BOARDS

### PART 11. TEXAS BOARD OF NURSING

#### CHAPTER 214. VOCATIONAL NURSING EDUCATION

##### 22 TAC §§214.2 - 214.10, 214.12, 214.13

Introduction. The Board is proposing amendments to Chapter 214, relating to Vocational Nursing Education. Specifically, the Board is proposing amendments to §§214.2 - 214.10, 214.12 and 214.13. The proposed amendments correct outdated references; contain clarifying and editorial changes; and simplify the existing numbering system for the Board's educational guidelines that are currently referenced in the rule.

The Board considered the proposed amendments at its regularly scheduled April 2023 meeting and approved the proposal for publication in the *Texas Register* for public comment.

Section by Section Overview. Section 214.2 contains the definitions for the chapter. Proposed amended §214.2 clarifies existing definitions within the section and corrects outdated references. Additionally, proposed amended 214.2 adds a new definition of *nursing clinical judgment* for use in the chapter.

Section 214.3 contains the Board's requirements for nursing education program development, expansion, and closure. First, the proposed amendments clarify factors that will be considered by the Board when determining whether to approve a new nursing education program. Second, the proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule. Third, the proposed amendments clarify factors that will be considered by the Board when determining whether a nursing education program is high-risk. The proposal also specifies that the Board may require the appointment of a mentor to assist the director of a nursing education program who does not have prior experience in the director role in an effort to ensure the success of a high-risk program. Finally, the proposed amendments clarify how NCLEX-PN® examination testing codes will be addressed in the event of program consolidation.

Section 214.4 addresses nursing education program approval status. Consistent with other proposed changes throughout

the chapter, the proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule. The remaining proposed changes are non-substantive in nature and clarify existing provisions within the section.

The proposed amendments to §214.5 update an outdated reference.

The proposed amendments to §214.6 simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule.

The proposed amendments to §214.7 make editorial changes for better readability within the section.

The proposed amendments to §214.8 clarify existing requirements related to increases in enrollment of 25% or more for accredited and non-accredited programs. The remaining proposed amendments also simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule and include editorial changes.

The proposed amendments to §214.9 update an outdated reference, remove obsolete provisions from the section, and simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule.

The proposed amendments to §214.10 add clarity to the section and remove obsolete provisions from the section.

The proposed amendments to §214.12 make editorial changes.

The proposed amendments to §214.13 include a reference to the Board's guidelines for additional clarity in the section.

**Fiscal Note.** Katherine Thomas, Executive Director, has determined that for each year of the first five years the proposed amendments will be in effect, there will be no change in the revenue to state government as a result of the enforcement or administration of the proposal.

**Public Benefit/Cost Note.** Ms. Thomas has also determined that for each year of the first five years the proposed amendments are in effect, the anticipated public benefit will be the adoption of rules that provide additional clarity and guidance to vocational nursing education programs operating in Texas. There are no anticipated costs of compliance with the proposal. The proposed amendments do not impose any new requirements on vocational nursing education programs either operating in Texas or seeking to operate in Texas. The vast majority of the proposed amendments provide only editorial changes to the chapter. The remaining proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule and include clarifying language. However, the Board does not anticipate that any of these proposed changes will result in new costs of compliance or alter the manner in which vocational nursing education programs have been complying, or will comply, with the requirements of the chapter.

**Costs Under the Government Code §2001.0045.** The Government Code §2001.0045 prohibits agencies from adopting a rule that imposes costs on regulated persons unless the agency repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule or amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule. Pursuant to §2001.0045(c)(9), this prohibition does not apply to a rule that is necessary to implement legislation, unless

the legislature specifically states §2001.0045 applies to the rule. There are no anticipated costs of compliance with the proposal.

**Economic Impact Statement and Regulatory Flexibility Analysis for Small and Micro Businesses.** The Government Code §2006.002(c) and (f) require, that if a proposed rule may have an economic impact on small businesses, micro businesses, or rural communities, state agencies must prepare, as part of the rule-making process, an economic impact statement that assesses the potential impact of the proposed rule on these businesses and communities and a regulatory flexibility analysis that considers alternative methods of achieving the purpose of the rule. Because there are no anticipated costs of compliance associated with the proposal, an economic impact statement and regulatory flexibility analysis is not required.

**Government Growth Impact Statement.** The Board is required, pursuant to Tex. Gov't Code §2001.0221 and 34 Texas Administration Code §11.1, to prepare a government growth impact statement. The Board has determined for each year of the first five years the proposed amendments will be in effect: (i) the proposal does not create or eliminate a government program; (ii) the proposal is not expected to have an effect on current agency positions; (iii) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the Board; (iv) the proposal does not affect the fees paid to the Board; (v) the proposal does not create a new regulation; (vi) the proposal amends existing regulations primarily through non-substantive, editorial changes and provides additional clarity and simplicity to the chapter; (vii) there is no increase or decrease in the number of individuals subject to the rule's applicability; and (viii) the proposal will not affect the state's economy.

**Takings Impact Assessment.** The Board has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**Request for Public Comment.** To be considered, written comments on this proposal should be submitted to James W. Johnston, General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701, or by e-mail to [Dusty.Johnston@bon.texas.gov](mailto:Dusty.Johnston@bon.texas.gov), or faxed to (512) 305-8101. If a hearing is held, written and oral comments presented at the hearing will be considered.

**Statutory Authority.** The proposed amendments are proposed under the authority of the Occupations Code §301.151, which permits the Board to regulate the practice of professional nursing and vocational nursing. Further, the Occupations Code §301.157(b) authorizes the Board to: prescribe and publish the minimum requirements and standards for a course of study in each program that prepares registered nurses or vocational nurses; prescribe other rules as necessary to conduct approved schools of nursing and educational programs for the preparation of registered nurses or vocational nurses; approve schools of nursing and educational programs that meet the Board's requirements; select one or more national nursing accrediting agencies, recognized by the United States Department of Education and determined by the Board to have acceptable standards, to accredit schools of nursing and educational programs; and deny or withdraw approval from a school of nursing or educational program that fails to meet the prescribed course of study or other standard under which it sought approval by the

Board; fails to meet or maintain accreditation with the national nursing accrediting agency selected by the Board; or fails to maintain the approval of the state board of nursing of another state and the Board under which it was approved.

Cross Reference To Statute. The following statutes are affected by this proposal: the Occupations Code §301.151 and §301.157.

§214.2. *Definitions.*

Words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(1) - (10) (No change.)

(11) Clinical preceptor--a licensed nurse who meets the requirements in §214.10(i)(6) of this chapter (relating to Clinical Learning Experiences), who practices in the clinical setting ~~[is not employed as a faculty member by the governing entity]~~, and who directly supervises clinical learning experiences for no more than two (2) students. A clinical preceptor assists in the evaluation of the student during the experiences and in acclimating the student to the role of nurse. A clinical preceptor facilitates student learning in a manner prescribed by a signed written agreement between the governing entity, preceptor, and affiliating agency (as applicable).

(12) - (16) (No change.)

(17) Differentiated Essential Competencies (DECs)--the expected educational outcomes to be demonstrated by nursing students at the time of graduation, as published in the *Differentiated Essential Competencies of Graduates of Texas Nursing Programs Evidenced by Knowledge, Clinical Judgment, and Behaviors: Vocational (VN), Diploma/Associate Degree (Diploma/ADN), Baccalaureate Degree (BSN), 2021* ~~[October 2010]~~ (DECs).

(18) - (21) (No change.)

(22) Faculty waiver--a waiver granted by a director or coordinator of a vocational nursing education program to an individual who meets the criteria specified in §214.7(e) [§214.7(e)(1) - (3)] of this chapter.

(23) - (28) (No change.)

(29) Nursing Clinical Judgment--the observed outcome of critical thinking and decision-making that uses nursing knowledge to observe and access presenting situations, identify a prioritized client concern, and generate the best possible evidence-based solutions in order to deliver safe client care. It is a decision-making model that is consistent with the nursing process model where the nurse determines and implements nursing interventions based on recognizing and analyzing patient cues (assessment and analysis), prioritizing hypotheses and generating solutions (planning), taking action (implementation), and evaluating outcomes.

(30) ~~[(29)]~~ Objectives/Outcomes--expected student behaviors that are attainable and measurable.

