



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/23/2018 2:32 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-01
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Polices, Standards and Criteria for the Evaluation
and Accreditation of Colleges, Departments or
Schools of Nursing

CITE STATUTORY AUTHORITY: W. Va. Code §§30-7-4 and 30-1-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4079

Section 64-9-13 Passed On 3/9/2018 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 23, 2018

This rule shall terminate and have no further force or effect from the following date:

03/23/2023

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

**Yes -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

**TITLE 19
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES**

**SERIES 1
POLICIES , STANDARDS AND CRITERIA FOR THE EVALUATION AND ACCREDITATION
OF COLLEGES, DEPARTMENTS OR SCHOOLS OF NURSING**

§19-1-1. General.

1.1. Scope. -- This rule establishes the policies and standards criteria for the evaluation and accreditation of colleges, departments or schools of nursing.

1.2. Authority. -- W. Va. Code §§30-7-4 and 30-1-4.

1.3. Filing Date. -- March 23, 2018.

1.4. Effective Date. -- March 23, 2018.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on March 23, 2023.

§19-1-2. Definitions.

These words and terms mean the following:

2.1. "Accredited college, department or school of nursing" means a college, department or school which meets the requirements of W. Va. Code §30-7-1 et seq, this rule, and any other applicable laws and rules. For purposes of considering applications for licensure, the Board may recognize nursing education programs accredited or approved by a comparable Board or other recognized authority in another jurisdiction.

2.2. "Administrator employment time" means the devotion of 80% time to school administrative duties. The administrator of the nursing program's teaching responsibilities is not to exceed 6 academic semester credits per year, no more than 3 academic credits per semester.

2.3. "Associate degree program in nursing" means a program conducted by a college or university that leads to an associate degree with a major in nursing.

2.4. "Baccalaureate degree program in nursing" means a program conducted by a college or university and leads to a baccalaureate degree with a major in nursing.

2.5. "Board" means the West Virginia board of examiners for registered professional nurses.

2.6. "Clinical Preceptor" means a registered professional nurse who:

2.6.a. is currently licensed as a registered professional nurse in good standing in the state in which he or she is providing the preceptorship with education preparation at or above the level for which the student is preparing;

2.6.b. has a minimum of 2 years of experience as a registered professional nurse providing direct patient care during the 5 years immediately preceding the date of the written agreement;

2.6.c. has a philosophy of health care congruent with that of the nursing program; and,

2.6.d. has current knowledge of nursing practice at the registered professional nurse level.

2.7. "College", "Department" or "School" mean a nursing education unit charged with responsibility to prepare its graduates for practice as registered professional nurses, qualified to meet licensing requirements in West Virginia. This nursing education unit may have multiple programs and may be structured in a university, college or hospital.

2.8. "Credit hour" means that credit assigned for 1 hour of lecture per week, or 2 to 4 hours of lab per week, per semester.

2.9. "Curriculum" means a planned nursing educational experience based on the philosophy, mission, goals and outcomes of the nursing education program. The curriculum will include clinical assignments to meet the objectives of each nursing course.

2.10. "Diploma program" means a program which is usually, but not necessarily, conducted by a hospital and leads to a diploma in nursing.

2.11. "Distance education" means a formal educational process in which the majority of the instruction in a course/program occurs when instructors and students are not physically in the same location. The educational process may use various methodologies for communication, instruction, and evaluation.

2.12. "Generic Masters degree program" means a program conducted by a university and leads to a masters degree in nursing for individuals preparing for initial licensure as a registered professional nurse.

2.13. "Governing organization" means the university, college, or other organization of which the nursing education unit is an integral part.

2.14. "Graduation" means the candidate has satisfied all requirements of the college, department or school of nursing granting the diploma or degree.

2.15. "New program" means any education program planning to prepare individuals for initial licensure that has not been accredited by the Board. This includes but is not limited to diploma, associate, baccalaureate, generic masters, second degree programs, accelerated programs, cohorts, sites, distance education through technology, Internet or web-based programs.

2.16. "Part-time faculty" means faculty employed by the nursing education program in a position with fewer hours than the organization's definition of full-time faculty status.

2.17. "Provisionally accredited college, department or school of nursing" means a college, department or school of nursing which either has been temporarily approved but has not been in operation long enough to qualify for full accreditation, or one which fails to meet the requirements of the law and of the Board, and has received notification of its deficiencies.

2.18. "Recommendations" means suggestions for the guidance of colleges, departments or schools of nursing in the development of their programs.

