**MINUTES**

**UTAH**
**EDUCATION COMMITTEE**
**BOARD OF NURSING**
**MEETING**

**May 2, 2013**

**Room 474 – 4th Floor – 8:30 a.m.**
**Heber Wells Building**
**Salt Lake City, UT 84111**

**CONVENED:** 8:35 a.m. **ADJOURNED**: 2:50 p.m.

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| **Bureau Manager:** | Debra Hobbins, DNP, APRN, LSUDC |
| **Board Secretary:** | Shirlene Kimball |
| **Department of Commerce Staff:** | Jennie Jonsson, Administrative Law Judge |
| **Conducting:** | Gigi Marshall, MSN, chair |
| **Committee Members Present:** | Sheryl Steadman, Ph.D., APRN<br>Debra Mills, MSN<br>Jodi Groot, Ph.D., APRN<br>Gigi Marshall, MSN |
| **Guests:** | Dr. Sharon Dingman, USU<br>Yvette Ross, Nightingale College<br>Louise Sowards, Nightingale College<br>Diane Mayberry, Stevens-Henager College |

| **TOPICS FOR DISCUSSION** | **DECISIONS AND RECOMMENDATIONS** |
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| March 7, 2013 Minutes: | Dr. Groot made a motion to approve the minutes as written. Ms. Mills seconded the motion. All Board members voted in favor of the motion. |
| Review written reports: | Eagle Gate College: Report reviewed and accepted.<br><br>Fortis College: Report reviewed and accepted. Fortis College received full NLNAC accreditation.<br><br>Everest College: Report reviewed and accepted. |
| Dr. Hobbins, update: | Dr. Hobbins reported the Division will be posting the meeting recording to the public notice website no later than three business days following the meeting. Minutes will be posted to the public notice website marked |

"pending approval" no later than 30 days after the close of the meeting and "approved" minutes no later than three business days after approval. These changes will take effect May 14, 2013.

Letter to the Educational Programs:

Committee members reviewed the letter. Changes were made to the proposed Rule language and this will be changed in the letter. Dr. Steadman made a motion to approve sending the letter with the language changes. Ms. Mills seconded the motion. All Board members voted in favor of the motion.

Rules:

**R156-31b-102** Definitions.

(1) No changes.

(2) The definition of "Affiliated with an institution of higher education " was eliminated and replaced with: Accreditation means approval by a nurse prelicensing course of education by one of the following accrediting bodies:
(a) the NLNAC;
(b) the CCNE; or
(c) the COA.

Judge Jonsson stated this will require an individual seeking licensure in Utah to have graduated from a nursing education program accredited by one of these bodies. Judge Jonsson suggested that a date be added in section R156-31b-608 and address the educational requirements for those individuals who were licensed prior to that date. Ms. Ross, Nightingale College, suggested adding the May 14, 2013 date and determine a process that an applicant would go through who graduated prior to that date.

(3) and (4) No changes.

(5) Under "Approved continuing education" add
(a) continuing education that has been approved by a professional nationally or internationally recognized approver of health-related continuing education;
(c) Eliminate: health related course work taken from an educational institution accredited by a regional or national institutional accrediting body recognized by the U.S. Department of Education.

(6) "Approved education program" means any nursing education program that meets the standards established

in Section 58-31b-601 or Section R156-31b-602. The wording: Sections R156-31b-601, 602 and 603; and any nursing education program located outside of Utah which meets the standards established in Section R156-31b-607 was eliminated.
(7), (8) and (9) No changes
(10) Clinical preceptor definition was eliminated.
(11) Numbering changed from this point forward for this section. Non-substantive corrections made to "comprehensive nursing assessment".
(12) "Contact hour" in the context of continuing education means 60 minutes.

Dr. Hobbins discussed (13), (14) and (15) regarding delegation. Dr. Hobbins stated Mr. Walker indicated that a nurse can not delegate to an unlicensed person because the Nurse Practice Act does not exempt the unlicensed person. Ms. Marshall questioned what will happen in those hospitals using unlicensed people. Ms. Marshall questioned whether we are putting the nurse in position so they cannot do their job without breaking the Rule. Dr. Steadman stated when working in an organization, the nurse has to follow the NPA and not the organization policies if they conflict with the NPA. Judge Jonsson stated she would agree with Mr. Walker and indicated there needs to be an exemption in statute. Ms. Mills indicated the nurse can not delegate anything outside his/her scope of practice. Judge Jonsson indicated she would suggest changing the definition of delegatee and delegator.

