

## DEPARTMENT OF REGULATORY AGENCIES

### Division of Professions and Occupations - Board of Nursing

#### NURSING

#### 3 CCR 716-1

### CHAPTER 2 – RULES AND REGULATIONS FOR APPROVAL OF NURSING EDUCATION PROGRAMS

**STATEMENT OF BASIS:** The authority for the promulgation of these rules and regulations by the State Board of Nursing (“Board”) is set forth in Sections 12-38-108(1)(a),(j), and 12-38-116, C.R.S.

**PURPOSE:** To specify procedures and criteria relating to the requirements for, approval of and withdrawal of approval of Nursing Education Programs.

#### SECTION 1. DEFINITIONS

- 1.1 **Advisory Committee:** A committee formed by the Nursing Education Program during Phase II of the Approval Process to represent the interests of students, the Governing Body, potential nursing employers and other community members affected by the Nursing Education Program.
- 1.2 **Approval:** Official recognition granted by the Board to Nursing Education Programs that meet certain established standards and requirements under the Nurse Practice Act and the Board’s Rules and Regulations, as follows:
  - A. **Interim Approval:** Recognition by the Board during the Approval Process that a Nursing Education Program may admit students and implement the program, pending Full Approval.
  - B. **Full Approval:** Recognition by the Board that a Nursing Education Program has completed the Approval Process and meets the standards and requirements under the Nurse Practice Act and the Board’s Rules and Regulations. A Nursing Education Program with Full Approval is the equivalent of an “approved education program” pursuant to Section 12-38-103(2), C.R.S.
  - C. **Conditional Approval:** Approval granted with conditions or provisions to a Nursing Education Program that was previously granted Full Approval, but does not currently meet all standards and requirements for Full Approval.
- 1.3 **Approval Process:** Board process consisting of four (4) specified phases of development of a Nursing Education Program as set forth in these Chapter 2 Rules and Regulations.
- 1.4 **A Student Admission:** A Nursing Education Program has determined the applicant to the Nursing Education Program to be qualified, sent an affirmative admission letter to the applicant, the education program has received an affirmative indication from the applicant that the admission offer is accepted, and the applicant is enrolled by the Census Date. A Nursing Education Program’s student admissions is the total number of all applicants enrolled in the Nursing Education Program by the Census Date as determined by the school for an academic year (August 1 to July 31 of the next year).
- 1.5 **Board:** The State Board of Nursing.

- 1.6 Censur Date: The date determined by the school's Governing Body after which students' enrollment status changes are final.
- 1.7 Clinical Experience: Faculty planned, guided, and supervised learning activities designed to assist students to meet the course objectives in a clinical setting. Clinical Experience is obtained Concurrently with theory and applies nursing knowledge and skills in the direct care of patients or clients. This experience requires direct supervision by Faculty, Clinical Faculty, Associate Nursing Instructional Personnel (ANIP) or a Preceptor who is physically present or immediately accessible and must be completed prior to graduation.
- 1.8 Clinical Laboratory: Laboratory setting for practice of specific basic clinical skills.
- 1.9 Clinical Setting: The place where Faculty and students, via a written agreement, have access to patients/clients for the purpose of providing nursing practice experience for students. Students and Clinical Faculty do not assume full responsibility for patient care.
- 1.10 Clinical Simulation: A care setting utilizing human simulation experience to create realistic, life-like scenarios where students engage in the practice of nursing skills and theory for the purpose of teaching and evaluating students. All simulation experiences shall be under the direction of licensed nursing Faculty qualified to oversee and evaluate the outcomes of the simulation experience for the student. The Faculty qualifications shall be documented in a manner approved by the Board.
- 1.11 Concurrent (ly): Simultaneous or immediately following and completed within six (6) months of the relevant theory content.
- 1.12 Curriculum: All courses required for completion of an Approved Nursing Education Program.
- 1.13 Director of Nursing Education Program (DNEP): A registered nurse licensed in Colorado employed by a Nursing Education Program and granted the necessary authority by the program's Governing Body to administer the Nursing Education Program.
- 1.14 Faculty: Individuals meeting the requirements of the Board's Rules and Regulations, designated by the Governing Body as having ongoing responsibility for curriculum development and planning, teaching, guiding, monitoring, and evaluating student learning. Faculty also includes the following:
- A. Clinical Faculty: Individuals meeting the requirements of the Board's Rules and Regulations and having ongoing responsibility for evaluating student learning in the practice setting. The Clinical Faculty assumes joint responsibility with the teaching Faculty in guiding student learning. The ratio of faculty to student shall not be more than 1:10.
  - B. Associate Nursing Instructional Personnel (ANIP): Licensed nurses working under the direction and supervision of nursing Faculty, who assist students in laboratory and/or clinical settings and environments to meet specific nursing goals. The ANIP to student ratio shall not be more than 1:10.
  - C. Preceptor: The Preceptor is a professional or practical nurse who assumes joint teaching responsibility with a Faculty member and should have a minimum of one (1) year of clinical experience relevant to the area(s) of responsibility. A licensed professional nurse may precept a professional or practical nursing student. A licensed practical nurse may precept a practical nursing student. It is expected that the licensed nurse should be at or above the degree level of the Nursing Education Program.