(A) - (C) (No change.)

(31) ~~[(30)]~~ Observation experience--a clinical learning experience where a student is assigned to follow a health care professional in a facility or unit and to observe activities within the facility/unit and/or the role of nursing within the facility/unit, but where the student does not participate in hands-on patient/client care.

(32) ~~[(31)]~~ Pass rate--the percentage of first-time candidates within the examination year, as that term is defined in paragraph (19) of this section, who pass the National Council Licensure Examination for Vocational Nurses (NCLEX-PN®).

(33) ~~[(32)]~~ Philosophy/Mission--statement of concepts expressing fundamental values and beliefs as they apply to nursing education and practice and upon which the curriculum is based.

(34) ~~[(33)]~~ Program of study--the courses and learning experiences that constitute the requirements for completion of a vocational nursing education program.

(35) ~~[(34)]~~ Recommendation--a specific suggestion based upon program assessment that is indirectly related to the rules to which the program must respond but in a method of their choosing.

(36) ~~[(35)]~~ Requirement--mandatory criterion based on program assessment that is directly related to the rules that must be addressed in the manner prescribed.

(37) ~~[(36)]~~ Shall--denotes mandatory requirements.

(38) ~~[(37)]~~ Simulation--activities that mimic the reality of a clinical environment and are designed to demonstrate procedures, decision-making, and critical thinking. A simulation may be very detailed and closely imitate reality, or it can be a grouping of components that are combined to provide some semblance of reality. Components of simulated clinical experiences include providing a scenario where the nursing student can engage in a realistic patient situation guided by trained faculty and followed by a debriefing and evaluation of student performance. Simulation provides a teaching strategy to prepare nursing students for safe, competent, hands-on practice.

(39) ~~[(38)]~~ Staff--employees of the Texas Board of Nursing.

(40) ~~[(39)]~~ Supervision--immediate availability of a faculty member or clinical preceptor to coordinate, direct, and observe first-hand the practice of students.

(41) ~~[(40)]~~ Survey visit--a virtual or ~~an~~ on-site visit to a vocational nursing education program by a Board representative. The purpose of the visit is to evaluate the program of study by gathering data to determine whether the program is in compliance with Board requirements. A visit to a program with an approval status other than full approval focuses on examining factors that may have contributed to the changed approval status and implementation of corrective measures.

(42) ~~[(41)]~~ Systematic approach--the organized nursing process approach that provides individualized, goal-directed nursing care whereby the licensed vocational nurse role engages in:

(A) (No change.)

(B) participating in the planning of the nursing care needs of an individual based upon analyzing patient cues;

(C) participating in the development and modification of the nursing care plan based on the vocational nurse's nursing clinical judgment;

(D) - (E) (No change.)

(43) ~~[(42)]~~ Texas Higher Education Coordinating Board (THECB)--the state agency described in Texas Education Code, Title 3, Subtitle B, Chapter 61.

(44) ~~[(43)]~~ Texas Workforce Commission (TWC)--the state agency described in Texas Labor Code, Title 4, Subtitle B, Chapter 301.

(45) ~~[(44)]~~ Vocational nursing education program--an educational unit within the structure of a school, including a college, university, or career school or college or a hospital or military setting that provides a program of nursing study preparing graduates who are com-



petent to practice safely and who are eligible to take the NCLEX-PN® examination.

§214.3. *Program Development, Expansion and Closure.*

(a) New Programs.

(1) (No change.)

(2) Proposal to establish a new vocational nursing education program.

(A) (No change.)

(B) The new vocational nursing education program must be approved/licensed or deemed exempt by the appropriate Texas agency, the THECB or the TWC, as applicable, before approval can be granted by the Board for the program to be implemented. The proposal to establish a new vocational nursing education program may be submitted to the Board at the same time that an application is submitted to the THECB or the TWC, but the proposal cannot be approved by the Board until such time as the proposed program is approved by the THECB or the TWC. If the governing entity has nursing programs in other jurisdictions, the submitted program proposal must include evidence that the nursing program's NCLEX-PN® pass rates are at least 80% for the current examination year, as that term is defined in §214.2(19) of this chapter (relating to Definitions), and that the nursing programs hold full approval from the state boards of nursing in the other states and are in good standing. Evidence of poor performance by a governing entity's nursing program in another jurisdiction is sufficient grounds for denial of a proposal. Additionally, a proposal will be denied by the Board in accordance with governing statutory requirements.

(C) - (E) (No change.)

(F) The proposal shall include information outlined in Board Education Guideline 3.1.1. available at <https://www.bon.texas.gov> [3.1.1.a. Proposal to Establish a New Vocational Nursing Education Program].

(G) After the proposal is submitted and determined to be complete, a preliminary survey visit may [shall] be conducted by Board Staff [prior to presentation to the Board].

(H) The proposal shall be considered by the Board following a public hearing at a regularly scheduled meeting of the Board. The Board may approve the proposal and grant initial approval to the new program, may defer action on the proposal, or may deny further consideration of the proposal. In order to ensure success of newly approved programs, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary.

(i) (No change.)

(ii) A program may be considered high-risk if it meets one or more of the following criteria, including, but not limited to: unfamiliarity[;] of the governing entity with nursing education; inexperience of the potential director or coordinator in directing a nursing program; potential for director or faculty turnover; multiple admission cycles per year; lack of rigor in admission criteria; use of a national curriculum; or potential for a high attrition rate among students. If the director has no experience in the director role, an appropriate mentor will be required to assist the director during the first year of operation.

(iii) Board monitoring of a high-risk program may include the review and analysis of program reports; extended communication with program directors; and additional survey visits. A monitoring plan may require the submission of quarterly reports of students' performance in courses and clinical learning experiences; remediation

strategies and attrition rates; and reports from an assigned mentor to the program director. Additional survey visits by a Board representative may be conducted at appropriate intervals to evaluate the status of the program. The Board may alter a monitoring plan as necessary to address the specific needs of a particular program. [When the Board requires monitoring activities to evaluate and assist the program, monitoring fees will apply.]

(I) - (M) (No change.)

(3) (No change.)

(b) Extension Site/Campus.

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

(3) An approved vocational nursing education program desiring to establish an extension site/campus that is consistent with the main campus program's current curriculum and teaching resources shall comply with Board Education Guideline 3.1.5 available at <https://www.bon.texas.gov> and:

(A) - (B) (No change.)

(4) When the curriculum of the extension site/campus deviates from the original program in any way, the proposed extension is viewed as a new program and Board Education Guideline 3.1.1 available at <https://www.bon.texas.gov> [3.1.1.a] applies.

(5) Extension programs of vocational nursing education programs that have been closed may be reactivated by submitting notification of reactivation to the Board at least four (4) months prior to reactivation, using [the] Board Education Guideline 3.1.5 available at <https://www.bon.texas.gov> [3.1.2.a. Initiating or Reactivating an Extension Nursing Education Program for initiating an extension program].

(6) A program intending to close an extension site/campus shall:

(A) (No change.)

(B) Submit required information according to Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov> [3.1.2.a.], including:

(i) - (iv) (No change.)

(7) Consolidation. When a governing entity oversees an extension site/campus or multiple extension sites/campuses with curricula consistent with the curriculum of the main campus, the governing entity and the program director/coordinator may request in a formal letter to the Board consolidation of the extension site(s)/campus(es) with the main program, utilizing one (1) NCLEX-PN® examination testing code thereafter. After the effective date of consolidation, the NCLEX-PN® examination testing code(s) for the extension site(s) will be deactivated/closed. The NCLEX-PN® examination testing code assigned to the main campus will remain as the active code.

[(A) The request to consolidate the extension site(s)/campus(es) with the main campus shall be submitted in a formal letter to the Board office at least four (4) months prior to the effective date of consolidation and must meet Board Education Guideline 3.1.2.b. Consolidation of Vocational Nursing Education Programs.]

[(B) The notification of the consolidation will be presented, as information only, to the Board at a regularly scheduled Board meeting as Board approval is not required.]

[(C) The program will receive an official letter of acknowledgment following the Board meeting.]

