

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 610 Department or Agency Alabama Board of Nursing
Rule No. 610-X-3
Rule Title Licensure
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

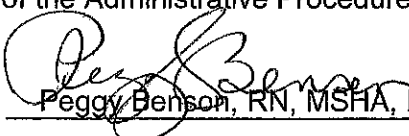
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer  Peggy Benson, RN, MSHA, MSN, NE-BC

Date September 15, 2016

DATE FILED
(STAMP)

APA-2
11/96

ALABAMA BOARD OF NURSING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Nursing

RULE NO. & TITLE: Rule 610-X-3, Licensure

INTENDED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-3, Licensure.

SUBSTANCE OF PROPOSED ACTION: The Alabama Board of Nursing proposes to amend Administrative Code, Rule 610-X-3, Licensure, to revise clarify the procedures and requirements for licensure as registered nurse or licensed practical nurse in Alabama. A copy of the proposed new rule may be found on the Board's web site, www.abn.alabama.gov, under "laws" and then "proposed rule changes."

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or verbal comments will be received by the Board of Nursing until 4:30 P.M. on Friday, November 4, 2016. Verbal or written comments should be directed to Peggy Benson, Executive Officer, at P.O. Box 303900, Montgomery, AL 36130-3900 or via electronic mail at Peggy.Benson@abn.alabama.gov or via telephone at 334-293-5210.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
The record closes at 4:30 P.M. on Friday, November 4, 2016.

CONTACT PERSON AT AGENCY: Peggy Benson, Executive Officer


Executive Officer

ALABAMA BOARD OF
NURSING ADMINISTRATIVE
CODE

CHAPTER 610-X-3
NURSING EDUCATION PROGRAMS

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610-X-3-.01 Definitions.

(1) Approved Program: A nursing education program that meets all of the standards ~~a~~s specified in these rules.

(2) Articulation: A planned process between two or more educational~~t~~ programs or systems to assist students to make a smooth transition from one program to another without duplication in learning or coursework.

(3) Clinical and ~~t~~Theoretical ~~e~~Competence: The possession of knowledge, attitudes skills, and skills abilities, and the ability to apply these attributes to meet current standards of nursing practice and education as specified in Chapter 610-X-6, Standards of Nursing Practice, Chapter 610-X-3, Nursing Education Programs, and Chapter 610-X-4, Licensure.

(4) Clinical Learning Experiences: Organized plan of learning experiences that provides nursing students an opportunity to develop competencies in the assessment, planning, implementation, and evaluation of nursing care appropriate to the scope of practice for the level and type of program.

(5) Pre-clinical Learning Experience: An organized

plan occurring prior to the learning experience, with information to span the lifespan for varied clinical settings, to ensure a safe transition to nursing practice in complex environments with pre- and post-clinical conferences.

(6) Simulation: A technique to expand "real-life" learning with guided experiences that replicate significant aspects of reality of acute, chronic, and community health settings in an interactive manner utilized across the life span.

(~~5~~ 7) Clinical Supervisor: A licensed registered nurse, acting in a supervisory capacity of clinical learning experiences, who is accessible to assign or prescribe a course of action, give procedural guidance, direction, and evaluation for a nursing student(s).

(~~6~~ 8) Curriculum: An organized plan of study in nursing that includes both theoretical and clinical learning experiences essential for preparing students to be eligible upon graduation to apply for licensure as a registered nurse or licensed practical nurse.

(7 9) Curriculum Outcomes: A common set of competencies expected of a program's graduates upon completion of an organized plan of study. Outcomes are clear, measurable demonstrations of student learning that occurs at or after the end of a comprehensive set of learning experiences.

(~~8~~ 10) Deficiency(ies): Failure of a nursing education program to meet one or more of the standards as stated in Chapter 610-X-3, Nursing Education Programs.

(9 11) Distance Education: 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 consistent with this chapter for communication, instruction, and evaluation.

(~~10~~ 12) Faculty: Registered professional nurse, with at least one graduate degree in nursing or a health-related field, appointed by the parent institution.

(~~11~~ 13) Licensed Hospital: A facility described in Code of Ala. 1975, Section 22-21-20(1), other than a health maintenance organization, which has an organized medical staff or which employs the services of a medical director who is a physician licensed to practice medicine in Alabama. The term hospital shall not include the private offices of physicians or dentists, whether in individual, group, professional corporation, or professional association practice.