- 1.15 Final Clinical Precepted Experience: Faculty planned, guided, and Preceptor-supervised learning activities occurring at the end of the Nursing Education Program after a student has received the theory and Clinical Experience that is necessary to provide safe care.
- 1.16 Governing Body: The institution or organization that offers a Nursing Education Program.
- 1.17 Nursing Education Program: A basic course of study preparing persons for initial licensure as registered or practical nurses. Some Nursing Education Programs may offer more than one type of nursing certification or degree under the same Governing Body.
- 1.18 Site Visit: The Board's or Board's staff's collection and analysis of information to assess compliance with the Nurse Practice Act and the Board's Rules and Regulations. Information may be collected by several methods, including, but not limited to: review of written reports and materials, on-site observations, interviews, or conferences; which are summarized in a written report to the Board.
- 1.19 Unencumbered: No current restriction on a license to practice on any professional or practical nursing license.

## **SECTION 2. PURPOSES OF NURSING EDUCATION PROGRAM APPROVAL**

- 2.1 To promote and regulate educational processes that prepare graduates for safe and effective nursing practice.
- 2.2 To provide eligibility for admission to the licensing examination for nurses.
- 2.3 To provide criteria for the development and Approval of new and established Nursing Education Programs.
- 2.4 To provide procedures for the withdrawal of Nursing Education Program Approval.
- 2.5 To facilitate interstate endorsement of graduates of Board-approved programs.

## **SECTION 3. REQUIREMENTS FOR NURSING EDUCATION PROGRAMS**

- 3.1 All Nursing Education Programs must be located in or otherwise accredited as a post-secondary educational institution with state approval to grant the appropriate degree or certificate.
- 3.2 A Nursing Education Program applying to grant a baccalaureate degree or an associate degree in nursing must be located in an institution accredited by a regional accrediting agency or a national institutional accrediting agency at the time of application. The accreditation must be recognized by the United States Department of Education and the program must be eligible for national nursing accreditation.
- 3.3 A Nursing Education Program applying to grant a certificate in practical nursing must be located in an institution accredited by a regional accrediting agency or a national institutional accrediting agency. The regional accreditation or national institutional accreditation must be recognized by the United States Department of Education.
- 3.4 Any Nursing Education Program that does not have National Nursing Accreditation must prominently disclose to students in all publications describing the nursing program that the lack of national nursing accreditation may limit future educational and career options for the students. The disclosure must precede any statement with plans to apply for programmatic accreditation.

- 3.5 All Nursing Education Programs that have received Full Approval by January 1, 2006, must be accredited by a national nursing accrediting body recognized by the United States Department of Education by January 1, 2010, or must have achieved candidacy status leading to such accreditation and demonstrated satisfactory progression toward obtaining such accreditation. Those Nursing Education Programs that receive Full Approval after January 1, 2006, must provide evidence of national nursing accreditation within four (4) years of receiving Full Approval by the Board.
- 3.6 The organization, administration and implementation of the Nursing Education Program must be consistent and compliant with the Nurse Practice Act, the Board's Rules and Regulations, and all other state or federal regulations. A Nursing Education Program's organization and administration must secure, maintain, and be able to document the existence of:
- A. A Governing Body, with post-secondary accreditation from an accrediting body approved by the United States Department of Education, that has the legal authority to conduct the Nursing Education Program, determine general policy, and assure adequate financial support.
  - B. Financial support and resources sufficient to meet the goals of the Nursing Education Program. Resources include, but are not limited to, financial, educational facilities, equipment, learning aids, and qualified administrative, instructional and support personnel.
  - C. An organizational chart for the Nursing Education Program demonstrating the relationship of the program to the Governing Body administration and clearly delineating the lines of authority, responsibility, channels of communication and internal organization.
  - D. A DNEP appointed and accountable for the administration, planning, implementation and evaluation of the Nursing Education Program, and granted institutional authority to meet the requirements of the Nurse Practice Act, the Board's Rules and Regulations, and all other state or federal regulations. The qualifications and responsibilities of the DNEP shall be defined in writing by the Governing Body and submitted to the Board.
  - E. A formal plan for orientation of the DNEP and Faculty, which includes but is not limited to a Faculty handbook and other policies necessary for the effective communication of the Nursing Education Program curriculum.
  - F. Statements of mission, purpose, and outcome competencies for Board Approval, established and periodically reviewed by the Nursing Education Program in conjunction with the Governing Body.
  - G. Standards for recruitment, advertising, and refunding tuition and fees, which must be consistent with generally accepted standards and applied by the Governing Body.
  - H. Teaching and learning environment conducive to student academic achievement.
  - I. Student policies that are accurate, accessible to the public, non-discriminatory and consistently applied.
  - J. Current, accurate, clear and consistent information about the Nursing Education Program available to the general public, prospective students, current students, employers and other interested parties.

- K. Student access to support services administered by qualified individuals, including, but not limited to: access to health care, counseling and intervention for disabilities, academic achievement strategies, career placement and financial aid.
- L. Records of all written complaints about the Nursing Education Program and how the program addressed each complaint, which must be available for public and Board review.