2.19. "Recommendation for admission to the licensure examination for registered professional nurses" means a written statement required in order to take the license examination. The applicant must be recommended to the Board by a faculty member of the program. This recommendation is based on satisfactory completion of the program.

2.20. "Renewal of accreditation" means continuation of accreditation based on survey visits, conferences, correspondence, and contents of the annual report during the reporting period and is granted for a time period determined by the Board.

2.21. "Requirements" means mandatory conditions which a college, department or school of nursing must meet in order to be accredited.

2.22. "Scheduled on-site visit" means the on-site accreditation visit occurring as part of the ongoing accreditation process of the nursing education unit.

2.23. "Standards" means a standard prescribed by the Board for educational programs preparing persons for licensure to practice registered professional nursing as per §30-7-7.(b).

§19-1-3. Purposes of Accreditation.

3.1. The purposes of accreditation include:

3.1.a. Protection of the public through evaluation of pre-service professional nursing education programs in terms of the criteria set forth in this rule;

3.1.b. Improvement in the quality of nursing service through the improvement of professional nursing education;

3.1.c. Guidance of prospective students in the selection of approved professional nursing education programs; and

3.1.d. Assurance of eligibility to take the state licensing examination and to apply for state licensure to graduates of state accredited nursing programs.

§19-1-4. Application for Legal Accreditation.

4.1. The application fee for establishing a new program and to receive legal accreditation of a professional nursing education program and initial on-site visit is fifty dollars (\$50). A governing institution that plans to establish a new nursing education program for the preparation of practitioners of registered professional nursing shall complete and submit such application for accreditation to the Board a minimum of 6 months in advance of the expected opening date:

4.1.a. a letter of intent identifying the governing institution, the type of nursing education program, and the status of approval from accrediting bodies and state agencies.

4.1.b. documentation that demonstrates the potential to meet all standards identified in this rule;

4.1.c. verification that a qualified nursing program administrator meeting the requirements of this rule is employed to develop the nursing program;

4.1.d. verification of availability of qualified nursing faculty to support the proposed numbers of student admissions to the new nursing education program; and

- 4.1.e. a curriculum plan that complies with the standards identified in §19-1-14.
- 4.2. A survey may be conducted to amplify, clarify, and verify information in the application.
- 4.3. If all standards for accreditation are met, the program shall receive provisional accreditation.
- 4.4. Following receipt of the first calendar year report of performance of graduates on the national licensure examination, the Board shall conduct a survey to determine if all standards for approval of a nursing education program have been met. The Board may:
 - 4.4.a. grant full accreditation if standards of a nursing education program are met;
 - 4.4.b. continue provisional approval and provide to the governing institution and nursing program administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct deficiencies.

§19-1-5. Accreditation of Education Unit.

5.1. Visits and surveys. The Board, through its executive secretary and staff or other qualified persons, shall periodically survey all nursing education programs accredited by the Board, including all satellite sites of any program.

5.2. Maintenance of accreditation standards. The nursing education unit shall maintain accreditation standards as set forth in this rule. The nursing education unit shall submit to the Board a copy of the national accreditation report, recommendations and final decision for each national accreditation visit once received by the program within 10 days of the program's receipt of the report.

5.3. Program visits, in addition to regularly scheduled visits, shall be conducted more frequently if:

- 5.3.a. there is a concern regarding the school's compliance with standards for nursing education programs;
- 5.3.b. the director of the nursing program changes;
- 5.3.c. a major curriculum change is proposed; and/or
- 5.3.d. a complaint has been submitted to the Board.

5.4. Accreditation of an existing program when ownership and control are changed. When a governing organization contemplates a change of ownership and control of a program, it shall send notice of the intended change to the Board 90 days prior to the effective date of the intended change. The owner or governing organization expecting to assume responsibility for the program shall immediately make application for accreditation. If the Board is satisfied the owner or governing organization which will be responsible for the new program meets the criteria for accreditation and will comply with the recommendations of the Board, it may be provisionally accredited.

5.5. Delivery of instruction by distance education methods shall enable students to meet the goals, competencies, and objectives of the educational program and standards of the Board, including supervised clinical learning experiences.

5.6. A distance-learning program shall establish a means for assessing individual student and

program outcomes.