~~[(D) After the effective date of consolidation, the NCLEX-PN® examination testing code(s) for the extension site(s) will be deactivated/closed.]~~

~~[(E) The NCLEX-PN® examination testing code assigned to the main campus will remain active.]~~

(c) Transfer of Administrative Control by the Governing Entity. The authorities of the governing entity shall notify the Board office in writing of an intent to transfer the administrative authority of the program. This notification shall follow Board Education Guideline 3.1.6 available at <https://www.bon.texas.gov> [3.1.3.a. Notification of Transfer of Administrative Control of a Vocational Nursing Education Program or a Professional Nursing Education Program by the Governing Entity].

(d) Closing a Program.

(1) When the decision to close a program has been made, the director/coordinator must notify the Board by submitting a written plan for closure complying with Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov>, which includes the following:

(A) - (E) (No change.)

(2) - (6) (No change.)

(e) Approval of a Vocational Nursing Education Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas.

(1) (No change.)

(2) A written request, the required fee set forth in §223.1(a)(20) [§223.1(e)(27)] of this title, and all required supporting documentation shall be submitted to the Board office following Board Education Guideline 3.1.3 available at <https://www.bon.texas.gov> [3.1.1.f. Process for Approval of a Nursing Education Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas].

(A) [~~(3)~~] Evidence that the program has been approved/licensed or deemed exempt from approval/licensure by the appropriate Texas agency (i.e., the THECB, the TWC), to conduct business in the State of Texas, must be provided before approval can be granted by the Board for the program to conduct clinical learning experiences in Texas.

(B) [~~(4)~~] Evidence that the program's NCLEX-PN® examination rate is at least 80% for the current examination year, as that term is defined in §214.2(19) of this chapter (relating to Definitions).

(3) [~~(5)~~] The Board may withdraw the approval of any program that fails to maintain the requirements set forth in Board Education Guideline 3.1.3 available at <https://www.bon.texas.gov> [3.1.1.f.] and this section.

#### §214.4. Approval.

(a) The progressive designation of approval status is not implied by the order of the following listing. Approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. Change from one status to another is based on NCLEX-PN® examination pass rates, compliance audits, survey visits, and other factors listed under subsection (b) of this section. Types of approval include:

(1) Initial Approval.

(A) - (B) (No change.)

(C) Change from initial approval status to full approval status cannot occur until the program has demonstrated compliance

with this chapter, has met requirements and responded to all recommendations issued by the Board, and the NCLEX-PN® examination pass rate is at least 80% after a full examination year. In order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.

(2) (No change.)

(3) Full with warning or initial approval with warning is issued by the Board to a vocational nursing education program that is not meeting the Board's requirements.

(A) (No change.)

(B) Following the survey visit, the program will be given a list of identified areas of concern and a specified time in which to respond with a set of corrective measures. Further, in order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.

(4) Conditional Approval. Conditional approval is issued by the Board for a specified time to provide the program opportunity to correct any areas of concern identified by the Board or from findings in the program's self-study [self study] report.

(A) - (B) (No change.)

(C) Depending upon the degree to which the Board's requirements are currently being or have been met, the Board may change the program's approval status [from conditional approval to full approval or to full approval with warning,] or may withdraw approval. In order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.

(5) Withdrawal of Approval. The Board may withdraw approval from a program which fails to meet the Board's requirements within the specified time. A program may also elect to voluntarily close a program, as provided for in subsection (c)(12) of this section. The director/coordinator shall submit a plan for closure according to Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov> and outlined in subsection (d) of this section. [The program shall be removed from the list of Board approved vocational nursing education programs.]

(6) When a program closes by Board action or voluntary decision, the program will be removed from the list of Board approved vocational nursing education programs, but students may complete the program in teach-out.

(b) Factors Jeopardizing Program Approval Status.

(1) When a program demonstrates non-compliance with Board requirements, approval status may be changed [to full with warning or conditional status], approval may be withdrawn, or the Board, in its discretion, may impose restrictions or conditions it deems appropriate and necessary. In addition to imposing restrictions or conditions, the Board may also require additional monitoring of the program. Board monitoring may include the review and analysis of program reports; extended communication with program directors; and additional survey visits. A monitoring plan may require the submission of quarterly reports of students' performance in courses and clinical learning experiences; remediation strategies and attrition rates; and reports from an assigned mentor to the program director. Additional survey visits by a Board representative may be conducted

at appropriate intervals to evaluate the status of the program. The Board may alter a monitoring plan as necessary to address the specific needs of a particular program. ~~[When the Board requires monitoring activities to evaluate and assist the program, monitoring fees will apply.]~~

(2) A change in approval status, requirements for restrictions or conditions, or a monitoring plan may be issued by the Board for any of the following reasons:

(A) (No change.)

(B) substantiated student complaints ~~[utilization of students to meet staffing needs in health care facilities];~~

(C) - (I) (No change.)

(J) other activities or situations that demonstrate to the Board that a program is not meeting Board requirements or lacks institutional control necessary for successful student outcomes.

(c) Ongoing Approval Procedures. Ongoing approval status is determined biennially by the Board on the basis of information reported or provided in the program's NEPIS and CANEP, NCLEX-PN® examination pass rates, program compliance with this chapter, and other program outcomes. Certificates of Board approval will be sent [mailed] to all Board-approved nursing programs biennially in even-numbered years.

(1) (No change.)

(2) NCLEX-PN® Pass Rates. The annual NCLEX-PN® examination pass rate for each vocational nursing education program is determined by the percentage of first time test-takers who pass the examination during the examination year.

(A) (No change.)

(B) When the passing score of first-time NCLEX-PN® candidates is less than 80% on the examination during the examination year, the nursing program shall submit a Self-Study Report that evaluates factors that may have contributed to the graduates' performance on the examination and a description of the corrective measures to be implemented. The report shall comply with Board Education Guideline 3.2.1 available at <https://www.bon.texas.gov> ~~[3.2.1.a. Writing a Self-Study Report on Evaluation of Factors that Contributed to the Graduates' Performance on the NCLEX-PN® or NCLEX-RN® Examination]~~. Within one year of the submission of the Self-Study Report to the Board, the program shall provide to Board Staff evaluation data on the effectiveness of corrective measures implemented.

(3) Change in Approval Status. The progressive designation of a change in approval status is not implied by the order of the following listing. A change in approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. A change from one approval status to another may be determined by program outcomes, including the NCLEX-PN® examination pass rates, compliance audits, survey visits, and other factors listed under subsection (b) of this section.

(A) A warning may be issued to a program when:

(i) the pass rate of first-time NCLEX-PN®, candidates, as described in paragraph (2)(A) of this subsection, is less than 80% for two (2) consecutive examination years; or [and]

(ii) (No change.)

(B) A program may be placed on conditional approval status if:

(i) - (ii) (No change.)

(iii) the program has continued to engage in activities or situations that demonstrate to the Board that the program is not meeting Board requirements and standards or lacks institutional control necessary for successful student outcomes; or

(iv) (No change.)

(C) Approval may be withdrawn if:

(i) - (ii) (No change.)

(iii) the program continues to engage ~~[persists in engaging]~~ in activities or situations that demonstrate to the Board that the program is not meeting Board requirements and standards or lacks institutional control necessary for successful student outcomes.

(D) The Board may consider a change in approval status at a regularly scheduled Board meeting for a program on initial, full approval, full approval with warning, or conditional approval if:

(i) - (ii) (No change.)

(E) The Board may, in its discretion, change the approval status of a program on full approval with warning ~~[to full approval, to full approval with restrictions or conditions,]~~ or impose a monitoring plan. The Board may restrict enrollments.

(F) The Board may, in its discretion, change the approval status of a program on conditional approval ~~[to full approval, full approval with restrictions or conditions, full approval with warning,]~~ or impose a monitoring plan. The Board may restrict enrollments.

(4) Survey Visit. Each vocational nursing education program shall be visited at least once every six (6) years after full approval has been granted, unless accredited by a Board-recognized national nursing accrediting agency.

(A) Board Staff may conduct a survey visit at any time based upon Board Education Guideline 3.2.2 available at <https://www.bon.texas.gov> ~~[3.2.3.a. Criteria for Conducting Survey Visits]~~.

(B) - (C) (No change.)

(5) The Board will select one (1) or more national nursing accrediting agencies, recognized by the United States Department of Education, and determined by the Board to have standards equivalent to the Board's ongoing approval standards according to Board Education Guideline 3.2.3 available at <https://www.bon.texas.gov>. Identified areas that are not equivalent to the Board's ongoing approval standards will be monitored by the Board on an ongoing basis.