(12) 14) Nursing Program Administrator: Registered professional nurse with a Master's or higher degree in nursing who has primary accountability and responsibility for administration of the nursing program.

~~(13) Provisional Approval: The initial status granted to a new nursing education program that evidences the potential to meet the standards set forth in Chapter 610-X-3, Nursing Education Programs.~~

(145) Survey: A comprehensive, Board-authorized on-site evaluation or review of a written report for a proposed or existing program that serves to assess as verification of the program's compliance with the Board's educational standards.

(156) Systematic Plan of Evaluation: A comprehensive written document that reflects ongoing evaluation of all program components that includes, but is not limited to, collection of objective data, evaluation of outcomes, and results in improvements based on evaluative data.

(167) Unencumbered License: an active license that has no current stipulations, conditions, or limitations.

(18) Governing Institution Administrator: Person with overall administrative authority for the campus location where the nursing program is located.

(19) Pass Rate Calculation: For each year, the Board shall determine a program's annual pass rate by calculating the percentage of those graduates taking the national licensure examination for the first time within six months of program completion who achieve a passing score on the national licensure examination on the first attempt. The three year rolling average for a program is determined by averaging the three most recent annual pass rates calculated as set forth in this definition. Beginning in January 2018, the annual pass rates will be based on the calendar year (January 1 to December 31). In 2019, the three year average will include the previous two fiscal years average and the 2018 calendar year average. In 2021, the three year average will include all averages from the three prior calendar years.

(20) External Exam: A standardized means of testing, most often utilizing a cut score to block or prevent graduation after the completion of a program of study in nursing education.

(21) Notice of Deficiency: An official notice by the Board identifying areas of deficiency and expected date of correction. The notice may require that documents, evaluations, and reports be sent to the Board at periodic intervals.

(22) Notice of Correction: An official notice by the Board issuing a letter of correction of previous areas of deficiency and reestablishing approval without deficiency.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(2).

History: New: Filed September 25, 2006; effective October 30, 2006. **Amended:** Filed September 21, 2007; effective October 26, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010.

610-X-3-.02 Standards Ffor Approval.

(1) The program must be accredited by a national nursing accrediting agency recognized by the U.S. Department of Education by the later of January 1, 2020 or within five (5) years of Approval by the Board.

(~~1~~2) The governing institution, nursing program administrator, and nursing faculty are accountable for the standards, processes, and outcomes of the nursing education program.

(~~2~~ 3) The governing institution offering the nursing program shall be:

(a) A postsecondary educational~~l~~ institution that is authorized to offer nursing education and is accredited by an organization recognized by the U.S. Department of Education.

(b) Approved and licensed by the appropriate State of Alabama educational~~l~~ agency(ies), as required by law.

(~~3~~ 4) The governing institution shall provide financial support and resources sufficient to meet the outcomes of the nursing education program. Resources include, but are not limited to:

- (a) Financial.
- (b) Educational facilities.
- (c) Equipment.
- (d) Learning aids.
- (e) Technology.

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(f) Administrative, instructional, and support personnel.

(4 5) The governing institution's administrator or program administrator shall notify the Board, in writing, of any substantive changes in the program, including, but not limited to:

- (a) Nursing program administrator.
- (b) Governing institution administrator, President, CEO, Chancellor, or Provost.
- (c) Governance structure of the institution.
- (d) Accreditation status.
- (e) Ownership or merger of parent institution.
- (f) School name.
- (g) Relocation.
- (h) Curriculum changes.

(5 6) There shall be an organizational chart that depicts the authority, responsibility, and channels of communication of the nursing program to the governing institution and other comparable programs within the governing institution.

(6 7) A nursing education program shall be administered by a qualified program administrator who is accountable for the planning, implementation, and evaluation of the program. Minimum qualifications of a nursing program administrator shall include:

- (a) An active, unencumbered Alabama registered nurse license.
- (b) An earned graduate degree in nursing.
- (c) Be academically and experientially qualified to administer a nursing program.