5.7. A nursing education program based outside the state of West Virginia desiring to have students in a clinical facility in West Virginia shall:

5.7.a. notify the Board, in writing, 30 days in advance of the clinical learning experience for Board approval:

5.7.a.1. name of student, including license number if student is licensed in West Virginia;

5.7.a.2. name and license number of clinical supervisor;

5.7.a.3. name and location of the clinical facility;

5.7.a.4. name and license number of the nursing faculty responsible for the evaluation and oversight of the student's clinical learning experiences;

5.7.a.5. submit documentation verifying the program has accreditation by the residing state board of nursing or national nursing accreditation body;

5.7.a.6. comply with all standards of the rule including those related to clinical supervision of student learning experiences. The Board may request periodic report for the purpose of data collection or to determine compliance with the provisions of this rule.

5.8. Expansion of a program requires approval from the Board. Only those programs with full accreditation status may submit requests to the Board to initiate expansion of a program.

§19-1-6. Loss of Accreditation.

6.1. Loss of accreditation through failure to meet standards. The Board may withdraw accreditation from any nursing education program which fails to meet legal and educational requirements or Board standards to the satisfaction of the Board within a reasonable time period as determined by the Board. The program shall be removed from the list of Board -approved professional nursing education programs. The Board shall notify the administrator of the nursing education unit in writing of deficiencies in the nursing education program.

6.1.a. Factors jeopardizing program accreditation status include but may not be limited to:

6.1.a.1. deficiencies in compliance with this rule;

6.1.a.2. utilization of students to meet staffing needs in health care facilities;

6.1.a.3. noncompliance with school's stated philosophy/mission, program design, objectives/outcomes, and/or policies;

6.1.a.4. continual failure to submit records and reports to the Board office within designated time frames;

6.1.a.5. failure to provide sufficient variety and number of clinical learning opportunities for students to achieve stated objectives/outcomes;

6.1.a.6. failure to comply with Board requirements or to respond to Board recommendations

within a specified time;

6.1.a.7. student enrollments without sufficient faculty, facilities and/or patient census;

6.1.a.8. failure to maintain at least 80% passing rate on the licensure examination by first-time candidates;

6.1.a.9. failure of the program dean or director to document annually the currency of faculty licenses;

6.1.a.10. failure to maintain adequate budget to meet the needs of the program; or

6.1.a.11. other activities or situations that demonstrate to the Board that a program is not meeting legal requirements and standards.

6.2. Loss of accreditation through change of organization. When a program changes ownership or control, the Board shall automatically withdraw accreditation. The new owner or organization shall comply with the provisions of subsection 5.3. of this rule to continue the nursing education program.

6.3. Provisional accreditation for failure to meet standards. At the Board's discretion, it may grant provisional accreditation to a nursing education program during the time in which it takes corrective action in order to meet the accreditation standards set forth in this rule.

6.4 Any professional nursing school having a 20% or higher failure rate on the national licensure examination, shall receive a warning from the Board. If changes, correction and/or adjustment relative to faculty, facilities, student admission, curriculum content, and/or methods of teaching are not initiated within a specified time and such action approved by the Board, the Board may impose additional requirements or restrictions on the program.

§19-1-7. Closing of a Program.

7.1. The governing organization shall advise the Board in writing of the intent to close a nursing education program at least 6 months prior to the planned closing date. The governing organization shall submit a plan for safeguarding the quality of instruction and practice during the closing period.

7.2. The governing organization shall ensure that all standards for nursing education programs are maintained and all necessary courses are taught until the last student is transferred or graduated.

7.3. The governing institution shall secure and provide for the permanent custody and storage of records of students and graduates. The Board shall be notified of the location and method of retrieving information from these records.

7.4. At the Board's discretion, it may request additional information and plans for the closing of a nursing education program and the transfer of students and records.

7.5. The Board shall automatically withdraw accreditation of the program on the day the last student completes curriculum requirements of the program that is closing.

§19-1-8. Reports.

8.1. The nursing education unit shall submit an annual report to the Board by September 1 of each year for each nursing program accredited by the Board. Data included in this annual report shall be

determined by the Board, and shall include, but not be limited to, statistical data, faculty data, faculty qualifications information, plans for the next academic year, student enrollment data, faculty workload data and a brief evaluation statement.

8.2. The nursing education unit shall submit a self-study or program evaluation report to the Board one month prior to a scheduled on-site visit to the nursing education program. The Board shall determine the format and guidelines for the submission of this report

8.3. A university, college, or hospital desiring to initiate a new nursing education program shall complete a needs assessment report for submission to the Board at least one month prior to a scheduled Board meeting. The Board shall determine the format and guidelines for submitting this report.