(6) (No change.)

(7) Accredited Programs. The Board may review and/or change the approval status of an accredited ~~[will deny or withdraw approval from a]~~ vocational nursing education program that fails to:

(A) - (C) (No change.)

(8) A vocational nursing education program is considered approved by the Board and exempt from Board rules that require ongoing approval as described in Board Education Guideline 3.2.3 available at <https://www.bon.texas.gov> ~~[3.2.4.a. Specific Exemptions from Education Rule Requirements for Nursing Education Programs Accredited by a Board-Approved National Nursing Accreditation Organization]~~ if the program:

(A) - (C) (No change.)

(9) - (10) (No change.)

~~{(11) The Board may assist the program in its effort to achieve compliance with the Board's requirements and standards.}~~

~~(11) [(12)]~~ A program that voluntarily closes or from which approval has been withdrawn by the Board may submit a new proposal. A new proposal may not be submitted to the Board until at least twelve (12) calendar months have elapsed from the date the program's voluntary closure is accepted by the Executive Director or from the date of the program's withdrawal of approval by the Board.

~~(12) [(13)]~~ A vocational nursing education program accredited by a national nursing accrediting agency recognized by the Board shall:

(A) - (D) (No change.)

(d) (No change.)

§214.5. *Philosophy/Mission and Objectives/Outcomes.*

(a) (No change.)

(b) Program objectives/outcomes derived from the philosophy/mission shall reflect the *Differentiated Essential Competencies of Graduates of Texas Nursing Programs Evidenced by Knowledge, Clinical Judgment, and Behaviors: Vocational (VN), Diploma/Associate Degree (Diploma/ADN), Baccalaureate Degree (BSN), 2021 [October 2010] (DECs)*.

(c) - (e) (No change.)

§214.6. *Administration and Organization.*

(a) - (f) (No change.)

(g) When the director/coordinator or of the program changes, the director/coordinator shall submit to the Board office written notification of the change indicating the final date of employment.

(1) A new Dean/Director/Coordinator Qualification Form shall be submitted to the Board office by the governing entity for approval prior to the appointment of a new director/coordinator or an interim director/coordinator in an existing program or a new vocational nursing education program according to Board Education Guideline 3.3.1 available at <https://www.bon.texas.gov> [3.4.1.a: Approval Process for a New Dean/Director/Coordinator or New Interim/Dean/Director/Coordinator].

(2) A curriculum vitae and all applicable official transcripts for the proposed new director/coordinator shall be submitted with the new Dean/Director/Coordinator Qualification Form, according to Board Education Guideline 3.3.1 available at <https://www.bon.texas.gov> [3.4.1.a].

(3) (No change.)

(h) - (j) (No change.)

§214.7. *Faculty.*

(a) - (c) (No change.)

(d) Faculty Qualifications [and Responsibilities].

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

(e) - (f) (No change.)

(g) Non-nursing faculty are exempt from meeting the faculty qualifications of this chapter as long as the teaching assignments do not include [are not] nursing content or clinical nursing courses.

(h) - (j) (No change.)

(k) Faculty Responsibilities [shall be responsible for]:

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

(l) - (n) (No change.)

§214.8. *Students.*

(a) The number of students admitted to the program shall be determined by the number of qualified faculty, adequate educational facilities and resources, and the availability of appropriate clinical learning experiences for students. [Programs shall not accept admissions after the third day of class.]

(b) If a program that is accredited by a national nursing accreditation agency plans an increase of enrollment of 25% or more, it must file a substantive change proposal with the accreditation agency. Programs that are not accredited by a national nursing accreditation agency [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 by following Board Education Guideline 3.5.2 available at <https://www.bon.texas.gov>. 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) - (6) (No change.)

(c) - (f) (No change.)

(g) 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 Board's licensure [criteria regarding] eligibility information [for licensure], as specifically outlined in subsection (c) of this section.

(3) (No change.)

(h) - (j) (No change.)

§214.9. *Program of Study.*

(a) The program of study shall include both didactic and clinical learning experiences and shall be:

(1) - (7) (No change.)

(8) designed and implemented to prepare students to demonstrate the Differentiated Essential Competencies of Graduates of Texas Nursing Programs Evidenced by Knowledge, Clinical Judgment, and Behaviors: Vocational (VN), Diploma/Associate Degree (Diploma/ADN), Baccalaureate Degree (BSN), 2021 [October 2010] (DECs); and

(9) (No change.)

(b) (No change.)

(c) Instruction shall include, but not be limited to: organized student/faculty interactive learning activities, formal lecture, audiovisual presentations, nursing skills laboratory instruction and demonstration, simulated laboratory instruction, and faculty-supervised, hands-on patient care clinical learning experiences.

(1) - (3) (No change.)

(4) Clinical [practice] learning experiences shall include actual hours of practice in nursing skills and computer laboratories; simulated clinical experiences; faculty supervised hands-on clinical care; clinical conferences; debriefing; and observation experiences. Observation experiences provide supplemental learning experiences that meet specific learning objectives.

[(5) The total weekly schedule throughout the length of the program shall not exceed forty (40) hours per week, including both classroom instruction and clinical practice hours.]

[(6) Students shall be assigned two (2) consecutive non-class/clinical days off each week.]

[(7) Students shall be allocated at least eighteen (18) days leave for vacation and/or holidays.]

[(8) All scheduled holidays are to be observed on the holidays designated by the governing entity.]

[(9) Vacation time shall be scheduled at the same time for all students.]

(d) - (g) (No change.)

(h) Faculty shall develop and implement evaluation methods and tools to measure progression of students' cognitive, affective, and psychomotor achievements in course/clinical objectives, according to Board Education Guideline 3.6.3 available at <https://www.bon.texas.gov> [3-7.3.a. Student Evaluation Methods and Tools]. A guideline that outlines the effective use of standardized examinations as an evaluation of student progress is Board Education Guideline 3.6.4 available at <https://www.bon.texas.gov> [3-7.4.a. Using Standardized Examinations outlines the effective use of standardized examinations as an evaluation of student progress].

[(1) A system of grading shall be in place which does not allow grades of less than a "C" on any required subject areas in the program of study.]

[(2) A program may develop admission policies to allow students to challenge course content the student may have previously completed that meets the program's course objectives/outcomes.]

(i) Curriculum changes shall be developed by the faculty according to Board standards and shall include information outlined in the Board Education Guideline 3.6.1 available <https://www.bon.texas.gov> [3-7.1.a. Proposals for Curriculum Changes]. The two (2) types of curriculum changes are:

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

(j) (No change.)

(k) Vocational nursing education programs planning major curriculum changes shall submit a curriculum change proposal, as outlined in Board Education Guideline 3.6.1 available at <https://www.bon.texas.gov> [3-7.1.a.] to the Board office for approval at least four (4) months prior to implementation.

(l) (No change.)

#### §214.10. Clinical Learning Experiences.

(a) Faculty shall be responsible and accountable for managing clinical learning experiences and observation experiences of students. Board Education Guideline 3.6.2 available at <https://www.bon.texas.gov> describes the purposes of clinical settings and reported hands-on clinical hours to meet program and course objectives.

(b) - (c) (No change.)

(d) The faculty member shall be responsible for the supervision of students in clinical learning experiences and scheduling of student time and clinical rotations.

[(1) Selected clinical learning experiences will remain unchanged unless a client's condition demands reassignment.]

[(2) Reassignment must be approved with prior consent of faculty.]

[(3) The student's daily client assignment shall be made in accordance with clinical objectives/outcomes and learning needs of the students.]

[(4) The total number of daily assignments shall not exceed five (5) clients.]

(c) - (i) (No change.)

[(j) During clinical learning experiences, programs shall not permit utilization of students for health care facility staffing.]

[(k) The affiliating agency shall:]

[(1) provide clinical facilities for student experiences;]

[(2) provide space for conducting clinical conferences for use by the school if classrooms are located elsewhere;]

[(3) provide assistance with clinical supervision of students, including preceptorships; by mutual agreement between the affiliating agency and governing entity; and]

[(4) have no authority to dismiss faculty or students. Should the affiliating agency wish to recommend dismissal of faculty or students, such recommendation(s) shall be in writing.]