3.7 Faculty composition of the Nursing Education Program must be as follows:

- A. The number of Faculty shall be sufficient to prepare the students to achieve the objectives of the Nursing Education Program and to ensure patient/client safety.
- B. There must be a minimum of two (2) full-time Faculty for a Nursing Education Program, one of whom may be the DNEP.
- C. There must be a sufficient number of Faculty for each specialty area to provide adequate supervision to Clinical Faculty, ANIP and Preceptors.
- D. For professional Nursing Education Programs granting a baccalaureate degree in nursing, all Faculty, excluding ANIP and Preceptors, must have a graduate degree in nursing and twenty-five percent (25%) of the full-time faculty should have a doctorate degree.
- E. For professional Nursing Education Programs granting an associate degree in nursing all ~~full-time~~ Faculty, excluding Clinical Faculty, ANIP and Preceptors, must have a graduate degree in nursing ~~and equal to or greater than fifty percent (>50%) of part-time Faculty, excluding ANIP and Preceptors, must have a graduate degree in nursing.~~
- F. For Nursing Education Programs granting a certificate in practical nursing, all Faculty, excluding Clinical Faculty, ANIP and Preceptors must have a bachelors degree in nursing ~~and equal to or greater than fifty percent (>50%) of the Faculty, excluding ANIP and Preceptors, must have a graduate degree in nursing.~~
- G. DNEP and Faculty hired into a Board approved Nursing Education Program after June 30, 2014, must meet the respective qualifications as specified in these Chapter 2 Rules and Regulations, and the graduate degree in nursing and/or bachelor's degree in nursing must be from a Nursing Education Program with national nursing accreditation.

3.8 DNEPs must possess the following qualifications:

- A. An active Unencumbered license to practice as a registered nurse in Colorado.
- B. Documented knowledge and skills related to teaching adults, teaching methodology, curriculum development, and curriculum evaluation.
- C. Two (2) years of full-time, or equivalent, clinical experience as a practicing registered nurse.
- D. Two (2) years of full-time, or equivalent, experience in teaching in an approved Nursing Education Program. Such experience must be at or above the level of the Nursing Education Program the individual will be directing.
- E. To direct a practical Nursing Education Program, a minimum of a graduate bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation.

- F. To direct a professional Nursing Education Program, a minimum of a graduate degree in nursing from a Nursing Education Program with national nursing accreditation.

3.9 DNEP responsibilities shall include:

- A. Insuring and documenting the Nursing Education Program's compliance with the Nurse Practice Act, the Board's Rules and Regulations, and all other state or federal regulations.
- B. Providing a current written job description to the Board for all Faculty positions.
- C. Developing and maintaining the relationship between the Nursing Education Program and the Governing Body, including but not limited to acting as liaison with other programs within the Governing Body and with other Nursing Education Programs.
- D. Demonstrating leadership within the Faculty for the development, implementation and evaluation of the curriculum and other Nursing Education Program components.
- E. Participating in the budget planning process for and administering the Nursing Education Program budget.
- F. Recruiting and selecting Faculty for employment, designing and monitoring development plans for Faculty, conducting performance reviews of Faculty, and participating in Faculty promotion and retention.
- G. Developing and coordinating the use of educational facilities and clinical resources.
- H. Identifying and advocating for services needed by students in the Nursing Education Program.
- I. Acting as liaison with the Board.
- J. Developing and maintaining ongoing relationships within the community, including fostering the Nursing Education Program's responsiveness to community/employer needs.
- K. Participating in activities that facilitate the DNEP's professional expertise in the areas of administration, teaching and maintenance of nursing competence.
- L. Determining the need for additional Faculty release time for administrative duties.
- M. The Board recognizes that the foregoing responsibilities may be delegated to other persons. However, the DNEP is responsible to the Board for assuring compliance with these requirements.

3.10 The amount of time that the DNEP is released from teaching responsibilities for nursing administrative duties must be adequate to meet the needs of the Nursing Education Program and students. The minimum amount of release time allowed for administrative responsibilities shall be:

- A. Sixty percent (60%) in a Nursing Education Program with sixty (60) or fewer nursing students.
- B. One percent (1%) per nursing student in a Nursing Education Program with more than sixty (60) nursing students.

- C. Other related duties may necessitate additional release time.
- D. DNEP administering education programs outside of those covered by these Chapter 2 Rules and Regulations or with greater than 100% release time based on enrollments must calculate percent of release time to be delegated to qualified nurse faculty based on the institution's calculation of full time workload.

3.11 Nursing Faculty must possess the following qualifications:

- A. An active Unencumbered license to practice as a registered nurse in Colorado.
- B. Two (2) years of full-time, or equivalent, professional nursing clinical experience.
- C. Faculty in a practical Nursing Education Program must have a minimum of a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation or a written plan demonstrating ongoing progression in obtaining a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation.
- D. Faculty in a professional Nursing Education Program must have a minimum of a graduate degree in nursing from a Nursing Education Program with national nursing accreditation, or demonstrate compliance with the following:
  - 1. If the individual has a graduate degree in a field other than nursing, he or she must have a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation and demonstrate evidence that the graduate degree is in a field relevant to the area of responsibility.
  - 2. If the individual has only a bachelor's degree in nursing, he or she must submit to the Board a written plan demonstrating ongoing progression in obtaining a graduate degree in nursing from a Nursing Education Program with national nursing accreditation.