8.4. A nursing education unit desiring to implement a substantial change to the nursing education program shall submit its request to the Board one month prior to a scheduled Board meeting. The nursing education unit shall not implement a substantial change to a nursing education program prior to receiving permission to do so by the Board.

8.5. At the Board's discretion, it may request additional reports from a nursing education unit to include, but not be limited to, written plans for improving licensure examination pass rates of graduates and progress reports.

§19-1-9. Mission and Goals/Outcomes of the Nursing Education Unit.

9.1. The mission or philosophy and goals or outcomes of the nursing education unit shall be clearly stated, periodically reviewed by nursing faculty, and consistent with those of the governing organization.

9.2. Implementation through an adequate program. The nursing education unit shall accomplish its stated goals or outcomes.

§19-1-10. Organization and Administrative Control of the Nursing Education Unit.

10.1. The nursing education unit in the governing organization.

10.1.a. Organization of the nursing education unit. The organization pattern of the nursing education unit shall be comparable to that of other like education units in the governing organization. The nursing education unit shall make a chart showing the structure of the nursing education unit, its relationship to administration, and with other education units available to the Board upon request.

10.1.b. Budget of the nursing education unit. The budget of the nursing education unit shall be part of the budget of the governing organization. The administrator of the nursing education unit has input into the preparation, presentation and is responsible for the administration of the budget for the nursing education unit. The administrator of the nursing program has input into the budget and it shall be adequate to achieve the mission of the nursing education unit.

10.1.b.1. Financial support for faculty, equipment, supplies and services shall be adequate to achieve the outcomes of all nursing programs within the nursing education unit.

10.1.b.2. Secretarial and other support services shall be sufficient to accomplish the goals and expected outcomes of all nursing programs within the nursing education unit.

10.1.c. Administration of the nursing education unit. The nursing education unit shall be administered by a nurse who (a) holds a graduate degree with a major in nursing, (b) has 5 years

professional nursing experience, 2 years of which were teaching in a professional nursing program, and c) holds a license as a registered professional nurse in the state of West Virginia. In addition, qualifications are comparable to those qualifications required of other faculty in the governing organization. The administrator of the nursing education unit is responsible for the following:

10.1.c.1. Providing leadership for faculty and staff;

10.1.c.2. Developing and maintaining relationships with local, state, regional, and national agencies involved in professional nursing or nursing education;

10.1.c.3. Establishing and maintaining liaison with the central administration and other departments of the governing organization;

10.1.c.4. Preparing and administering the budget;

10.1.c.5. Facilitating faculty development and conducting performance reviews;

10.1.c.6. Recommending faculty for appointment, promotion, tenure and retention; and

10.1.c.7. Notifying the Board of any major changes in the nursing education program or its administration.

10.1.d. Agreements with an agency or agencies for clinical practice experiences. There shall be a written agreement between the governing organization and the agency or agencies which provide clinical education experiences for students.

§19-1-11. Faculty of the Nursing Education Unit.

11.1. Nursing faculty members, both full and part-time shall be academically and professionally qualified and shall:

11.1.a. Have a graduate degree with a major in nursing;

11.1.a.1. The Board may grant an exception to the requirements in subdivision 11.1.a. of this rule for faculty members who:

11.1.a.1.A. Have a bachelor degree with a major in nursing and are admitted and enrolled in a graduate degree program with a major in nursing within 1 year of employment in the faculty position;

11.1.a.1.B. Have qualifications other than those set forth in this subsection which are acceptable to the Board.

11.1.b. Have evidence of current experience in nursing practice and education sufficient to demonstrate professional competence. For faculty with less than two years experience in education, the nursing program administrator will submit to the Board mentoring and orientation plans as defined by Board guidelines and function under the guidance of a faculty member fully qualified in the specific teaching area and professional competence; and

11.1.c. Have credentials which verify status as a registered professional nurse in West Virginia.

11.2. Reports on faculty qualifications. The nursing education unit shall submit to the Board a record of the qualifications of each faculty member with the program annual report.

11.3. Conditions of nursing faculty employment. Faculty policies of the nursing education unit shall be nondiscriminatory and consistent with that of the governing organization. Faculty policies which differ from the governing organization shall be justified by the nursing education unit goals. The policies shall be written, implemented and available to faculty and to the Board upon request.