#### §214.12. Records and Reports.

(a) Accurate and current records shall be maintained for a minimum of two (2) years in a confidential manner and be accessible to appropriate parties, including Board representatives. These records shall include, but are not limited to:

(1) records of current students, including the student's application and required admission documentation, evidence of student's ability to meet objectives/outcomes of the program, final clinical practice evaluations, signed receipt of written student policies furnished by manual and/or electronic means, evidence of student receipt of the Board's licensure [Board license] eligibility information as specifically outlined in §214.8(c) [§214.8(b)] of this chapter (relating to Students), and the statement of withdrawal from the program, if applicable;

(2) - (6) (No change.)

(b) - (e) (No change.)

#### §214.13. Total Program Evaluation.

(a) There shall be a written plan for the systematic evaluation of the effectiveness of the total program following Board Education Guideline 3.8.1 available at <https://www.bon.texas.gov>. The plan shall include evaluative criteria, methodology, frequency of evaluation, assignment of responsibility, and indicators (benchmarks) of program and instructional effectiveness. The following broad areas shall be periodically evaluated:

(1) - (10) (No change.)

(b) - (d) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 19, 2023.

TRD-202302196



## CHAPTER 215. PROFESSIONAL NURSING EDUCATION

### 22 TAC §§215.2 - 215.10, 215.12, 215.13

**Introduction.** The Board is proposing amendments to Chapter 215, relating to Professional Nursing Education. Specifically, the Board is proposing amendments to §§215.2 - 215.10, 215.12, and 215.13. The proposed amendments correct outdated references; contain clarifying and editorial changes; and simplify the existing numbering system for the Board's educational guidelines that are currently referenced in the rule.

The Board considered the proposed amendments at its regularly scheduled April 2023 meeting and approved the proposal for publication in the *Texas Register* for public comment.

**Section by Section Overview.** Section 215.2 contains the definitions for the chapter. Proposed amended §215.2 clarifies existing definitions within the section and corrects outdated references. Additionally, proposed amended 215.2 adds a new definition of *nursing clinical judgment* for use in the chapter.

Section 215.3 contains the Board's requirements for nursing education program development, expansion, and closure. First, the proposed amendments clarify factors that will be considered by the Board when determining whether to approve a new nursing education program. Second, the proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule. Third, the proposed amendments clarify factors that will be considered by the Board when determining whether a nursing education program is high-risk. The proposal also specifies that the Board may require the appointment of a mentor to assist the director of a nursing education program who does not have prior experience in the director role in an effort to ensure the success of a high-risk program. Finally, the proposed amendments correct typographical errors in the section.

Section 215.4 addresses nursing education program approval status. Consistent with other proposed changes throughout the chapter, the proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule. The remaining proposed changes are non-substantive in nature and clarify existing provisions within the section and make editorial edits.

The proposed amendments to §215.5 update an outdated reference.

The proposed amendments to §215.6 simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule.

The proposed amendments to §215.7 make editorial changes for better readability within the section.

The proposed amendments to §215.8 clarify existing requirements related to increases in enrollment of 25% or more for accredited and non-accredited programs. The remaining proposed amendments also simplify the existing numbering system for the

Board's education guidelines that are currently referenced in the rule and include editorial changes.

The proposed amendments to §215.9 update an outdated reference and simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule.

The proposed amendments to §215.10 adds reference to an education guideline for additional guidance and clarity.

The proposed amendments to §215.12 make editorial changes.

The proposed amendments to §215.13 include a reference to the Board's guidelines for additional clarity in the section.

**Fiscal Note.** Katherine Thomas, Executive Director, has determined that for each year of the first five years the proposed amendments will be in effect, there will be no change in the revenue to state government as a result of the enforcement or administration of the proposal.

**Public Benefit/Cost Note.** Ms. Thomas has also determined that for each year of the first five years the proposed amendments are in effect, the anticipated public benefit will be the adoption of rules that provide additional clarity and guidance to professional nursing education programs operating in Texas. There are no anticipated costs of compliance with the proposal. The proposed amendments do not impose any new requirements on professional nursing education programs either operating in Texas or seeking to operate in Texas. The vast majority of the proposed amendments provide only editorial changes to the chapter. The remaining proposed amendments simplify the existing numbering system for the Board's education guidelines that are currently referenced in the rule and include clarifying language. However, the Board does not anticipate that any of these proposed changes will result in new costs of compliance or alter the manner in which professional nursing education programs have been complying, or will comply, with the requirements of the chapter.

**Costs Under the Government Code §2001.0045.** The Government Code §2001.0045 prohibits agencies from adopting a rule that imposes costs on regulated persons unless the agency repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule or amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule. Pursuant to §2001.0045(c)(9), this prohibition does not apply to a rule that is necessary to implement legislation, unless the legislature specifically states §2001.0045 applies to the rule. There are no anticipated costs of compliance with the proposal.

**Economic Impact Statement and Regulatory Flexibility Analysis for Small and Micro Businesses.** The Government Code §2006.002(c) and (f) require, that if a proposed rule may have an economic impact on small businesses, micro businesses, or rural communities, state agencies must prepare, as part of the rule-making process, an economic impact statement that assesses the potential impact of the proposed rule on these businesses and communities and a regulatory flexibility analysis that considers alternative methods of achieving the purpose of the rule. Because there are no anticipated costs of compliance associated with the proposal, an economic impact statement and regulatory flexibility analysis is not required.

**Government Growth Impact Statement.** The Board is required, pursuant to Tex. Gov't Code §2001.0221 and 34 Texas Administration Code §11.1, to prepare a government growth impact statement. The Board has determined for each year of the first

five years the proposed amendments will be in effect: (i) the proposal does not create or eliminate a government program; (ii) the proposal is not expected to have an effect on current agency positions; (iii) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the Board; (iv) the proposal does not affect the fees paid to the Board; (v) the proposal does not create a new regulation; (vi) the proposal amends existing regulations primarily through non-substantive, editorial changes and provides additional clarity and simplicity to the chapter; (vii) there is no increase or decrease in the number of individuals subject to the rule's applicability; and (viii) the proposal will not affect the state's economy.

**Takings Impact Assessment.** The Board has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**Request for Public Comment.** To be considered, written comments on this proposal should be submitted to James W. Johnston, General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701, or by e-mail to [Dusty.Johnston@bon.texas.gov](mailto:Dusty.Johnston@bon.texas.gov), or faxed to (512) 305-8101. If a hearing is held, written and oral comments presented at the hearing will be considered.

**Statutory Authority.** The amendments are proposed under the authority of the Occupations Code §301.151, which permits the Board to regulate the practice of professional nursing and vocational nursing. Further, the Occupations Code §301.157(b) authorizes the Board to: prescribe and publish the minimum requirements and standards for a course of study in each program that prepares registered nurses or vocational nurses; prescribe other rules as necessary to conduct approved schools of nursing and educational programs for the preparation of registered nurses or vocational nurses; approve schools of nursing and educational programs that meet the Board's requirements; select one or more national nursing accrediting agencies, recognized by the United States Department of Education and determined by the Board to have acceptable standards, to accredit schools of nursing and educational programs; and deny or withdraw approval from a school of nursing or educational program that fails to meet the prescribed course of study or other standard under which it sought approval by the Board; fails to meet or maintain accreditation with the national nursing accrediting agency selected by the Board; or fails to maintain the approval of the state board of nursing of another state and the Board under which it was approved.

**Cross Reference To Statute.** The following statutes are affected by this proposal: the Occupations Code §301.151 and §301.157.

#### §215.2. Definitions.

Words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(1) - (10) (No change.)

(11) Clinical preceptor--a registered nurse who meets the requirements in §215.10(j)(6) of this title (relating to Clinical Learning Experiences), who practices in the clinical setting [is not employed as a faculty member by the governing entity], and who directly supervises clinical learning experiences for no more than two (2) students. A clinical preceptor assists in the evaluation of the student during the experiences and in acclimating the student to the role of nurse. A clin-

ical preceptor facilitates student learning in a manner prescribed by a signed written agreement between the governing entity, preceptor, and affiliating agency (as applicable).

(12) Clinical teaching assistant--a registered nurse licensed in Texas, who is employed to assist in the clinical area and work under the supervision of a Master's or Doctoral [~~Doctorally~~] prepared nursing faculty member and who meets the requirements of §215.10(j)(8) of this title.