~~(d) Prior experience in nursing education and nursing practice. For purposes of this requirement, prior experience in continuing education and/or patient teaching is insufficient to meet the rule. The required teaching experience is in a nursing program.~~

(7 8) The governing institution and nursing program administrator shall provide sufficient numbers of qualified faculty to ~~assure~~ ensure that curriculum implementation and

expected program outcomes are achieved and aligned with national nursing accrediting standards. Minimum qualifications of nurse faculty shall include:

(a) An active, unencumbered Alabama registered nurse license.

(b) An earned graduate degree in nursing or a related health field.

(c) Be academically and experientially qualified to teach in the area assigned.

(8 9) Institutional and program policies and procedures shall:

(a) Be written, published, and publicly available.

(b) Address students' ability to assume clinical assignments including, but not limited to, educational preparedness and physical, mental, and emotional behaviors.

(c) Provide opportunities for students to regularly participate in the development, and evaluation, and continuous improvement of the program.

(910) Faculty are accountable for curriculum development, implementation, and evaluation.

(10 11) The curriculum of a nursing education program shall:

(a) Enable the student to develop the nursing knowledge, skills, and abilities required necessary for the level, scope, and standards of competent nursing practice expected at the level of licensure. for entry level practice, consistent with the scope and standards of nursing practice.

(b) Comply with the standards set forth in this chapter.

(c) Be evidence-based, and outcome-focused.

(d) Provide theoretical and clinical experiences specific to the expected scope of practice of graduates from each type of entry level nursing education program and shall include:

~~(i)~~1. Content for students to attain knowledge and competence in providing a safe and effective care environment.

~~(ii)~~2. Prevention of illness.

- ~~(iii)~~3. Maintenance, promotion, and restoration of health.
- ~~(iv)~~4. Psychological integrity of individuals across the life span.
- ~~(v)~~5. Clinical reasoning skills to assist in recognizing, analyzing, and applying relevant knowledge and skills to nursing care.
- ~~(vi)~~6. Clinical learning experiences to provide opportunities for students to develop cognitive, psychomotor, and affective skills in the provision of nursing care.
- (e) The curriculum content of a nursing education program shall include:
- ~~(i)~~1. Liberal arts and sciences supportive of the nursing program.
- ~~(ii)~~2. Anatomy and physiology with a corresponding lab. Utilizing a 'virtual lab' in lieu of a 'hands-on' lab is considered a substantive change and requires Board notification.
- ~~(iii)~~3. Nursing foundations, health assessment, pharmacology, nutrition, and community-based nursing.
- ~~(iv)~~4. History and trends of nursing, cultural diversity, legal and ethical responsibilities, and nursing practice responsibilities, including leadership, management, delegation, and health care delivery systems.
- ~~(v)~~5. Theory Theoretical and clinical learning experiences in the areas of adult, maternal, child, and psychiatric/mental health nursing that includes any form of simulation, laboratory time, and direct patient care in a licensed health care setting.
6. Simulation learning experiences conducted according to acceptable faculty training standards and guidelines which incorporate clinical objectives, student debriefing, and evaluation. Simulation is not a substitute for student clinical experiences in supervised patient care settings and may not comprise the entire learning experience.
- ~~(vi)~~7. Safe and Effective Care Environment, Health Promotion and Maintenance, Psychosocial Integrity, and Physiological Integrity.
- ~~(vii)~~8. Microbiology for students pursuing an associate or baccalaureate degree.

(~~11~~12) The governing institution, nursing program administrator, and nursing faculty are accountable for selecting and evaluating the teaching methods, delivery modalities, and processes used to achieve expected program outcomes.

(~~12~~ 13) Clinical supervision of students shall comply with the standards set forth in this ~~C~~chapter.

(a) ~~Clinical activities~~ learning experiences shall be supervised by a registered nurse with knowledge of educational strategies and subject matter, and who is experienced in the clinical technologies essential to the safe practice of nursing.

(b) The ~~registered nurse~~ clinical supervisor shall hold an unencumbered license to practice professional nursing in Alabama.

(c) The clinical supervisor shall be readily accessible to assign or prescribe a course of action, give procedural guidance, direction, and evaluation for students engaged in the clinical learning experience.

(d) The faculty-student ratio in clinical ~~practice~~ learning experiences shall be collaboratively determined by the professional nursing faculty, the School of Nursing administration, and the professional nurse administrator, or designee, in the clinical agency. In licensed hospitals that provide inpatient acute care, the faculty to student ratio shall not exceed 1:8 during clinical learning experiences. The faculty-student ratio shall be determined according to the:

- (~~i~~)1. Complexity of the educational experience.
- (~~ii~~)2. Acuity of the patient(s).
- (~~iii~~)3. Physical layout of the clinical setting.
- (~~iv~~)4. Student's level of knowledge and skills necessary to provide safe patient care.

(e) The nursing education program shall work with clinical agencies for the planning, implementation, and evaluation of clinical experiences.

(f) Clinical learning experiences shall include the development of skills in clinical ~~judgments~~ reasoning, management of care for groups of patients, and delegation to, and supervision of other health care personnel performed in acute care and a variety of health care settings.

(g) Nursing faculty shall maintain responsibility and accountability for planning, implementation, and evaluation of all student clinical learning experiences.

(134) Nursing programs that offer only simulations or clinical testing do not meet the requirements for providing clinical learning experiences for nursing students.

(15) Scores on external exams shall not be utilized to bar graduation from the nursing program.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(2).

History: Filed September 29, 1982. **Amended:** Filed September 21, 1984; effective October 29, 1984. **Amended:** Filed July 23, 1997; effective August 27, 1997. **Repealed and New**

Rule: Filed July 22, 2002; effective August 26, 2002. **Amended:** Filed September 27, 2004; effective November 1, 2004. **Amended:** Filed September 25, 2006; effective October 30, 2006. **Amended:** Filed March 12, 2007; effective April 16, 2007. **Amended:** Filed September 21, 2007; effective October 26, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed March 16, 2012; effective April 20, 2012. **Amended:** Filed April 21, 2015; effective May 26, 2015.

Ed. Note: Rule 610-X-3-.01 was renumber to .02 as per certification filed September 25, 2006; effective October 30, 2006.

610-X-3-.03 Distance Education.

(1) A distance-learning program offering courses in Alabama shall have accreditation by a national nursing accrediting agency recognized by the U.S. Department of Education by January 1, 2020.

(±2) Delivery of instruction by distance education methods shall enable students to meet the goals, competencies, and objectives of the educational program and the standards of the Board, including supervised clinical learning experiences.

(2 3) A distance-learning program shall establish a means for assessing individual student and program outcomes.

(3 4) A distance-learning program offering courses in Alabama shall have accreditation by an organization recognized by the U.S. Department of Education.

(4 5) Comply with all standards of this chapter, including those related to clinical supervision of student learning experiences. The Board may request periodic reports for the purpose of data collection or to determine compliance with the provisions of this chapter.

(5 6) Faculty located outside of the state who are employed by the governing institution for delivery of instruction by distance education methods, online instruction, or satellite instruction for an Alabama nursing program shall meet the minimum qualifications for faculty as set forth in this chapter, including licensure in Alabama.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(2).

History: New: Filed September 25, 2006; effective October 30, 2006. **Amended:** Filed September 21, 2007; effective October 26, 2007. **Amended:** Filed November 19, 2010; effective December 24, 2010.

610-X-3-.04 Out of State Programs Conducting Clinical Experience in Alabama.

(1) The nursing program shall be a postsecondary education institution that is accredited by a national nursing accrediting agency recognized by the U.S. Department of Education by January 1, 2020.

(2) The governing institution offering the nursing program shall be a postsecondary educational institution that is accredited by an organization recognized by the U.S. Department of Education.

(3) The nursing education program shall have full approval (local, state, federal, and regulatory board) in the state of origin where located.

(4) A nursing education program based outside the state of Alabama that plans to provide students with clinical learning experiences in Alabama shall submit to the Board, a within a minimum of thirty (30) days in advance of the expected clinical learning experience, the following:

(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 of origin. The letter shall include:

~~Name of student, including license number if the student is licensed in Alabama.~~

1. Name of student and license number of the student.

~~(ii)~~2. Name and license number of the clinical supervisor. Clinical supervision shall meet the qualifications set forth in this chapter.

~~(iii)~~3. Name and location of the clinical facility and statement from the Director of Nursing/Chief Nursing Officer of the clinical facility regarding the availability of clinical learning experiences for in-state and out-of-state nursing students.

~~(iv)~~4. Learning outcomes expected of the student.

~~(v)~~5. Name and license number of the nursing faculty responsible for the evaluation and oversight of the student's clinical learning experience.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-

5. **History:** **New:** Filed November 19, 2010; effective December 24, 2010.

610-X-3-.05 Program Evaluation and Outcome Standards.

(1) Graduates shall demonstrate theoretical and clinical competence for entry into practice.

~~(2) Graduates, as a composite of first time writers, who completed shall achieve no less than an eighty percent (80%) pass rate on a board selected national licensure exam. Beginning with Fiscal Year (FY) 2013 (October 1, 2012), the Board shall calculate the program's pass rate with a three-year rolling average. The first three-year period ends at the end of Fiscal Year 2015 (September 30, 2015). The Board shall take the pass rate for FY 2013 through FY 2015 and average the pass rate. Subsequent to FY2015, the Board shall drop the pass rate for the first of the three-year time period, add the subsequent first-time writers pass rate, and calculate the three-year average.~~

~~(a) Programs with less than a forty percent (40%) pass rate at the end of the first fiscal year are mathematically unable to meet the standard and will be issued a notice of deficiency, to be corrected within the specified time.~~

~~(b) Programs with less than a two-year average of 70 percent (70%), are mathematically unable to meet the outcome standard and will be issued a notice of deficiency, to be corrected within the specified time.~~

~~(c) Programs that fail to meet the three-year rolling average of eighty percent (80%) will be issued a notice of deficiency, to be corrected within the specified time.~~

(3 2) Beginning on January 1, 2018, the pass rate shall be calculated on a calendar year basis (January 1 to December 31). Graduates of Provisional Approved programs, as a composite of first-time writers, taking the Board selected national licensure exam within six (6) months of program completion, shall achieve a three-year rolling average pass rate of no less than 80% on the national licensure exam. Programs approved prior to January 1, 2018 will continue in their existing review cycle with said cycle converting to calendar year. following receipt of the first fiscal-year report of performance of graduates on the national licensure examination, shall achieve no less than an eighty percent (80%) pass rate. Programs that fail to meet the standard will be granted continued approval and issued a notice of deficiency to be corrected within the specified time.

(4 3) Programs shall develop, maintain, and adhere to their written plan for the systematic evaluation of the total program that is comprehensive, demonstrates ongoing evaluation, is based on program outcomes, and incorporates continuous improvement. The systematic evaluation plan shall include:

(a) Collection, aggregation, analysis, and trending of data.

(b) Programmatic outcomes, levels of achievement, evaluative criteria, assignment of responsibility, frequency of assessment, methods of achievement, actions taken, and quantitative data collected.

(c) Ongoing evaluation and revisions based on the evaluation.

(d) A mechanism for accountability for academic integrity.

(5) Programs shall maintain and produce, at the Board's request, an articulation plan for program graduates.

(6) Nursing Education Programs approved subsequent to January 1, 2018 shall be reviewed within three (3) years following initial approval.

(7) Nursing Education Programs with "full approval" status prior to January 1, 2018 shall be evaluated for continuing approval by the Board not less than every five (5) years.

(8) Nursing programs shall complete the Nursing Education Annual Report in a format specified by the Board within the time specified.

(9) The Board may accept all or partial evidence prepared by a program to meet national nursing accreditation requirements. The Board may review and analyze various sources of information regarding program performance, including, but not limited to:

(a) Periodic Board survey visits, as necessary.

(b) Board-recognized national nursing accreditation site visit reports, to include results of findings and other pertinent documents.

(c) Results of ongoing program evaluation.

(d) Other sources of evidence regarding achievement of program outcomes, including, but not limited to:

1. Student retention, attrition, and on-time program completion rates.

2. Sufficient type and number of faculty, to include retention and turnover.

3. Clinical learning experiences that are sufficient to achieve program outcomes (goals and course objectives) through the practice of nursing care or observational experiences.

4. Annual NCLEX pass rates which are at least 80% for graduates taking the examination for the first time within 6 months of program completion.

5. Trend data/action planning related to overall NCLEX performance.

6. Trend data/action planning related to employer and graduate satisfaction.

7. Performance improvement initiatives related to program outcomes.

8. Program complaints/grievance review and resolution.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-5.

History: Filed September 29, 1982. **Amended:** Filed September 21, 1984; effective October 29, 1984. **Amended:** Filed

Supp. 6/30/15

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July 23, 1997; effective August 27, 1997. **Repealed and New**

Rule: Filed July 22, 2002; effective August 26, 2002.

Amended: Filed

September 25, 2006; effective October 30, 2006. **Amended:** Filed

September 21, 2007; effective October 26, 2007. **Amended:** Filed

November 19, 2010; effective December 24, 2010. **Amended:** Filed

June 25, 2012; effective July 30, 2012. **Amended:** Filed

April 21, 2015; effective May 26, 2015.

Ed. Note: Rule 610-X-3-.02 was renumber to .04 as per certification filed September 25, 2006; effective October 30, 2006. Rule .04 was renumbered to .05 as per certification filed November 19, 2010; effective December 24, 2010.

610-X-3-.06 **Deficiencies.**

(1) The Board shall conduct surveys and evaluations as often as necessary to determine compliance with all standards set forth in Chapter 610-X-3.

(2) The Board shall, upon determining that a program is not in compliance with standards set forth in Chapter 610-X-3, provide to the governing institution administrator 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.

(3) A nursing education program that receives a Notice of Deficiency from the Board shall establish a written plan within the specified time and provide reports to the Board, as requested, to document progress in ~~removing~~ resolving deficiency(ies).

(4) The Board shall ~~conduct a hearing~~ initiate action ~~for~~ regarding any program that fails to correct identified deficiencies within the time specified by the Board, either through a formal hearing or Board-approved informal disposition. The Board may:

(a) Withdraw approval from the nursing education program, resulting in graduates being ineligible to take the licensing examination.

(b) Continue approval of the nursing education program for a specified time period.

(c) Direct the nursing program administrator to notify students in writing of the Board's decision.

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~~(5) Beginning with Fiscal Year 2015 national licensure examination pass rates, approved nursing education programs that fail to meet the three-year rolling average of 80% for first time writers have the following time frame to correct the deficiency:~~

~~(a) Registered nursing education programs shall have two years from receipt of the Notice of Deficiency.~~

~~(b) Practical nursing education programs shall have one year from receipt of the Notice of Deficiency.~~

~~(6) Provisionally Approved Programs' outcome standard is based upon the first fiscal year performance of graduates on the national licensure examination. Provisionally approved nursing education programs that fail to meet the outcome standard of 80% shall have a time frame of one year to correct the deficiency from receipt of the Notice of Deficiency.~~

(5) Beginning calendar year 2018, education programs that currently have provisional approval (as eliminated by these rules) shall be considered to be approved programs, as defined in these rules.

(6) Programs under a notice of deficiency issued prior to January 1, 2018 shall continue with their plan of correction, as specified in the notice of deficiency.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-5.

History: Filed September 29, 1982.

Amended: Filed

July 23, 1997; effective August 27, 1997. **Repealed and New Rule:**

Filed July 22, 2002; effective August 26, 2002. **Amended:** Filed September 25, 2006; effective October 30, 2006. **Amended:** Filed September 21, 2007; effective October 26, 2007. **Amended:** Filed May 16, 2008; effective June 20, 2008. **Amended (Rule number only):** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed June 25, 2012; effective July 30, 2012.

Amended: Filed April 21, 2015; effective May 26, 2015.

Ed. Note: Rule 610-X-3-.03 was renumber to .05 as per certification filed September 25, 2006; effective October 30, 2006. Rule .05 was renumbered to .06 as per certification filed November 19, 2010; effective December 24, 2010.

(1) **Phase 1:** A governing institution that plans to establish a new nursing education program shall submit to the Board a minimum of six (6) months in advance of the expected opening date:

(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.

(b) A feasibility study that includes:

~~(i)~~1. Purpose of establishing the new nursing education program.

~~(ii)~~2. Availability of health care agencies with sufficient practice experiences to support the program. Letters of commitment and signed clinical contracts ~~proposals~~ are ~~accepted~~ acceptable documents for inclusion to demonstrate ~~meeting~~ compliance with the standard.

~~(iii)~~3. Enrollment projections and identification of potential students.

~~(iv)~~4. Availability of adequate educational facilities and practice sites for clinical learning experiences throughout the life span, including evidence of clinical space availability for additional new students in the area.

~~(v)~~5. Assurance of adequate financial resources to support the initial and continuing program, including submission of the proposed initial budget and continuing budget. Financial statements of the governing institution for the past two fiscal years are ~~accepted~~ acceptable documents for inclusion to demonstrate evidence of financial stability of the governing institution.

~~(vi)~~6. Plan and resources for recruiting and employing projected number of qualified faculty for theoretical and clinical instruction.

~~(vii)~~7. Timeline for planning and implementation of the proposed program.

~~(viii)~~8. Determination of demand for graduates of specific proposed program in geographical area.

~~(ix)~~9. Impact on existing nursing programs within a fifty (50) mile radius of the proposed program.

~~(x)~~10. Organizational structure of the governing institution and placement of proposed nursing education program within the overall organization.

~~(xi)~~11. An articulation plan, including agreements, that addresses the transition of students and graduates to other educational institutions.

(c) The Board shall review the letter of intent, feasibility study, and supporting documentation for completeness and compliance with rules and regulations.

(2) **Phase II:** The governing institution shall submit an application for approval to establish a new program at least three (3) months prior to expected review by the Board.

(a) The application for Establishing a New Program shall include:

~~(i)~~1. Demonstration of the potential to meet all standards identified in this Chapter, including seeking national nursing accreditation by an agency recognized by the U.S. Department of Education within five (5) years of initial approval.

~~(ii)~~2. Verification that a nursing program administrator or nursing faculty member is employed to develop the nursing program.

~~(iii)~~3. Verification of availability of qualified nursing faculty to support the proposed numbers of student admissions to the new nursing education program.

(b) Curriculum plan that complies with the standards identified in this Chapter, to include, but not limited to:

~~(i)~~1. Philosophy or Mission.

~~(ii)~~2. Graduate competencies.

~~(iii)~~3. Curriculum sequence.

~~(iv)~~4. Course descriptions and objectives, with number of credit hours for all courses.

~~(v)~~5. An articulation plan which enables students to advance to the next degree level.

(3) A survey may be conducted to amplify, clarify, and verify information in the application.

(4) If all standards for approval are met, the program shall receive ~~provisional~~ approval.

~~(5) Following receipt of the first fiscal 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:~~

~~(a) Grant full approval if standards of a nursing education program are met.~~

~~(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.~~

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-5.

History: Filed September 29, 1982. **Amended:** Filed September 21, 1984; effective October 29, 1984. **Amended:** Filed July 23, 1997; effective August 27, 1997. **Repealed and New**

Rule:

Filed July 22, 2002; effective August 26, 2002. **Amended:** Filed September 25, 2006; effective October 30, 2006. **Amended:** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule 610-X-3-.04 was renumber to .06 as per certification filed September 25, 2006; effective October 30, 2006. Rule .06 was renumbered to .07 as per certification filed November 19, 2010; effective December 24, 2010.

610-X-3-.08 **Closing Aa Program.**

(1) A governing institution seeking to close a nursing education program shall submit written notification to the Board at least six (6) months prior to the planned closing date.

(2) The governing institution 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.

(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

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(1).

History: Filed September 29, 1982. **Amended:** Filed April 1, 1985; effective May 6, 1985. **Amended:** Filed July 23, 1997; effective August 27, 1997. **Repealed and New**

Rule: Filed July 22, 2002; effective August 26, 2002.

Amended: Filed September 25, 2006; effective October 30, 2006. **Amended (Rule Number Only):** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule 610-X-3-.05 was renumber to .07 as per certification filed September 25, 2006; effective October 30, 2006. Rule .07 was renumbered to .08 as per certification filed November 19, 2010; effective December 24, 2010.

610-X-3-.09 **Nursing Education Program Hearing.**

~~(1) A governing institution may request a hearing before the Board regarding the Board's decisions about the nursing education program.~~

(2 1) The Board ~~shall~~ may utilize a hearing officer to conduct a hearing prior to withdrawing approval or denying approval of a nursing education program.

(3 2) The institution may present ~~any~~ written or oral evidence for the Board's consideration at any Board hearing.

(3) The institution may appeal withdrawal of program approval to the Montgomery County Circuit Court.

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(1).