11.4. Assignment and workload of nursing faculty. The governing organization shall hire and maintain sufficient faculty with the experience and competence in the respective specialties of nursing education to accomplish the goals or outcomes of the nursing education unit. Assignment and workload shall be consistent with the governing institution and includes clinical lab. Workload should provide for regeneration, reflection and wellness opportunities for nursing faculty. Factors to be included but not limited to when establishing the ratio of faculty to students should include:

- 11.4.a. the students' level of knowledge/skill;
- 11.4.b. course objectives;
- 11.4.c. acuity level of clients;
- 11.4.d. affiliating agency's goal and priorities;
- 11.4.e. percentage of temporary personnel staffing;
- 11.4.f. physical layout of facility;
- 11.4.g. current usage by other affiliating students; and
- 11.4.h. the Board's standards.

11.5. Organization of nursing faculty. The nursing faculty shall organize under its own governing rules, and meet regularly. Students shall have opportunities to participate in meetings of the faculty organization. The nursing education unit shall maintain minutes of meetings recorded and shall maintain minutes on file. The nursing education unit shall provide evidence of part time faculty participation in governance and communication within the nursing education unit.

11.6. Malpractice insurance for nursing faculty. The faculty shall have liability insurance for clinical practice required in nursing education courses.

§19-1-12. Students in the Nursing Education Unit.

12.1. The nursing education unit shall base the selection and admission of students on established criteria, and be consistent in the recruitment and admission of students, and shall determine student enrollment by the clinical and teaching facilities available and by the numbers of nursing faculty. Enrollment into the nursing education program may not increase if the program does not have full accreditation by the Board. An increase in enrollment of greater than 10 % must have prior approval by the Board.

12.1.a. Requirements for admission. A high school diploma or general education development (G.E.D.) certificate is required for admission to any nursing education program. Requirements for admission shall be consistently applied throughout the program. Changes in requirements shall be communicated to the students in a reasonable timeframe.

12.1.b. Transfer or readmission of students. The nursing faculty members shall establish policies for students requesting readmission or admission by transfer from another university, college, or hospital's nursing education program. Requirements for transfer and readmission shall be consistently applied throughout the program. Changes in requirements shall be communicated to the students in a reasonable time frame.

12.2. Student policies. Policies concerning students shall be clearly stated in the student handbook and/or catalog of the governing organization. There shall be evidence of communication of policies of the governing institution and nursing education program to the students. Changes in requirements shall be communicated to the students in a reasonable time frame.

12.3. Liability insurance for students. Students shall be covered by liability insurance for clinical practice.

12.4. Students shall adhere to the standards for professional conduct as stated in the Board's rule, Standards for Professional Nursing Practice, 19CSR10, and are subject to disciplinary action by the Board for acts of professional misconduct as defined in the Board's rule, Professional Misconduct, 19CSR3.

§19-1-13. Curriculum.

13.1. The curriculum of each nursing education program within the nursing education unit shall be based on the philosophy or mission and goals or outcomes of the nursing education unit.

13.1.a. The curriculum shall incorporate the concepts of nursing process and the standards for nursing practice as defined in the Board's rule, Standards for Professional Nursing, 19CSR10. Clinical assignments shall be designed to meet the objectives of each nursing course. Faculty shall provide evidence of ongoing review and updating of instructional materials, lecture notes, handouts and resources provided to students to ensure students receive current information and standards of practice.

13.1.b. Curricula for programs offering the diploma, the associate degree, baccalaureate degree, generic masters, accelerated programs, cohorts, sites, or distance education in nursing shall include theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life process.

13.2. The nursing courses shall be supported by courses which meet the requirements of the governing organization, including biological, physical and behavioral science courses.

§19-1-14. Resources, Facilities, and Services.

14.1. The nursing education unit shall provide adequate teaching facilities to accomplish the goals or outcomes of the nursing education programs. These shall include well-equipped classrooms, conference rooms, libraries, laboratories and offices for faculty members.

14.2. Comprehensive and current library resources, computer facilities, laboratory and other learning resources shall be available and accessible. The nursing faculty shall have input into the development and provision of learning resources.

14.3. The resources, facilities and services of the governing organization shall be available to and used by the nursing education unit.

14.4. The hospitals or other health care facilities and services utilized for clinical learning experiences shall be adequate in number and kind to meet program goals or outcomes. A preceptor serves as a role model and resource to students in the clinical setting in conjunction with a faculty

member.

§19-1-15. Evaluation of the Nursing Education Unit.

15.1. The nursing education unit shall have an ongoing systematic evaluation of all program components which is used for development, maintenance and revision of the program. The evaluation shall include but not be limited to curriculum content review and test review.

15.2. The evaluation plan shall include measurable outcomes, e.g., licensure examination passage rate, employment patterns, graduation rates and attrition.