(13) - (18) (No change.)

(19) Differentiated Essential Competencies (DECs)--the expected educational outcomes to be demonstrated by nursing students at the time of graduation, as published in the *Differentiated Essential Competencies of Graduates of Texas Nursing Programs Evidenced by Knowledge, Clinical Judgment, and Behaviors: Vocational (VN), Diploma/Associate Degree (Diploma/ADN), Baccalaureate Degree (BSN), 2021 [October 2010]* (DECs).

(20) - (22) (No change.)

(23) Faculty waiver--a waiver granted by a dean or director of a professional nursing education program to an individual who meets the criteria specified in §215.7(e) [§215.7(e)(1) - (3)] of this title.

(24) - (29) (No change.)

(30) Nursing Clinical Judgment--the observed outcome of critical thinking and decision-making that uses nursing knowledge to observe and access presenting situations, identify a prioritized client concern, and generate the best possible evidence-based solutions in order to deliver safe client care. It is a decision-making model that is consistent with the nursing process model where the nurse determines and implements nursing intervention based on recognizing and analyzing patient cues (assessment and analysis), prioritizing hypotheses and generating solutions (planning), taking action (implementation), and evaluating outcomes.

(31) [~~(30)~~] Objectives/Outcomes--expected student behaviors that are attainable and measurable.

(A) - (C) (No change.)

(32) [~~(31)~~] Observation experience--a clinical learning experience where a student is assigned to follow a health care professional in a facility or unit and to observe activities within the facility/unit and/or the role of nursing within the facility/unit, but where the student does not participate in hands-on patient/client care.

(33) [~~(32)~~] Pass rate--the percentage of first-time candidates within the examination year, as that term is defined in paragraph (20) of this section, who pass the National Council Licensure Examination for Registered Nurses (NCLEX-RN®).

(34) [~~(33)~~] Philosophy/Mission--statement of concepts expressing fundamental values and beliefs as they apply to nursing education and practice and upon which the curriculum is based.

(35) [~~(34)~~] Professional Nursing Education Program--an education unit that offers courses and learning experiences preparing graduates who are competent to practice nursing safely and who are eligible to take the NCLEX-RN® examination, often referred to as a pre-licensure nursing program. Types of pre-licensure professional nursing education programs:

(A) - (D) (No change.)

(36) [~~(35)~~] Program of study--the courses and learning experiences that constitute the requirements for completion of a professional nursing education program.

(37) [(36)] Recommendation--a specific suggestion based upon program assessment that is indirectly related to the rules to which the program must respond but in a method of their choosing.

(38) [(37)] Requirement--mandatory criterion based upon program assessment that is directly related to the rules that must be addressed in the manner prescribed.

(39) [(38)] Shall--denotes mandatory requirements.

(40) [(39)] Simulation--activities that mimic the reality of a clinical environment and are designed to demonstrate procedures, decision-making, and critical thinking. A simulation may be very detailed and closely imitate reality, or it can be a grouping of components that are combined to provide some semblance of reality. Components of simulated clinical experiences include providing a scenario where the nursing student can engage in a realistic patient situation guided by trained faculty and followed by a debriefing and evaluation of student performance. Simulation provides a teaching strategy to prepare nursing students for safe, competent, hands-on practice.

(41) [(40)] Staff--employees of the Texas Board of Nursing.

(42) [(41)] Supervision--immediate availability of a faculty member, clinical preceptor, or clinical teaching assistant to coordinate, direct, and observe first hand the practice of students.

(43) [(42)] Survey visit--a virtual or ~~an~~ on-site visit to a professional nursing education program by a Board representative. The purpose of the visit is to evaluate the program of study by gathering data to determine whether the program is in compliance with Board requirements. A visit to a program with an approval status other than full approval focuses on examining factors that may have contributed to the changed approval status and implementation of corrective measures.

(44) [(43)] Systematic approach--the organized nursing process approach that provides individualized, goal-directed nursing care whereby the registered nurse engages in:

(A) (No change.)

(B) analyzing patient cues and establishing a plan of care based on nursing science and evidence-based practice [making nursing diagnoses that serve as the basis for the strategy of care];

(C) making nursing diagnoses that serve as the basis for the strategy of care [developing a plan of care based on the assessment and nursing diagnosis];

(D) implementing nursing care based on the registered nurse's nursing clinical judgment; and

(E) (No change.)

(45) [(44)] Texas Higher Education Coordinating Board (THECB) the state agency described in Texas Education Code, Title 3, Subtitle B, Chapter 61.

(46) [(45)] Texas Workforce Commission (TWC)--the state agency described in Texas Labor Code, Title 4, Subtitle B, Chapter 301.

### §215.3. Program Development, Expansion, and Closure.

(a) New Programs.

(1) (No change.)

(2) Proposal to establish a new professional nursing education program.

(A) The proposal to establish a new professional nursing education program may be submitted by:

(i) a college, ~~or~~ university, or career school or college accredited by an agency recognized by the THECB or holding a certificate of authority from the THECB under provisions leading to accreditation of the institution; or

(ii) (No change.)

(B) The new professional nursing education program must be approved/licensed or deemed exempt by the appropriate Texas agency, the THECB, or the TWC, as applicable, before approval can be granted by the Board for the program to be implemented. The proposal to establish a new professional nursing education program may be submitted to the Board at the same time that an application is submitted to the THECB or the TWC, but the proposal cannot be approved by the Board until such time as the proposed program is approved by the THECB or the TWC. If the governing entity has nursing programs in other jurisdictions, the submitted program proposal must include evidence that the nursing programs' NCLEX-RN® pass rates are at least 80% for the current examination year, as that term is defined in §215.2(20) of this title (relating to Definitions), and that the nursing programs hold full approval from the state boards of nursing in the other states and are in good standing. Evidence of poor performance by a governing entity's nursing program in another jurisdiction is sufficient grounds for denial of a proposal. Additionally, a proposal will be denied by the Board in accordance with governing statutory requirements.

(C) - (E) (No change.)

(F) The proposal shall include information outlined in Board Education Guideline 3.1.1 available at <https://www.bon.texas.gov> [Guidelines 3.1.1.b. Proposal to Establish a New Diploma Nursing Education Program and 3.1.1.e. Proposal to Establish a New Pre-Licensure Associate, Baccalaureate, or Entry-Level Master's Degree Nursing Education Program].

(G) A proposal for a new diploma nursing education program must include a written plan addressing the legislative mandate that all nursing diploma programs in Texas must have a process in place [by 2015] to ensure that their graduates are entitled to receive a degree from a public or private institution of higher education accredited by an agency recognized by the THECB or the TWC, as applicable, and, at a minimum, entitle a graduate of the diploma program to receive an associate degree in nursing.

(H) After the proposal is submitted and determined to be complete, a preliminary survey visit may ~~shall~~ be conducted by Board Staff ~~[prior to presentation to the Board]~~.

(I) The proposal shall be considered by the Board following a public hearing at a regularly scheduled meeting of the Board. The Board may approve the proposal and grant initial approval to the new program, may defer action on the proposal, or may deny further consideration of the proposal. In order to ensure success of newly approved programs, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary.

(i) (No change.)

(ii) A program may be considered high-risk if it meets one or more of the following criteria, including, but not limited to: unfamiliarity of the governing entity with nursing education; inexperience of the potential dean or director in directing a nursing program; potential for director or faculty turnover; multiple admission cycles per year; lack of rigor in admission criteria; use of a national curriculum; or potential for a high attrition rate among students. If the director has no experience in the director role, an appropriate mentor will be required to assist the director during the first year of operation.



(iii) Board monitoring of a high-risk program may include the review and analysis of program reports; extended communication with program deans and directors; and additional survey visits. A monitoring plan may require the submission of quarterly reports of students' performance in courses and clinical learning experiences; remediation strategies and attrition rates; and reports from an assigned mentor to the program director. Additional survey visits by a Board representative may be conducted at appropriate intervals to evaluate the status of the program. The Board may alter a monitoring plan as necessary to address the specific needs of a particular program. [When the Board requires monitoring activities to evaluate and assist the program, monitoring fees will apply].

(J) - (N) (No change.)

(3) (No change.)

(b) Extension Site/Campus.