3.12 Responsibilities of nursing Faculty will include but not be limited to:

- A. Developing, implementing, evaluating and updating the purpose, mission, and objectives of the Nursing Education Program.
- B. Designing, implementing and evaluating the curriculum using a written plan.
- C. Developing, evaluating and revising student admission, progression, retention and graduation policies within the policies of the Governing Body.
- D. Participating in academic advising and guidance of students.
- E. Planning and providing theoretical instruction and clinical or laboratory experiences that reflect an understanding of the mission, objectives and curriculum of the Nursing Education Program.
- F. Planning, monitoring and evaluating the instruction provided by ANIP, Clinical Faculty and Preceptors.
- G. Evaluating student achievement of curricular objectives/outcomes related to nursing knowledge and practice.

- H. Faculty assignments shall allow adequate administrative time for theory, laboratory and clinical preparation.

3.13 Clinical Faculty must possess the following qualifications:

- A. An active Unencumbered license to practice as a registered nurse in Colorado.
- ~~B.~~ Two (2) years of full-time, or equivalent, professional nursing clinical experience.
- ~~CB.~~ Documented one (1) year experience in the area of instruction.
- ~~DC.~~ Clinical Faculty in a practical Nursing Education Program must have a minimum of a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation or a written plan demonstrating ongoing progression in obtaining a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation.
- ~~E.~~ Clinical Faculty in a professional Nursing Education Program granting an associate degree in nursing must have a minimum of a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation.
  - 1. The Clinical Faculty is accountable for meeting student learning in the practice setting under the supervision of nursing Faculty
  - 2. A graduate degree or progress in obtaining a graduate degree from a Nursing Education Program with national nursing accreditation is preferred.
- ~~FD.~~ Clinical Faculty in a professional Nursing Education Program granting a baccalaureate degree must have a minimum of a graduate degree in nursing from a Nursing Education Program with national nursing accreditation, or demonstrate compliance with the following:
  - 1. If the individual has a graduate degree in a field other than nursing, he or she must have a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation and demonstrate evidence that the graduate degree is in a field relevant to the area(s) of responsibility.
  - 2. If the individual has only a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation, he or she must submit to the Board a written plan demonstrating ongoing progression in obtaining a graduate degree in nursing from a Nursing Education Program with national nursing accreditation.

3.14 Associate Nursing Instructional Personnel (ANIP) must possess the following qualifications:

- A. For ANIP in a Clinical Simulation or other simulated patient care environment and accountable for meeting assistive instructional responsibilities under the supervision of nursing Faculty:
  - 1. In a practical Nursing Education Program, an active Unencumbered license to practice as a practical or registered nurse in Colorado.
  - 2. In a professional Nursing Education Program, an active Unencumbered license to practice as a registered nurse in Colorado.

3. A minimum of one (1) year of clinical experience relevant to the area(s) of responsibility.
- B. For ANIP in an actual patient/client environment and accountable for assistive instructional responsibilities under the supervision of nursing Faculty:
1. An active Unencumbered license to practice as a registered nurse in Colorado.
  2. In a professional Nursing Education Program, mMust have a minimum of a bachelor's degree in nursing from a Nursing Education Program with national nursing accreditation.
  3. A minimum of two (2) years of full-time, or equivalent, professional nursing practice.
  4. A minimum of one (1) year of clinical experience relevant to the area(s) of responsibility.
- 3.15 Curriculum for a Nursing Education Program must include the following components:
- A. The curriculum for the Nursing Education Program shall enable the student to develop the nursing knowledge, skills and competencies necessary for the level of nursing practice of the Nursing Education Program. For professional and practical Nursing Education Programs, this includes skills in intravenous therapy, and theory and clinical experience in the four (4) recognized specialty areas of pediatrics, obstetrics, psychiatric, and medical-surgical nursing.
- B. Theory and Concurrent Clinical Experience shall provide the students the opportunity to acquire and demonstrate the knowledge, skills and competencies for safe and effective nursing practice.
- C. The curriculum must:
1. Reflect consistency between the mission, outcomes, curriculum design, course progression, and learning outcomes of the Nursing Education Program.
  2. Be organized and sequenced logically to facilitate learning.
  3. Facilitate seamless academic progression between in-state Nursing Education Programs.
  4. Provide Clinical Experience and Clinical Simulation to prepare the student for the safe practice of nursing. This experience must be Concurrent with theory and include:
    - a. For practical Nursing Education Programs, a minimum of four hundred (400) clinical hours.
    - b. For professional Nursing Education Programs, a minimum of seven hundred fifty (750) clinical hours.
    - c. For Nursing Education Programs that have national nursing accreditation, each clinical course may be formulated to include a combination of Clinical Experience, and Clinical Simulation components and the syllabus will identify the number of hours for each component.

