

BOARDS AND COMMISSIONS

Board of Nursing (Amendment)

201 KAR 20:280. Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.011(5), (9), 314.111(1), (2), (3), 314.131(2)

STATUTORY AUTHORITY: KRS 314.111, 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.111 requires the board to review schools, approve qualified schools, and, if appropriate, withdraw approval for schools of nursing. KRS 314.131(1) authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 314. This administrative regulation establishes the standards for the development and approval of programs that prepare graduates for admission to the licensure examination and to facilitate endorsement of licensure status to other states.

Section 1. Definition. "Program of nursing" means the educational unit that prepares a person for licensure as a registered or licensed practical nurse.

Section 2. Establishment of a Program of Nursing.

- (1) The governing institution may receive consultation from the board prior to establishing a program of nursing.
- (2) The governing institution that desires to establish and conduct the program of nursing shall be accredited as established in 201 KAR 20:260, Section 2.
- (3) The governing institution shall consider each campus as a separate program of nursing.

Section 3. Letter of Intent.

- (1) The governing institution shall submit to the board a letter of intent to establish a prelicensure program of nursing and the fee required by 201 KAR 20:240.
- (2) The letter of intent shall be completed under the direction or consultation of a registered nurse who meets the qualifications of a program administrator as established in 201 KAR 20:310.
- (3) The letter of intent shall include:
 - (a) Approval from the governing body of the institution proposing the program of nursing or other empowered approval bodies as applicable;
 - (b) The results of a feasibility study that includes the following information related to the need for the program of nursing:
 1. Nursing workforce supply and demand data from the past year for the area within a fifty (50) mile radius and projected supply and demand; and
 2. A description of the applicant pool that is being targeted and how this population will be reached;
 - (c) Evidence that an introductory letter has been sent to all program of nursing administrators within a fifty (50) mile radius;
 - (d) Documentation from cooperating healthcare agencies within a fifty (50) mile radius that they will provide support for the creation of the program of nursing. This documentation shall include evidence of the agencies' intention to contribute to the achievement of the clinical objectives of the program;
 - (e) General information about the governing institution including the mission, ownership, method of financing, accreditation, enrollment, area served, and institutional faculty qualifications and resources;

- (f) A timeline for the hiring of a full time program administrator, admission of students, and projected graduation of the first class;
 - (g) Evidence of a sound financial base and demonstrated financial stability available for planning, implementing, and maintaining the proposed program of nursing;
 - (h) A copy of the curriculum vitae of the registered nurse involved in the planning; and
 - (i) Description and rationale for the proposed type of program of nursing, including the establishment of an enrollment baseline as required by 201 KAR 20:260, Section 3(1).
- (4)
- (a) If concerns are raised about the need for the program or about the ability of the program to obtain appropriate clinical sites, a hearing shall be held before the board's education committee to act upon the letter of intent.
 - (b) At the conclusion of the hearing, the committee shall recommend to the board whether or not to approve the letter of intent.
 - (c) If the letter of intent is approved by the board, the governing institution shall be notified in writing that it may move to the proposal phase. The governing institution shall appoint a qualified program administrator and provide appropriate resources, consultants, and faculty to develop the proposed program plan. The proposal shall be submitted within one (1) year of the date of the approval of the letter of intent or the letter of intent shall expire.

Section 4. Proposal Phase.