(13) Add "Delegatee" as used in R156-31b-701 and 701a means one or more persons assigned by a delegator to act on the delegator's behalf.
(14) The definition of Delegation was eliminated.
(15) Add "Delegator" as used in Sections R156-31b-701 and 701a, means a person who assigns to another the authority to perform a nursing task on behalf of the delegator.
(16) No changes made at this time. Suggested the Board of Nursing address this definition.
(17) "Direct Supervision" means:
(a) Add availability of on-site, in-person communication with a person holding a duty of supervision and eliminate the wording: the person providing supervision shall be available on the

premises at which the supervisee is engaged in practice

(b) Add availability of real-time, personal, direct voice communication with a person holding a duty of supervision and eliminate the wording: if the supervisee is specializing in psychiatric mental health nursing, the supervisor may be remote from the supervisee if there is personal direct voice communication between the two prior to prescribing a prescription drug.

(18) No changes made.

(19) The definition of equivalent nursing education was eliminated and the new wording reads: "Foreign nurse education program" means any program that originates or occurs outside of the United States.

(20) "Focused Nursing Assessment", as used in Section R156-31b-703, means an appraisal of a patient's status and situation at hand, generating data from which the registered nurse may:

(a) complete a comprehensive assessment. Eliminate the wording: by the registered nurse, supporting ongoing data collection

(b) determine who needs to be informed of the information and according to what timeframe.

Committee members discussed expanding the definition of patient to include school and community.

(21) No changes made

(22) Definition regarding innovative approach to nursing education was eliminated.

(23) Added "Licensure by equivalency" applies only to the licensed practical nurse credential and may be warranted if the person seeking licensure:

(a) has successfully completed course work in a registered nurse program that meets the criteria established in Sections 58-31b-601 and R156-31b-602; or

(b)(i) is currently enrolled in a registered nurse education program with full approval status; and

(ii) has completed course work that is determined by the Board to be equivalent to the course work of an NLNAC-accredited practical nursing program.

(23), (24), (25), (26) and (27) No changes made.

(28) Added to the definition of "Non-approved education program" means any nurse prelicensing

course of study that does not meet the criteria of Section 58-31b-303, including a foreign nurse education program.
(29) and (30) No changes made.
(31) Definition "Nurse Accredited" was eliminated.
(32) and (33) No changes made.
(34) "Parent nursing education-program" will be eliminated.
(35) Add "Patient" means one or more individuals:
(a) who receive medical care; and
(b) to whom a licensee owes a duty of care and eliminate a recipient of nursing care and includes students in a school setting or clients of a health care facility, clinic, or practitioner.
(36), (37), (38), (39) and (40). No changes made.
(41) Added to Supervision definition: "Supervision" means guidance and review that a licensed nurse is required to provide in overseeing another's performance of a nursing task or activity.
(42) Definition of "Supervisory clinical faculty" was eliminated.
(43) No changes made.

Break for lunch at 11:20 a.m.
Reconvened at 12:24 p.m.

Rules discussion continued:

Ms. Marshall indicated the Committee will initially monitor a program for six months as they progress toward candidacy or applicant status. She quested what happens if the candidacy or applicant status is not achieved within six months. Will we notify students they will not be allowed to sit for licensure exam? Judge Jonsson stated that after six months the Division ceases monitoring the education program. Ms. Marshall stated we may want to consider extending the six months to one year from the first day of the nursing program for the program to receive candidacy/applicant status. This would allow the program to graduate students which is required for full accreditation. The first year of the new program would be obtaining candidacy status and two years in candidacy status would allow the first group of student to complete the program before full accreditation can be achieved. If we leave at the six months, the program is not given enough time to graduate students needed to receive accreditation status. Committee members expressed concern for students in a program that goes through the