The Clinical Simulation component shall not exceed 50% of clinical clock hours for each clinical course in the four (4) recognized specialty areas of pediatrics, obstetrics, psychiatric, and medical surgical nursing.

- d. For Nursing Education Programs that are seeking national nursing accreditation, each clinical course may be formulated to include a combination of Clinical Experience, and Clinical Simulation components and the syllabus will identify the number of hours for each component. The Clinical Simulation component shall not exceed 25% of the clinical hours for each clinical course.
  - e. For Nursing Education Programs that have national nursing accreditation and that meet the International Nursing Association for Clinical Simulation and Learning (INACSL) standards, each Clinical Simulation clock hour may be considered the equivalent to up to two (2) clock hours of clinical. See Policy 60-08.
  - f. For Nursing Education Programs that are seeking national nursing accreditation and that meet INACSL standards, each Clinical Simulation clock hour is equivalent to one (1) clock hour of clinical. See Policy 60-08.
5. Provide theoretical instruction to prepare the student for the safe practice of nursing. This theoretical instruction must include:
    - a. For practical nursing programs, a minimum of three hundred (300) theory hours.
    - b. For professional nursing programs, a minimum of four hundred fifty (450) theory hours.
  6. Practical Nursing Education Programs must include didactic instruction in nursing and clinical practice caring for stable patients with predictable outcomes.
  7. Professional Nursing Education Programs must include didactic instruction in nursing and clinical practice caring for multiple patients with both predictable and unpredictable outcomes.
  8. Utilize a variety of teaching/learning strategies.
  9. Contain written content outlines for each course.
  10. Include written statements of specific, measurable theoretical and clinical outcomes/competencies for each course.
  11. Be planned, implemented and evaluated by the Faculty with provision for student input.
  12. Include regular review of the rigor, currency, and cohesiveness of nursing curriculum by Faculty.
  13. Include courses appropriate for the level of nursing practice of the Nursing Education Program, including, but not limited to:

- a. Curriculum developed by nursing Faculty that flows from the nursing education unit /mission into a logical progression of course outcomes and learning activities to achieve desired program objectives/outcomes.
- b. Curriculum that provides a biological, physical, social and behavioral sciences foundation for safe and effective nursing practice.
- c. Curriculum that provides for critical thinking, clinical decision making, professional ethics, values, accountability, and interdisciplinary collaboration.
- d. Curriculum with didactic content and Faculty supervised Concurrent Clinical Experience in the promotion, prevention, restoration and maintenance of health in patients/clients across the life span and in a variety of types of healthcare settings.
- e. Curriculum encompassing nursing regulation, professional standards, legal and ethical issues, nursing history and trends and nursing informatics.
- f. Curriculum that provides the student knowledge and skills to develop competencies in the delivery of safe patient-centered care, utilizing best evidence and quality improvement processes.

D. The Nursing Education Program, by design and as implemented, shall include:

- 1. Learning strategies that promote the development of safe clinical practice and leadership and management skills consistent with the level of licensure.
- 2. Learning experiences and methods of instruction consistent with the written curriculum plan.
- 3. Practice learning environments that are selected and maintained by Faculty and that provide opportunities for the variety of learning options appropriate for contemporary nursing.

3.16 Evaluation plans for a Nursing Education Program must be ongoing, reflect input from students and the community, and evidence relevant decision-making. The Nursing Education Program must have a written systematic plan for evaluation of:

- A. Organization and administration of the Nursing Education Program;
- B. Nursing Education Program mission;
- C. DNEP performance;
- D. Faculty performance;
- E. Curriculum objectives and outcomes;
- F. Adherence to program requirements; and
- G. Measurement of program outcomes, including performance of graduates.

- 3.17 Records and reports for a Nursing Education Program shall be maintained and submitted as follows:
- A. The Nursing Education Program must provide for a system of permanent records and reports essential to the operation of the Nursing Education Program, including:
    - 1. Current and final official records for students;
    - 2. Current records of Nursing Education Program activities such as minutes and reports; and
    - 3. Faculty records that demonstrate compliance with Faculty qualification requirements under this Section 3 of these Chapter 2 Rules and Regulations.
  - B. The Nursing Education Program must submit an annual report to the Board on a Board-authorized form.
  - C. Before planned Student Admissions are increased by twenty-five percent (25%) or more from the most recent Board approved admission request, the Nursing Education Program must submit a report to the Board that substantiates all requirements of Section 3 of these Chapter 2 Rules and Regulations have been met.
  - D. Three (3) weeks prior to all scheduled Site Visits, the DNEP shall submit a self-study report to the Board. If nationally accredited, the Nursing Education Program must submit the self-study reports prepared for the national accreditation Site Visit.
  - E. The Nursing Education Program shall submit copies of all progress reports required by the national accrediting agency.
  - F. Any other reports as may be determined by the Board.
- 3.18 The Board may limit the number of students admitted to a Nursing Education Program. In making this determination, the Board may consider factors, including, but not limited to: the number of qualified Faculty, adequate educational facilities and resources, and the availability of relevant clinical learning experiences.