History: Filed September 29, 1982. **Amended:** Filed July 23, 1997; effective August 27, 1997. **Repealed and New**

Rule:

Filed July 22, 2002; effective August 26, 2002. **Amended:** Filed

September 25, 2006; effective October 30, 2006. **Amended (Rule Number Only):** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule 610-X-3-.06 was renumber to .08 as per certification filed September 25, 2006; effective October 30, 2006. Rule .08 was renumbered to .09 as

per certification filed November 19, 2010; effective December 24, 2010.

~~610-X-3-.10~~ Board Review Nursing Education Programs.

~~(1) Nursing programs shall complete the Nursing Education Annual Report in a format specified by the Board within the time specified.~~

~~(2) Survey visits of nursing education programs may be conducted at the Board's discretion.~~

~~(3) A comprehensive on-site evaluation may be conducted when the Board receives evidence that indicates the nursing education program does not comply with the standards set forth in this chapter, but not limited to:~~

~~(a) Less than an eighty percent (80%) pass rate on a board selected national licensure exam for first-time writers.~~

~~(b) Failure to complete annual report.~~

~~(c) Lack of evidence of an ongoing systematic plan of evaluation that has been used for the planning and improvement of the program.~~

~~(d) The Board's receipt of information documenting noncompliance with the educational standards.~~

Author: Alabama Board of Nursing

Statutory Authority: Code of Ala. 1975, §34-21-2(2).

History: New Rule: Filed November 19, 2010; effective December 24, 2010.

~~610-X-3-.110~~ Withdrawal Of Board Approval.

(1) If the Board withdraws approval from a nursing education program following an administrative hearing, the governing institution shall submit to the Board:

(a) Within thirty (30) days of the effective date of the Board's order, a plan for transfer of students currently enrolled in the program.

(b) Within ninety (90) days of the effective date of the Board's Order, a report detailing the transfer of students currently enrolled in the program. If unable to transfer students, a plan to teach out those students currently

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enrolled in the program.

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(c) Specific arrangements for the secure storage and access to academic records and transcripts.

(2) The governing institution shall notify students accepted and enrolled in the program, in writing, of the Board's withdrawal of approval within thirty (30) days of the effective date of the Board's Order.

Author: Alabama Board of Nursing
Statutory Authority: Code of Ala. 1975, §34-21-2(j) (5).
History: New Rule: Filed March 16, 2012; effective April 20, 2012

Ed. Note: Chapter 610-X-3, Nursing Education Programs was **Repealed and New Rule:** Filed July 22, 2002; effective August 26, 2002. The repealed rules and history to this chapter are as follows:

610-X-3-.01 **Definitions.**

History: Filed September 29, 1982. **Amended:** Filed September 21, 1984; effective October 29, 1984. **Amended:** Filed July 23, 1997; effective August 27, 1997.

610-X-3-.02 **Policy For Approval.**

History: Filed September 29, 1982. **Amended:** Filed September 21, 1984; effective October 29, 1984. **Amended:** Filed July 23, 1997; effective August 27, 1997.

610-X-3-.03 **Approval Status.**

History: Filed September 29, 1982. **Amended:** Filed July 23, 1997; effective August 27, 1997.

610-X-3-.04 **Appeals Process.**

History: Filed September 29, 1982. **Amended:** Filed September 21, 1984; effective October 29, 1984. **Amended:** Filed July 23, 1997; effective August 27, 1997.

610-X-3-.05 **Establishing A New Program.**

History: Filed September 29, 1982. **Amended:** Filed April 1, 1985; effective May 6, 1985. **Amended:** Filed July 23, 1997; effective August 27, 1997.

610-X-3-.06 **Continuing Full Approval.**

History: Filed September 29, 1982. **Amended:** Filed July 23, 1997; effective August 27, 1997.

610-X-3-.07 **Closing A Program.**

History: Filed September 29, 1982. **Amended:** Filed

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July 23, 1997; effective August 27, 1997.

610-X-3-.08 **Standards For Evaluating A Program.**

History: Filed September 29, 1982. **Amended:** Filed
September 21, 1984; effective October 29, 1984. **Amended:** Filed
April 1, 1985; effective May 6, 1985. **Amended:** Filed
July 23, 1997; effective August 27, 1997.