

6301.2360 SURVEYS; COMPLIANCE WITH STANDARDS AND CRITERIA.

Subpart 1. **Board notification.** The board shall notify the director of the time allowed for supplying the information regarding compliance with rules, including time allowed for completing board-supplied forms and providing materials and reports. The board shall give the director prior notice for all on-site surveys; however, notice may not be given for all on-site observations.

Subp. 2. **Survey for evidence of compliance with nursing education standards.** All Board of Nursing-approved nursing education programs must provide evidence of current accreditation by a national nursing accrediting body approved by the United States Department of Education by January 1, 2018, or must have achieved candidacy status leading to such accreditation and demonstrated satisfactory progression toward obtaining the accreditation. All reports and communication with accrediting bodies must be submitted to the board including:

- A. evidence of current accreditation;
- B. accreditation reports; and
- C. any correspondence related to the status of the program's accreditation.

Subp. 3. **Survey to evidence compliance with additional statutes and board rules.** The program director must submit the following annual reports on:

- A. advanced standing;
- B. workers' compensation coverage;
- C. affirmation of compliance with program approval rules including licensure status of faculty and clinical requirements; and
- D. minimum nursing education program data set recognized by the board.

Subp. 4. **Survey for licensure examination success rates.** If the success rates are 75 percent or less for candidates from the program who, during any calendar year, wrote the licensing examination for the first time, the board must take one of the actions described in items A to C and publish the actions, including a report to the accrediting agency.

A. Require a plan of corrective action: If success rates are 75 percent or less for one calendar year, the board shall require the director to identify factors that are potentially affecting the low success rate on the licensure examination. The director shall submit a plan of corrective action by a specified date. The plan of action must be on a board-supplied form and include the signature of the director and another institutional administrative academic representative. If in the following year the success rate is above 75 percent, no action by the board is required.

B. Survey for corrective action: If success rates are 75 percent or less for any two consecutive calendar years, the board shall notify the director of an on-site survey to identify additional factors affecting the low success rate and review progress on the plan for corrective action submitted the previous year. The survey must include the director, faculty, students, and an institutional administrative academic representative of the institution. The director shall submit a revised plan of corrective action by a specified date. The plan of corrective action must be on a board-supplied form and include the signature of the director and another institutional administrative academic representative. If in the following year the success rate is above 75 percent, no action is required by the board.

C. Survey for compliance with board rules: If success rates are 75 percent or less for any three consecutive calendar years, the board shall require the director and another institutional administrative academic representative to meet with a committee of board members and board staff for an on-site survey for compliance with all applicable rules and for the implementation of the plan for corrective action submitted the previous year. Upon completion of the survey, the board shall take action in compliance with subpart 9.

Subp. 5. **Survey for initial approval of new nursing education program.** An educational institution intending to establish a nursing education program in Minnesota must be surveyed as outlined in items A to C.

A. Phase I - Intent to establish program.

(1) An educational institution under Minnesota Statutes, section 148.251, subdivision 1, must submit a letter of intent to establish a new nursing education program. The letter of intent must be submitted by the qualified director of the proposed program. Documentation in the letter of intent to establish a program must:

- (a) be submitted 12 months prior to the intended start date of the program;
- (b) include name, address, and current accreditation of the governing body;
- (c) provide rationale for establishing the nursing education program;
- (d) present a timetable for development and implementation of the nursing program;
- (e) provide evidence of adequate financial support and resources;
- (f) document availability of adequate academic facilities;
- (g) include impact of the proposed nursing education program on other nursing programs in the area; and

(h) provide documentation of authorization by the designated review board for that educational institution to develop and implement a program.

(2) The board must approve the document of intent.

(3) Until a controlling body has received initial approval to conduct a program, representatives of the body shall use the term "proposed" in all references to the nursing program.

B. Phase II - Program development leading to initial approval.

(1) The director of the proposed program must submit an application for approval documenting compliance with education standards and criteria specified in this chapter.

(2) Board members must conduct a site visit when the application demonstrates compliance with nursing education standards and criteria specified in this chapter.

(3) Board site visitors must submit a recommendation to the board to grant initial approval or deny initial approval.

(4) The institution must not conduct nursing coursework until the board approves the recommendation for initial approval. This restriction does not prevent the controlling body from conducting nonnursing courses or from providing continuing education to nursing personnel.

(5) After receiving initial approval, the director must submit all required board annual reports including all reports and communication regarding candidacy for national nursing education accreditation.

C. Phase III - Continuing approval. Under Minnesota Statutes, section 148.251, subdivision 3, the board must survey initially approved nursing programs, and continue approval for the program if the program is in compliance with board rules, including:

(1) meeting the minimum first-time licensure examination success rate as required by subpart 4; and

(2) acquiring national nursing education accreditation as required by subpart 6.

Subp. 6. **Survey required.** Under Minnesota Statutes, section 148.251, subdivision 3, the board must survey all nursing programs to determine if the board will continue approval. For approval to be continued, a nursing program must be in compliance with all board rules and must:

A. follow the accreditation cycle and process for initial or continuation of accreditation of the national nursing education accrediting agency;

B. allow board members and board staff to accompany surveyors on the accrediting site visit if the board chooses to conduct joint visits;

C. submit national nursing accrediting agency self-study to the board;

D. submit a copy of all communication between the program and the national nursing accrediting agency; and

E. submit required annual board reports.

Subp. 7. **Approval.** The board must act to continue approval if the program:

A. receives initial or continuing national nursing education accreditation; and

B. is in compliance with all other board rules and statutes.

Subp. 8. **Program survey.** The board must survey the program for compliance with one or more applicable rules if:

A. requirements for approval are changed or added;

B. the board has reason to believe there is a lack of compliance with the rules; or

C. the board has reason to believe program personnel are submitting false or misleading information or engaging in fraudulent practices to obtain or maintain approval.

Subp. 9. **Board action following survey.** The board shall take one of the following actions upon completion of a survey:

A. notify the director in writing that compliance with the rules has been determined; or

B. notify the director in writing of allegations of lack of compliance with one or more rules. The notice must inform the director that either a conference will be held with a board review panel, or a contested case hearing will be held according to Minnesota Statutes, chapter 14, and contested case rules in parts 1400.5010 to 1400.8400. If a conference is held with a board review panel, and the review panel finds that the allegations are:

(1) untrue, then the board shall dismiss the matter;

(2) true, and representatives of the program consent, then the panel shall submit a report to the board; or

(3) true, but the representatives of the program do not consent to submission of a report to the board, then the review panel must initiate a contested case hearing according to Minnesota Statutes, chapter 14, and contested case rules in parts 1400.5010 to 1400.8400.

Subp. 10. **Board action following conference or hearing.**

A. Upon receipt of the report of the review panel or hearing officer, the board shall take one of the following actions:

(1) notify the director in writing that compliance with all rules has been determined;

(2) issue a reprimand without changing the approval status if the program is in compliance either at the time of convening the review panel or hearing or by the time the board reviews the report of the panel or hearing;

(3) revoke approval and remove the program from the list of approved programs or deny approval to an applicant if the board finds the program has had a reasonable opportunity to correct the deficiency and has failed to do so; or

(4) issue a correction order. The correction order shall specify the date by which the deficiencies must be corrected. The correction order expires on that date.

B. If the deficiencies are corrected before the expiration of the correction order, the director must be notified in writing that the board has found the program to be in compliance with the applicable rules.

C. If the deficiencies are not corrected before expiration of the correction order, the director must be notified that a conference with a board review panel may be held, or that a contested case hearing may be held according to Minnesota Statutes, chapter 14, and contested case rules in parts 1400.5010 to 1400.8400.

(1) The purpose of the review panel or hearing is to determine if the deficiency was corrected prior to expiration of the correction order.

(2) If the deficiency was not corrected prior to expiration of the correction order, the board shall either remove the program from the list of approved programs or deny approval to an applicant.

Statutory Authority: *MS s 14.386; 148.191*

History: *35 SR 1974; 38 SR 1279*

Published Electronically: *April 10, 2014*