#### **SECTION 4. ESTABLISHING A NURSING EDUCATION PROGRAM (PHASES I THROUGH III)**

- 4.1 All educational institutions intending to establish a Nursing Education Program in Colorado must comply with the Nurse Practice Act, the Board's Rules and Regulations, and all other state or federal regulations for establishing a Nursing Education Program. New Nursing Education Programs must have initial accreditation as set forth in Sections 3.2 and 3.3 of these Chapter 2 Rules and Regulations.
- 4.2 **Phase I of the Approval Process:** Initiating a Nursing Education Program. The Governing Body wishing to establish a Nursing Education Program must comply with the following requirements:
- A. The Governing Body must inform the Board of its intent to establish a Nursing Education Program and submit documentation of intent.
  - B. The documentation of intent to establish a program shall include the following information:
    - 1. Name, address and current accreditation(s) of the Governing Body.

2. Mission of the Governing Body.
  3. Relationship of the proposed Nursing Education Program to the Governing Body.
  4. Type of proposed Nursing Education Program.
  5. Rationale for establishing the Nursing Education Program.
  6. Timetable for development and implementation of the Nursing Education Program.
  7. Evidence of adequate financial support and resources for the planning, implementation and continuation of the Nursing Education Program.
  8. Budget for DNEP, Faculty and support positions.
  9. Availability of adequate academic facilities. At a minimum, such facilities need to include space for classroom instruction, academic advising, Clinical Laboratory and clinical and/or Clinical Simulation and library resources.
  10. Description of impact of proposed Nursing Education Program on existing Nursing Education Programs and health care agencies in relation to the proposed program's utilization of clinical sites through a Board approved questionnaire that includes, but is not limited to:
    - ~~a. Utilization of clinical sites.~~
    - ab. Sixty-six percent (66%) response rate~~ie~~, or what is determined by the Board to be reasonable for the demographic location. Nursing Education Programs willfully refusing to participate will be subject to sanctions based on Section 6.1 E of these Chapter 2 Rules and Regulations.
    - be. Nursing Education Programs and health care agencies within a hundred (100) mile radius, or what is determined by the board to be reasonable for the demographic location.
  11. Perceived problems in planning, implementing and continuing the Nursing Education Program.
  12. Proposed job description and qualifications of the DNEP.
  13. Any additional information requested by the Board.
  14. Signature of the Governing Body officers.
- C. The Governing Body shall submit to the Board the results of a current feasibility study that includes objective data regarding the following:
1. Documented need for the Nursing Education Program, including evidence of potential employment opportunities and nursing manpower needs in the geographic area served.
  2. Ability to hire a qualified DNEP, Faculty and support staff.
  3. Qualifications of and the number of persons in the potential student pool.

4. Availability of relevant clinical opportunities. The Nursing Education Program must submit a signed commitment from each clinical entity, which includes the type(s) of learning opportunities, average daily census, maximum number of nursing students that can be accommodated, and any limitations or restrictions imposed by the clinical entity including the number of current clinical placements that would have to be reduced in order to meet the needs of the proposed Nursing Education Program.
- D. The Board shall review the submitted documentation of intent at the next regularly-scheduled Full Board meeting and respond in writing within two (2) weeks of such meeting.
  - E. If the Board determines that the Nursing Education Program has successfully met the requirements of this Section 4.2 of these Chapter 2 Rules and Regulations, the Board shall grant Phase I recognition and advise the Governing Body, in writing, that it has permission to proceed with further program development.
  - F. If the Board determines that the Nursing Education Program has not successfully met the requirements of this Section 4.2 of these Chapter 2 Rules and Regulations, the Board shall advise the Governing Body, in writing, of the specific deficiencies.
- 4.3 **Phase II of the Approval Process:** Program development phase. Upon receipt of written verification of Phase I recognition from the Board, the Nursing Education Program enters Phase II, or the program development phase, of the Approval Process.
- A. At the beginning of Phase II, the Governing Body shall employ a qualified DNEP.
  - B. The DNEP shall:
    1. Assemble an Advisory Committee.
    2. With the advice and counsel of the Advisory Committee, provide for the development of a Nursing Education Program that meets the requirements of these Chapter 2 Rules and Regulations.
    3. Prepare a written report for Board consideration that evidences the following:
      - a. Manner and extent of utilization of the Advisory Committee.
      - b. Demonstration of support and approval of the Governing Body.
      - c. Compliance with all requirements of Section 3 of these Chapter 2 Rules and Regulations, including but not limited to a fully-developed curriculum as outlined in Section 3.15 of these Chapter 2 Rules and Regulations.
      - d. Description of approaches to perceived problems in planning, implementing and continuing the Nursing Education Program.
      - e. Newly identified problems perceived in the implementation and continuation of the Nursing Education Program.
  - C. The Board will review the required documentation to determine if all requirements are met.

- D. If the Board determines that the Nursing Education Program has successfully met the requirements of this Section 4.3 of these Chapter 2 Rules and Regulations, the Board shall grant Interim Approval and authorize the Program to begin Phase III of the Approval Process. The Board shall advise the Governing Body, in writing, that it has permission to admit students and implement the Nursing Education Program as set forth in Section 4.4 of these Chapter 2 Rules and Regulations.
- E. If the Board determines that the Nursing Education Program has not successfully met the requirements of this Section 4.3 of these Chapter 2 Rules and Regulations, the Board shall advise the Governing Body, in writing, as to what specific requirements have not been met. The Nursing Education Program may revise the written report and request reconsideration for Interim Approval within no more than one (1) year from the date the Board advises the Nursing Education Program that all requirements for Interim Approval have not been met. During the period in which the Nursing Education Program is attempting to meet such requirements, the Board may require additional written reports, at its discretion.

4.4 **Phase III of the Approval Process** (Nursing Education Programs with Interim Approval): Upon receipt of written verification of Interim Approval, the Nursing Education Program enters Phase III of the Approval Process.

- A. The Nursing Education Program with Interim Approval shall submit semiannual reports to the Board regarding the progress and problems of program implementation and initial implementation of a systematic evaluation plan.
- B. The Board may review the semiannual reports and may require additional information.
- C. Written and published admission policies of the Nursing Education Program with Interim Approval must be consistent with the policies of the Governing Body and meet generally accepted education standards.
- D. The Board shall conduct a Site Visit within one hundred and eighty (180) days of admission of students to the Nursing Education Program.
- E. Within ninety (90) days of the Site Visit, a written report of the Site Visit shall be submitted to the Nursing Education Program for comment. Such comments shall be submitted by the Nursing Education Program within thirty (30) days of the date of the report. The Site Visit Report and comments will be presented to the Board at the next regularly-scheduled Full Board meeting.
- F. Within nine (9) months of graduation of the initial class, the Nursing Education Program shall submit data and analyses obtained through the Nursing Education Program evaluation process.
- G. At a time not to exceed one (1) year following the graduation date of the initial class, the Nursing Education Program must request Full Approval. The Nursing Education Program must submit a self-study of program components and outcomes.
- H. Students admitted to a program with Interim Approval shall be permitted to take the licensing examination at the appropriate time, provided the Nursing Education Program continues to maintain Interim Approval.
- I. The NCLEX pass rate for Nursing Education Programs for first-time takers must be at or above 75% in order to obtain Full Approval.

- J. The Board may withdraw Interim Approval when a Nursing Education Program fails to maintain the Nursing Education Program as approved or fails to qualify for Full Approval within one (1) year following the graduation date of the initial class. The Board shall advise the Governing Body, in writing, of specific deficiencies.
- K. If the Board determines that the Nursing Education Program has successfully met the requirements of this Section 4.4 of these Chapter 2 Rules and Regulations, the Board shall advise the Governing Body, in writing, that the Nursing Education Program is granted Full Approval.

## **SECTION 5. FULL APPROVAL OF A NURSING EDUCATION PROGRAM (PHASE IV)**

- 5.1 Nursing Education Programs with Full Approval shall be reviewed by the Board once every five (5) years.
- 5.2 For Nursing Education Programs accredited by a national nursing accrediting agency recognized by the United States Department of Education, the Board may accept national nursing accreditation site visits in lieu of a Board Site Visit. Nursing Education Programs with Full Approval and national nursing accreditation may follow the accrediting body's on-site evaluation schedule. Board joint reviews are at the discretion of the Board. The Board reserves the right to conduct a separate Site Visit if issues or information are identified that in the opinion of the Board warrant separate review.
- 5.3 Within ninety (90) days of the Site Visit, a written report of the Site Visit shall be submitted to the Nursing Education Program for comment. Such comments shall be submitted by the Nursing Education Program within ninety (90) days of the date of the report. The Site Visit report and comments will be presented to the Board at the next regularly-scheduled Full Board meeting for which the comments were timely submitted in advance of the external agenda deadline.
- 5.4 If the Board determines that all requirements of this Section 5 of these Chapter 2 Rules and Regulations have not been met, the Board may, in its discretion, initiate the process of withdrawal of Full Approval, or allow the Nursing Education Program to continue for a specified period of time not to exceed one (1) year.

## **SECTION 6. WITHDRAWAL OF FULL APPROVAL OF A NURSING EDUCATION PROGRAM**

- 6.1 After consideration of available information, the Board may determine that a Nursing Education Program's Full Approval should be completely withdrawn and the Nursing Education Program closed, or that the Nursing Education Program should be placed on Conditional Approval, for any of the following reasons:
  - A. The Nursing Education Program does not meet or comply with all the provisions contained in the Nurse Practice Act, the Board's Rules and Regulations, or other state or federal laws or regulations.
  - B. The Nursing Education Program has been denied, had withdrawn, or had a change of program accreditation by a:
    - 1. National nursing accrediting body approved by the United States Department of Education;
    - 2. Regional institutional accreditation agency; or
    - 3. National institutional accreditation agency.