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

(3) An approved professional nursing education program desiring to establish an extension site/campus that is consistent with the main campus program's current curriculum and teaching resources shall comply with Board Education Guideline 3.1.5 available at <https://www.bon.texas.gov> and:

(A) - (B) (No change.)

(4) When the curriculum of the extension site/campus deviates from the original program in any way, the proposed extension is viewed as a new program and Board Education Guideline 3.1.1 available at <https://www.bon.texas.gov> applies [Guidelines 3.1.1.b and 3.1.1.e apply].

(5) Extension programs of professional nursing education programs which have been closed may be reactivated by submitting notification of reactivation to the Board at least four (4) months prior to reactivation, using [the] Board Education Guideline 3.1.5 available at <https://www.bon.texas.gov> [3.1.2.a: for initiating an extension program].

(6) A program intending to close an extension site/campus shall:

(A) (No change.)

(B) Submit required information according to Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov> [3.1.2.a.], including:

(i) - (iv) (No change.)

(c) Transfer of Administrative Control by Governing Entity. The authorities of the governing entity shall notify the Board office in writing of an intent to transfer the administrative authority of the program. This notification shall follow Board Education Guideline 3.1.6 available at <https://www.bon.texas.gov> [3.1.3.a. Notification of Transfer of Administrative Control of a Professional Nursing Education Program or a Professional Nursing Education Program by the Governing Entity].

(d) Closing a Program.

(1) When the decision to close a program has been made, the dean or director must notify the Board by submitting a written plan for closure complying with Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov>, which includes the following:

(A) - (E) (No change.)

(2) - (6) (No change.)

(e) Approval of a Professional Nursing Education Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas.

(1) (No change.)

(2) A written request, the required fee set forth in §223.1(a)(20) [§223.1(a)(27)] of this title, and all required supporting documentation shall be submitted to the Board office following Board Education Guideline 3.1.3 available at <https://www.bon.texas.gov> [3.1.1.f. Process for Approval of a Nursing Education Program Outside Texas' Jurisdiction to Conduct Clinical Learning Experiences in Texas].

(A) [(3)] Evidence that the program has been approved/licensed or deemed exempt from approval/licensure by the appropriate Texas agency, (i.e., the THECB, the TWC) to conduct business in the State of Texas, must be provided before approval can be granted by the Board for the program to conduct clinical learning experiences in Texas.

(B) [(4)] Evidence that the program's NCLEX-RN® examination rate is at least 80% for the current examination year, as that term is defined in §215.2(20) of this title (relating to Definitions).

(C) [(5)] The Board may withdraw the approval of any program that fails to maintain the requirements set forth in Board Education Guideline 3.1.3 available at <https://www.bon.texas.gov> [3.1.1.f.] and this section.

§215.4. Approval.

(a) The progressive designation of approval status is not implied by the order of the following listing. Approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. Change from one status to another is based on NCLEX-RN® examination pass rates, compliance audits, survey visits, and other factors listed under subsection (b) of this section. Types of approval include:

(1) Initial Approval.

(A) - (B) (No change.)

(C) Change from initial approval status to full approval status cannot occur until the program has demonstrated compliance with this chapter, has met requirements and responded to all recommendations issued by the Board, and the NCLEX-RN® examination pass rate is at least 80% after a full examination year. In order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.

(2) (No change.)

(3) Full with warning or initial approval with warning is issued by the Board to a professional nursing education program that is not meeting the Board's requirements.

(A) (No change.)

(B) Following the survey visit, the program will be given a list of identified areas of concern and a specified time in which to respond with a set of corrective measures. Further, in order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.

(4) Conditional Approval. Conditional approval is issued by the Board for a specified time to provide the program opportunity

to correct any areas of concern identified by the Board or from findings in the program's self-study [self study] report.

(A) - (B) (No change.)

(C) Depending upon the degree to which the Board's requirements are currently being or have been met, the Board may change the program's approval status [from conditional approval to full approval or to full approval with warning,] or may withdraw approval. In order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.

(5) Withdrawal of Approval. The Board may withdraw approval from a program which fails to meet the Board's requirements within the specified time. A program may also elect to voluntarily close a program, as provided for in subsection (c)(12) of this section. The dean/director shall submit a plan for closure according to Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov> and outlined in subsection (d) of this section. [The program shall be removed from the list of Board approved professional nursing education programs.]

(6) When a program closes by Board action or voluntary decision, the program will be removed from the list of Board approved professional nursing education programs, but students may complete the program in teach-out.

(7) [(6)] A diploma program of study in Texas that leads to an initial license as a registered nurse under this chapter must have a process in place [by 2015] to ensure that their graduates are entitled to receive a degree from a public or private institution of higher education accredited by an agency recognized by the THECB or the TWC, as applicable. At a minimum, a graduate of a diploma program will be entitled to receive an associate degree in nursing.

(b) Factors Jeopardizing Program Approval Status.

(1) When a program demonstrates non-compliance with Board requirements, approval status may be changed [to full with warning or conditional status], approval may be withdrawn, or the Board, in its discretion, may impose restrictions or conditions it deems appropriate and necessary. In addition to imposing restrictions or conditions, the Board may also require additional monitoring of the program. Board monitoring may include the review and analysis of program reports; extended communication with program directors; and additional survey visits. A monitoring plan may require the submission of quarterly reports of students' performance in courses and clinical learning experiences; remediation strategies and attrition rates; and reports from an assigned mentor to the program director. Additional survey visits by a Board representative may be conducted at appropriate intervals to evaluate the status of the program. The Board may alter a monitoring plan as necessary to address the specific needs of a particular program. [When the Board requires monitoring activities to evaluate and assist the program, monitoring fees will apply.]

(2) A change in approval status, requirements for restrictions or conditions, or a monitoring plan may be issued by the Board for any of the following reasons:

(A) (No change.)

(B) substantiated student complaints [utilization of students to meet staffing needs in health care facilities];

(C) - (I) (No change.)

(J) other activities or situations that demonstrate to the Board that a program is not meeting Board requirements or lacks institutional control necessary for successful student outcomes.

(c) Ongoing Approval Procedures. Ongoing approval status is determined biennially by the Board on the basis of information reported or provided in the program's NEPIS and CANEP, NCLEX-PN® examination pass rates, program compliance with this chapter, and other program outcomes. Certificates of Board approval will be sent [mailed] to all Board-approved nursing programs biennially in even-numbered years.

(1) (No change.)

(2) NCLEX-RN® Pass Rates. The annual NCLEX-RN® examination pass rate for each professional nursing education program is determined by the percentage of first time test-takers who pass the examination during the examination year.

(A) (No change.)

(B) When the passing score of first-time NCLEX-RN® candidates is less than 80% on the examination during the examination year, the nursing program shall submit a Self-Study Report that evaluates factors that may have contributed to the graduates' performance on the NCLEX-RN® examination and a description of the corrective measures to be implemented. The report shall comply with Board Education Guideline 3.2.1 available at <https://www.bon.texas.gov> [3.2.1-a- Writing a Self-Study Report on Evaluation of Factors that Contributed to the Graduates' Performance on the NCLEX-PN® or NCLEX-RN® Examination]. Within one year of the submission of the Self-Study Report to the Board, the program shall provide to Board Staff evaluation data on the effectiveness of corrective measures implemented.

(3) Change in Approval Status. The progressive designation of a change in approval status is not implied by the order of the following listing. A change in approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. A change from one approval status to another may be determined by program outcomes, including the NCLEX-RN® examination pass rates, compliance audits, survey visits, and other factors listed under subsection (b) of this section.

(A) A warning may be issued to a program when:

(i) the pass rate of first-time NCLEX-RN® candidates, as described in paragraph (2)(A) of this subsection, is less than 80% for two (2) consecutive examination years; or [and]

(ii) (No change.)

(B) A program may be placed on conditional approval status if:

(i) - (ii) (No change.)

(iii) the program has continued to engage in activities or situations that demonstrate to the Board that the program is not meeting Board requirements and standards or lacks institutional control necessary for successful student outcomes; or

(iv) (No change.)

(C) Approval may be withdrawn if:

(i) - (ii) (No change.)

(iii) the program continues to engage [persists in engaging] in activities or situations that demonstrate to the Board that the program is not meeting Board requirements and standards or lacks institutional control necessary for successful student outcomes.