- (1) A completed program proposal shall be submitted to the board by the governing institution for approval.
- (2) The program shall not be announced, advertised, or students admitted to the program of nursing until the proposal has been approved and developmental status has been granted by the board.
- (3) The program proposal shall include:
 - (a) Philosophy, mission, and learning outcomes of the governing institution;
 - (b) An organizational chart of the governing institution and written plan, which describes the organization of the program of nursing and its relationship to the institution;
 - (c) Proposed philosophy, mission, and learning outcomes for the proposed program;
 - (d) Curriculum design including proposed courses, description, sequence and credit hours delineating those credits assigned to theory and clinical;
 - (e) Student recruitment plan and the enrollment baseline as set out in 201 KAR 20:260, Section 3(1);
 - (f) A five (5) year plan for recruiting and retaining qualified nurse faculty;
 - (g) A proposed job description for the program administrator reflecting authority and responsibility;
 - (h) A description of faculty offices, classrooms, clinical skills laboratory, library facilities, conference rooms, and learning resources;
 - (i) A description of support services for students, to include provision of health services or evidence of an emergency plan for care, academic advisement, student services, mechanism for obtaining learning resources, and financial aid;
 - (j) Availability and willingness of accredited agencies to provide clinical experiences across the curriculum. This information shall include the:
 - 1. A list of clinical agencies and hours available for clinical experience;
 - 2. Number of students each agency can accept;
 - 3. Clinical experience that will be available from each agency;
 - 4. Other nursing programs that utilize this agency; and
 - 5. Plan to avoid displacement of students from existing programs;

- (k) Policies and procedures for student admission to the program of nursing and progression, including the plan to retain students so as to maintain a low attrition rate;
 - (l) Availability of clerical assistance and support staff as set out in 201 KAR 20:260, Section 2(6);
 - (m) A general plan for an on-going, research based planning and evaluation process that incorporates a systematic review of the program that results in continuing improvement; and
 - (n) A description of financial resources to support the program including a budget for the first three (3) years with projected revenues and expenditures and the amount of resources going to institutions or organizations for contractual or support services.
- (4) The program of nursing may meet with the board staff to clarify, verify, and amplify materials included in the program proposal.
- (5) The governing institution shall be notified in writing of action taken by the board on the proposal.
- (a) If the board determines that all requirements have been met, the program shall be granted developmental status.
 - (b) The board, in collaboration with the program, shall determine an opening date.

Section 5. Developmental Status.

- (1) Students may be admitted after developmental status is granted.
- (2) Employment of program administrator and faculty.
 - (a) The program administrator shall be the first faculty member employed, and shall have assumed full time responsibilities for the program prior to opening.
 - (b) The faculty as established in 201 KAR 20:310 shall be employed in sufficient numbers to prepare for the development of the curriculum component of the program.
- (3) Any deviation from the initial curriculum plan approved within the proposal shall be approved by the board before the first class begins course requirements.
- (4) Written contracts for use of clinical facilities shall be executed prior to admission to the first nursing course.
- (5) The program of nursing shall submit semi-annual progress and evaluation reports or other reports as requested by the board to demonstrate implementation of the approved proposal until the first class graduates.
- (6) Site visits shall be conducted by the board as necessary.
- (7) Developmental status may be withdrawn if:
 - (a) A proposed program does not comply with 201 KAR 20:260 through 360;
 - (b) A class is not enrolled within eighteen (18) months of the date the board granted developmental status; or
 - (c) The governing institution fails to submit board required reports within the designated time period.
- (8) The governing institution shall be notified in writing of the intent to withdraw developmental status. The governing institution may request reconsideration by the board. The request shall be in writing and sent no more than thirty (30) days from the date of the notification.

Section 6. Initial Status and Program Approval.

- (1) The status of the program shall move automatically from developmental status to initial status upon admission of the first class.
- (2) It shall be the responsibility of the program of nursing to notify the board of the admission of the first class.
- (3) The program shall notify the board in writing thirty (30) days prior to the graduation of the first class.
- (4) Eligibility for program approval occurs after the graduation of the first class. Within sixty (60) days after graduation of the first class, the faculty shall submit a written report

that:

- (a) Evaluates the implementation of the program of nursing compared to the approved proposal; and
 - (b) Addresses compliance with the standards set by 201 KAR 20:260 through 360.
- (5) The decision to grant or deny program approval shall be based on review of the report submitted by the program of nursing and a site visit report by a representative of the board.
- (6) If program approval is denied, the applicant may request a hearing pursuant to KRS Chapter 13B.