accreditation process and then the program does not receive full accreditation. These students would not qualify for licensure. Mr. Steinagel joined the discussion and Judge Jonsson explained the Committee's concern for the students in a program that does not receive accreditation status.
Judge Jonsson stated Committee members want to have something in place to help the student. Mr. Steinagel stated the education obtained may be transferred to another program, if the other program is willing to accept the student. However, that would be up to that program and would not be the responsibility of the Board. Judge Jonsson suggested adding to the Rule that a program must provide a disclosure regarding what could happen if they do not receive accreditation status. Judge Jonsson stated that the disclosure statement could indicate the program has pending accreditation and the accreditation body determines if the program does not qualify for accreditation. If accreditation is not achieved, the student would not be eligible for licensure. Ms. Russell, Eagle Gate College, indicated there is a disclosure form available and will forward it to Dr. Hobbins.

**R156-31b-103 and 104**. No changes made.
**R156-31b-201. Board of Nursing – Membership.**
Wording added

(1) six registered nurses, <u>at least two</u> of whom are actively involved in nursing education;
(3) two advanced practice registered nurses<u>, at least one of whom is an APRN-CRNA</u>.

**R156-31b-202.** Advisory Peer Education Committee created - Membership - Duties.

(2)(b) The wording: advise the Board and Division regarding standards for approval of nursing education programs was eliminated. Added: <u>monitor a nursing education program that is temporarily approved under Section R156-31b-602 as it progresses toward accreditation</u>

**R156-31b-302a.** Qualifications for Licensure - Education Requirements.

(2) Applicants from a foreign education program shall submit a <u>CGFNS examination verifying</u> that the program completed by the applicant is equivalent to an approved registered nurse education program. Eliminate (2)(a) and (b).

**R156-31b-302b**. No changes.

**R156-31b-302c.**

(1) Wording regarding the length of time and the number of attempts to pass the examination was approved last month.

(2)(b) This section was changed to list the credentialing bodies and eliminated the names of each examination.

(4) An applicant for certification as an MA-C shall pass the NCSBN Medication Aide Certification Examination (MACE):

(b) in no more than two attempts.

**R156-31b-302d**. No changes made.

**R156-31b-304**. Temporary Licenses. This section was eliminated.

**R156-31b-306**. Inactive Licensure, Reinstatement or Relicensure.

2) As to an APRN license, an individual seeking license activation, license reinstatement or relicensure shall document current competency by:

(b) obtaining current certification or recertification in the individual's specialty area.

**R156-31b-307**. This section will be incorporated in 306.

(1) was eliminated. Number (2) will be renumbered (3).

**R156-31b-308**. No changes made.

**R156-31b-309.** Intern Licensure.

(2)(a) If an intern is applying for licensure as an APRN specializing in psychiatric mental health nursing, the intern license expires one year from the date of issuance unless the individual timely applies for annual renewal.

(b) An individual may renew an intern license a maximum of four times pursuant to this Subsection.

**R156-31b-310. Licensure by Endorsement.**

An individual who has been licensed by a state that does not participate in the Nurse Licensure Compact may apply for licensure by endorsement by:

(1) demonstrating that the license issued by the other state is current, active, and in good standing as of the date of application; or

(2) if the individual has not been licensed or practicing nursing for three years or more, passing the applicable licensure examination(s) as defined in Section R156-31b-302(c) no later than six months following the date of application

**R156-31b-401**. No changes made.

**R156-31b-402**. No changes made at this time. Dr. Hobbins will work on this section.

**R156-31b-502**. No changes made.
**R156-31b-601**. Standards for Parent Academic Institutions was eliminated.
**R156-31b-602.** Interim Requirements Nursing Education Programs. Eliminate (1), (2), (3), (4), (5), (6), (7) and reword as follows:

(1) Pursuant to Section 58-31b-601(2), a nursing education program may, prior to obtaining an accreditation described in Section 58-31b-601(1), qualify for a limited time as an approved education program as follows:

(a) if the program provider demonstrates that application for accreditation has been made to the NLNAC or CCNE, from the date on which a nursing course is first offered through the following 12-month period; or

(b) if the program provider demonstrates that application for accreditation has been made to the COA, from the first day on which a nursing course is offered through completion of the COA initial review process.

(2)(a) A program that is granted interim approval pursuant to this Subsection (1) shall retain that approval if, during the approval period outlined in this Subsection (1):

(i) it achieves candidate status with the NLNAC;

(ii) it achieves applicant status with the CCNE; or

(b) A program that meets the qualifications described in this Subsection (2)(a) shall retain its interim approval until such time as the accrediting body makes a final determination on the program's application for accreditation.

(3) The provider of a program that receives interim approval pursuant to this Subsection (1)-(2) shall, pursuant to this Subsection (4), disclose to each student who enrolls:

(a) that program accreditation is pending;

(b) that any education completed prior to the accrediting body's final determination will satisfy, at least in part, state requirements for prelicensing education; and

(c) that, if the program fails to achieve accreditation, any student who has not yet graduated will be unable to complete a nursing prelicensing education program through the provider.

(4) The disclosure required by this Subsection (3) shall:

(a) be signed by each student who enrolls with the provider; and
(b) at a minimum, state the following: (Judge Jonsson will work on the wording for this section).

**R156-31b-603, 604, 605, 606 and 607** regarding Education programs was eliminated.

**R156-31b-608**. Approved Nursing Education Programs Located Outside of Utah. Reword as follows:

In accordance with Section 58-31b-302, a nursing education program located outside of Utah may not be approved unless
(1) it is currently accredited by the CCNE, NLNAC or COA;
(2) it has been approved by a state that is a party to the Nurse Licensure Compact;
(3) as to an LPN education program, it is deemed by the Board as equivalent to programs that are approved in Utah; or
(4) as to a foreign education program, it has been examined and approved by the CGFNS.

**R156-31b-609**. Standards for Out-of-State Programs Providing Clinical Experiences in Utah. (1) eliminated and reworded to read:

A nursing education program provider located in another state that desires to use Utah health care facilities for clinical experiences for one or more students shall, prior to placing a student, demonstrate to the satisfaction of the Board that:
1) the program has been approved by the home state Board of Nursing;
(2) the program has been accredited by NLNAC, CCNE, or COA; and
(3) the program is affiliated with an institution of higher education.

**R156-31b-701**. Delegation of Nursing Tasks.

(1) (b) The delegator may not delegate to unlicensed assistive personnel any task requiring the specialized knowledge, judgment and skill of a licensed nurse
(c) Before determining which if any nursing tasks may be delegated, the delegator shall make a focused nursing assessment of the circumstances, including:
(i) verification and evaluation of the orders;
(F) the complexity, irreversibility, predictability of outcome, and potential for harm inherent in the task

being delegated;
(H) (d) a delegator may not delegate a task that is:
(i) outside the area of the delegator's responsibility;
(ii) outside the delegator's personal knowledge, skills or ability;
(iii) beyond the ability or competence of the delegate to perform, as personally known by the delegator, and as evaluated according to generally accepted nursing practice standards of health, safety, and reasonable prudence.
(e) in delegating a nursing task, the delegator shall
(i) provide instruction and direction necessary to allow the delegatee to safely perform the specific task;
(iii) explain the delegation to ensure that the delegatee understands which patient is to be treated, and according to what time frame;

**R156-31b-701a**. The following language was added:
(2)(a) A school nurse shall personally train any unlicensed person who will be delegated the task of administering medication to a student. Eliminated the wording: as a delegatee of a school nurse, must receive training from a school nurse.
The wording in 6(ii)(a) and (b) was eliminated.

**R156-31b-702, 703, 704, 801** No changes made.

**R156-31b-802.** The changes to this section were approved at the last Committee meeting.

**R156-31b-803.** No changes made.

Judge Jonsson will make the suggested changes and clean up any numbering and formatting issues. The draft will be given to the Board of Nursing for review. Dr. Groot made a motion that once the revisions have been made, the draft be forwarded to the Board of Nursing for input. Dr. Steadman seconded the motion. Ms. Mills was not present. All Committee members voted in favor of the motion.

Committee members indicated that a new program should submit an application three months prior to beginning a new program.

June meeting: The June meeting will be canceled.

*business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

8-1-13
Date Approved

Gigi Marshall, Chair
Education Committee

8/1/13
Date Approved

Debra Hobbins, Bureau Manager,
Division of Occupational & Professional Licensing