(D) The Board may consider a change in approval status at a regularly scheduled Board meeting for a program on initial, full approval, full approval with warning, or conditional approval if:

(i) - (ii) (No change.)

(E) The Board may, in its discretion, change the approval status of a program on full approval with warning [~~to full approval, to full approval with restrictions or conditions,~~] or impose a monitoring plan. The Board may restrict enrollment.

(F) The Board may, in its discretion, change the approval status of a program on conditional approval [~~to full approval, full approval with restrictions or conditions, full approval with warning,~~] or impose a monitoring plan. The Board may restrict enrollment.

(4) Survey Visit. Each professional nursing education program shall be visited at least once every six (6) years after full approval has been granted, unless accredited by a Board-recognized national nursing accrediting agency.

(A) Board Staff may conduct a survey visit at any time based upon Board Education Guideline 3.2.2 available at <https://www.bon.texas.gov> [3.2.3.a. ~~Criteria for Conducting Survey Visits~~].

(B) - (C) (No change.)

(5) The Board will select one (1) or more national nursing accrediting agencies, recognized by the United States Department of Education, and determined by the Board to have standards equivalent to the Board's ongoing approval standards according to Board Education Guideline 3.2.3 available at <https://www.bon.texas.gov>. Identified areas that are not equivalent to the Board's ongoing approval standards will be monitored by the Board on an ongoing basis.

(6) (No change.)

(7) Accredited Programs. The Board may review and/or change the approval status of an accredited [~~will deny or withdraw approval from a~~] professional nursing education program that fails to:

(A) - (C) (No change.)

(8) A professional nursing education program is considered approved by the Board and exempt from Board rules that require ongoing approval as described in Board Education Guideline 3.2.3 available at <https://www.bon.texas.gov> [3.2.4.a. ~~Specific Exemptions from Education Rule Requirements for Nursing Education Programs Accredited by a Board-Approved National Nursing Accreditation Organization~~] if the program:

(A) - (C) (No change.)

(9) - (10) (No change.)

~~[(11) The Board may assist the program in its effort to achieve compliance with the Board's requirements and standards.]~~

(11) ~~[(12)]~~ A program that voluntarily closes or from which approval has been withdrawn by the Board may submit a new proposal. A new proposal may not be submitted to the Board until at least twelve (12) calendar months have elapsed from the date the program's voluntary closure is accepted by the Executive Director or from the date of the program's withdrawal of approval by the Board.

(12) ~~[(13)]~~ A professional nursing education program accredited by a national nursing accrediting agency recognized by the Board shall:

(A) - (D) (No change.)

(d) (No change.)

§215.5. *Philosophy/Mission and Objectives/Outcomes.*

(a) (No change.)

(b) Program objectives/outcomes derived from the philosophy/mission shall reflect the *Differentiated Essential Competencies of Graduates of Texas Nursing Programs Evidenced by Knowledge, Clinical Judgment, and Behaviors: Vocational (VN), Diploma/Associate Degree (Diploma/ADN), Baccalaureate Degree (BSN), 2021 [October 2010]* (DECs).

(c) - (e) (No change.)

§215.6. *Administration and Organization.*

(a) - (g) (No change.)

(h) When the dean/director of the program changes, the dean/director shall submit to the Board office written notification of the change indicating the final date of employment.

(1) A new Dean/Director/Coordinator Qualification Form shall be submitted to the Board office by the governing entity for approval prior to the appointment of a new dean/director or interim dean/director in an existing program or a new professional nursing education program according to Board Education Guideline 3.3.1 available at <https://www.bon.texas.gov> [3.4.1.a. ~~Approval Process for a New Dean/Director/Coordinator or New Interim Dean/Director/Coordinator~~].

(2) A curriculum vitae and all official transcripts for the proposed new dean/director shall be submitted with the new Dean/Director/Coordinator Qualification Form according to Board Education Guideline 3.3.1 available at <https://www.bon.texas.gov> [3.4.1.a].

(3) (No change.)

(i) - (k) (No change.)

§215.7. *Faculty.*

(a) - (c) (No change.)

(d) Faculty Qualifications [~~and Responsibilities~~].

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

(e) (No change.)

(f) Non-nursing faculty are exempt from meeting the faculty qualifications of this chapter as long as the teaching assignments do not include [~~are not~~] nursing content or clinical nursing courses.

(g) - (i) (No change.)

(j) Faculty Responsibilities [~~shall be responsible for~~]:

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

(k) - (m) (No change.)

§215.8. *Students.*

(a) (No change.)

(b) If a program that is accredited by a national nursing accreditation agency plans an increase of enrollment of 25% or more, it must file a substantive change proposal with the accreditation agency. Programs that are not accredited by a national nursing accreditation agency [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 by following Board Education Guideline 3.5.2 available at <https://www.bon.texas.gov>. The Executive Director shall have the authority to approve an 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) - (6) (No change.)

(c) - (f) (No change.)

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

(1) (No change.)

(2) The program shall maintain evidence of student receipt of the Board's licensure [license] eligibility information as specifically outlined in subsection (c) of this section.

(3) (No change.)

(h) - (j) (No change.)

§215.9. *Program of Study.*

(a) The program of study shall include both didactic and clinical learning experiences and shall be:

(1) - (6) (No change.)

(7) designed and implemented to prepare students to demonstrate the *Differentiated Essential Competencies of Graduates of Texas Nursing Programs Evidenced by Knowledge, Clinical Judgment, and Behaviors: Vocational (VN), Diploma/Associate Degree (Diploma/ADN), Baccalaureate Degree (BSN), 2021 [October 2010] (DECs)*; and

(8) (No change.)

(b) - (g) (No change.)

(h) Faculty shall develop and implement evaluation methods and tools to measure progression of students' cognitive, affective, and psychomotor achievements in course/clinical objectives, according to Board Education Guideline 3.6.3 available at <https://www.bon.texas.gov>. A guideline that [3-7.3.a. Student Evaluation Methods and Tools. Board Education Guideline 3-7.4.a. Using Standardized Examinations.] outlines the effective use of standardized examinations as an evaluation of student progress is Board Education Guideline 3.6.4 available at <https://www.bon.texas.gov>.

(i) Curriculum changes shall be developed by the faculty according to Board standards and shall include information outlined in the Board Education Guideline 3.6.1 available at <https://www.bon.texas.gov> [3-7.1.a. Proposals for Curriculum Changes]. The two (2) types of curriculum changes are:

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

(j) (No change.)

(k) Professional nursing education programs planning major curriculum changes shall submit a curriculum change proposal, as outlined in Board Education Guideline 3.6.1 available at <https://www.bon.texas.gov> [3-7.1.a.], to the Board office for approval at least four (4) months prior to implementation.

(l) (No change.)

§215.10. *Clinical Learning Experiences.*

(a) Faculty shall be responsible and accountable for managing clinical learning experiences and observation experiences of students. Board Education Guideline 3.6.2 available at <https://www.bon.texas.gov> describes the purposes of clinical settings and reported hands-on clinical hours to meet program and course objectives.

(b) - (j) (No change.)

§215.12. *Records and Reports.*

(a) Accurate and current records shall be maintained for a minimum of two (2) years in a confidential manner and be accessible to appropriate parties, including Board representatives. These records shall include, but are not limited to:

(1) records of current students, including the student's application and required admission documentation, evidence of student's ability to meet objectives/outcomes of the program, final clinical practice evaluations, signed receipt of written student policies furnished by manual and/or electronic means, evidence of student receipt of the Board's licensure [Board license] eligibility information as specifically outlined in §215.8(c) [§215.8(b)] of this chapter (relating to Students), and the statement of withdrawal from the program, if applicable;

(2) - (6) (No change.)

(b) - (e) (No change.)

§215.13. *Total Program Evaluation.*

(a) There shall be a written plan for the systematic evaluation of the effectiveness of the total program following Board Education Guideline 3.8.1 available at <https://www.bon.texas.gov>. The plan shall include evaluative criteria, methodology, frequency of evaluation, assignment of responsibility, and indicators (benchmarks) of program and instructional effectiveness. The following broad areas shall be periodically evaluated:

(1) - (10) (No change.)

(b) - (d) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 19, 2023.

TRD-202302197

John Vanderford

Assistant General Counsel

Texas Board of Nursing

Earliest possible date of adoption: July 30, 2023

For further information, please call: (512) 305-6879