- C. The Nursing Education Program has provided to the Board misleading, inaccurate, or falsified information to obtain or maintain Full Approval.
  - D. The Nursing Education Program has a NCLEX pass rate average which falls below seventy-five percent (75%) for eight (8) consecutive quarters. The NCLEX pass rate for Nursing Education Programs for first-time writers must be at or above 75%.
  - E. The Nursing Education Program willfully refuses to respond to survey requests from new Nursing Education Programs applying for Phase I of the Approval Process and for Board required reports.
- 6.2 Following a decision to place a Nursing Education Program on Conditional Approval or otherwise withdraw Full Approval, the Board shall notify the Governing Body, in writing, of specific deficiencies within fourteen (14) days of the Board decision.
- 6.3 The Nursing Education Program shall have ninety (90) days from the receipt of the notice of deficiency referenced in Section 6.2 of these Chapter 2 Rules and Regulations to provide written documentation that the deficiencies have been corrected or to provide a written plan of correction.
- 6.4 The Board may then refer the matter to the Office of the Attorney General for institution of formal proceedings in accordance with the Administrative Procedure Act and the Nurse Practice Act. The matter shall be governed by Section 8 of these Chapter 2 Rules and Regulations.
- 6.5 A Nursing Education Program with Conditional Approval must submit status reports, on a schedule determined by the Board, concerning correction of the identified deficiencies.
- 6.6 If the Board finds that a Nursing Education Program with Conditional Approval has not corrected the deficiencies or met the required conditions within the time period established by the Board, the Board may withdraw Conditional Approval and close the Nursing Education Program.
- 6.7 If the Board withdraws Conditional Approval and closes the Nursing Education Program, the Board shall notify the Governing Body and the DNEP in writing of the grounds for closure within fourteen (14) days of the Board decision.

## **SECTION 7. RESTORING FULL APPROVAL TO A NURSING EDUCATION PROGRAM**

- 7.1 After demonstrating compliance with the Nurse Practice Act, the Board's Rules and Regulations, and all other state or federal regulations, a Nursing Education Program with Conditional Approval may petition the Board in writing for restoring Full Approval.
- 7.2 The decision to restore Full Approval rests solely with the Board.
- 7.3 If the Board does not restore Full Approval, the Nursing Education Program may petition the Board for an extension of Conditional Approval not to exceed one (1) year. As part of its petition, the Nursing Education Program must submit a corrective action plan that includes a time table to correct the identified deficiencies.
- 7.4 This Section 7 of these Chapter 2 Rules and Regulations does not apply to programs closed by the Board. Such closed programs must submit initial application and comply with all Chapter 2 Rules and Regulations.

## **SECTION 8. DENIAL OR WITHDRAWAL OF APPROVAL OR RECOGNITION OF A NURSING EDUCATION PROGRAM**

- 8.1 Until a Nursing Education Program obtains Full Approval, it shall be treated as an applicant for purposes of the Administrative Procedure Act and Nurse Practice Act, and any request for a hearing contesting the Board's denial or withdrawal of Phase I, Phase II or Phase III recognition of the Approval Process shall be governed by Section 24-4-104(9), C.R.S.
- 8.2 A Nursing Education Program with Full or Conditional Approval shall be treated as a licensee pursuant to the Administrative Procedure Act.
- 8.3 The Board may withdraw a Nursing Education Program's Full Approval or Conditional Approval prior to hearing if the Board, after full investigation, determines that it has objective and reasonable grounds to believe and finds that the Nursing Education Program has been guilty of deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action, and incorporates the findings in a written notice to the Nursing Education Program. Full investigation means a reasonable ascertainment of the underlying facts on which the Board's action is based.
- 8.4 The Nursing Education Program must inform its enrolled students and all students applying to the Nursing Education Program of any change in the program's Approval status within two (2) weeks of the date of the Board's notification to the Nursing Education Program of the change in status. The Nursing Education Program's notification must, to the extent possible, include notification of whether such students or prospective students will be eligible to take the licensure examination.

#### **SECTION 9. VOLUNTARY NURSING EDUCATION PROGRAM CLOSURES**

- 9.1 Nursing Education Programs desiring to close shall notify the Board, in writing, at least six (6) months prior to the date of closing.
- 9.2 As part of the notification of closure required in section 9.1, the Nursing Education Program shall submit a plan assuring for a smooth transition and the equitable treatment of students affected by the program closure.

#### **SECTION 10. CHANGE OF GOVERNING BODY OR DNEP**

- 10.1 When the Governing Body or DNEP of a Nursing Education Program changes, the new Governing Body or DNEP shall notify the Board within thirty (30) days and comply or maintain compliance with the Nurse Practice Act, the Board's Rules and Regulations, and all other state or federal regulations.

#### **SECTION 11. WAIVER OF PROVISIONS OF THESE CHAPTER 2 RULES AND REGULATIONS**

- 11.1 Upon a showing of good cause, the Board may waive any of the requirements in these Chapter 2 Rules and Regulations. A request for waiver shall be submitted in writing and describe the circumstances relating to the particular request. The decision to grant or deny such a waiver shall be at the sole discretion of the Board. All waivers shall be limited to the terms and conditions provided by the Board. No waiver shall be granted if in conflict with applicable state or federal law. Upon receipt of the written waiver request, the matter will be considered at the next regularly-scheduled Full Board meeting for which the written waiver request was timely submitted in advance of the external agenda deadline.

11.2 The Board shall grant waivers sparingly, and only where it finds circumstances require a waiver. Although such waivers may be rare, the Board encourages waiver requests for pilot and innovative projects.

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