Section 7. Initial Status and National Nursing Accrediting Body.

- (1) A program of nursing shall obtain and maintain accreditation by a national nursing accrediting body recognized by the United States Department of Education.
- (2) The program of nursing that has been approved for initial status by the board shall submit evidence that it has applied for accreditation. Evidence shall be submitted within ninety (90) days of achieving initial status.
- (3) The program of nursing shall submit a copy of all correspondence to and from the national nursing accrediting body to the board within thirty (30) days.
- (4) The program of nursing shall obtain candidacy status from a national nursing accrediting body within three (3) years of achieving initial status. The program of nursing shall obtain full accreditation from a national nursing accrediting body within four (4) years of achieving initial status.
- (5) A program of nursing that fails to obtain or maintain accreditation from a national nursing accrediting body may have its approval withdrawn by the board pursuant to 201 KAR 20:360, Section 7.

JESSICA WILSON, President

APPROVED BY AGENCY: October 28, 2021

FILED WITH LRC: November 5, 2021 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, January 24, 2022, at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, January 17, 2022, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m. EDT) Monday, January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, cell (502) 338-2851, email Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does:

It sets the standards for programs of nursing applying for approval.

(b) The necessity of this administrative regulation:

It is required by KRS 314.111.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

By setting standards.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

By setting standards.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

No answer provided.

(b) The necessity of the amendment to this administrative regulation:

No answer provided.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 314.111 requires the Board to set standards. The Board has decided that all programs of nursing shall become accredited. (d) How the amendment to the administrative regulation will assist in the effective administration of the statutes:

By requiring accreditation.

(d) How the amendment will assist in the effective administration of the statutes:

No answer provided.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Currently, 37 of 80 approved prelicensure nursing programs in the state of Kentucky are accredited through one of the three nursing accrediting bodies. This total does not take into account those programs granted developmental or initial status. (4) Provide an analysis of how the entities referenced in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including: (a) A detailed explanation of the actions the entities referenced in question (3) will be required to undertake in order to comply with this proposed administrative regulation: A program of nursing applying for approval will have to obtain accreditation from a national nursing accrediting body. Currently, there are three such organizations: Accreditation Commission for Education in Nursing (ACEN), Commission for Nursing Education Accreditation *CNEA), and Commission on Collegiate Nursing Education (CCNE). The program of nursing will have to apply to one of them. (b) An estimate of the costs imposed on entities referenced in question (3) in order to comply with this proposed administrative regulation: The cost varies for each organization, the following numbers are as of March, 2021. ACEN's application requires a candidacy fee of \$2,500, and a one-time accreditation fee of \$1,000; CNEA requires a fee of \$3,280 for a one applicant program, and \$7,890 for institutional

campuses; and CCNE has a \$2,500 fee for a one-degree program, and a \$4,000 for two-degree programs. Accreditation candidacy requires site visits: ACEN's site visits cost are \$2,475; CNEA has a site visit fee for 1-2 programs of \$6,815; and CCNE has a site visit cost of \$ 1,750, per team member (which may comprise 3-5 individuals). (c) The benefits that may accrue to the entities referenced in question (3) as a result of compliance: They will meet the regulatory requirements. Accreditation plays a role in assuring through peer review and continuous improvement. The Board's focus is public safety by following established regulatory guidelines. National nursing accreditors focus on program excellence.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No answer provided.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There is no additional cost.

(b) On a continuing basis:

There is no additional cost. (6) Provide the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency general funds. (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation or amendment: It will not. (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

No answer provided.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No answer provided.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No answer provided.

(9) TIERING: Is tiering applied?

Tiering is not applicable.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

No answer provided.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

: KRS 314.111, KRS 314.131.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

No additional costs.

(d) How much will it cost to administer this program for subsequent years?

No additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: