

MINUTES

**UTAH
EDUCATION COMMITTEE
BOARD OF NURSING
May 3, 2012**

**Room 475 – 4th Floor –8:30 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:37 a.m.

ADJOURNED: 2:45 p.m.

Bureau Manager:
Secretary:

Debra Hobbins
Shirlene Kimball

Conducting:

Peggy Brown, Co-Chair

Division Staff:

Ray Walker, Regulation/Compliance Officer

Committee Members Present:

Peggy Brown
Gigi Marshall
Debra Mills
Sheryl Steadman

Guests:

Taylor Austin, Kaplan Nursing
Susan Jero, Nightingale College
Geeta Maharaj, Everest College
Faye Uppman, Broadview University
Stephanie Slater, Broadview University
Delos Jones, Broadview University
Malinda Daniel, Broadview University
Mark Staats, Broadview University
Phyllis Gertge, Nightingale College
Louise Sowards Nightingale College
Diane Forster-Burke, Westminster College
Mary Williams, BYU

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

April 5, 2011 Minutes:

The April 5, 2011 minutes were approved as written.

April 17, 2012 Minutes:

The April 17, 2012 minutes were approved as written.

NEW BUSINESS:

Review NCLEX Pass Rates:

The NCLEX pass rates were reviewed. The National pass rate for this quarter for RN's is 91.23%.

CEU has had low RN pass rates the 1st, 3rd and 4th quarter of 2010 and the 2nd and 3rd quarter 2011 and the 1st quarter of 2012. This places them at six quarters below the national average. Ms. Cartwright met with Committee members December 2011 with a remediation plan and the remediation plan was accepted. CEU's 2012 first quarter NCLEX-RN pass rate was 0% (two students took the exam and both failed) The 2012 first quarter NCLEX-PN pass rate was at 50% (two students took the exam). Committee members questioned what happens next. Ms. Brown indicated that in the past a program with a small number of students taking the examination would be overlooked until the next testing period when there were more students. Dr. Hobbins stated the Rule does not allow us to overlook the quarter and each program must be looked at equally. She reported the next step, since a letter of warning has been issued, would be to place the program on a MOU. If there is no improvement, the program would have to cease accepting students. If a program does not sign the MOU, Mr. Walker stated R156-31b-604 allows for an administrative hearing, which is a formal adjudicative proceeding.

Ms. Marshall made a motion to request CEU administrators meet with Committee members to discuss placing the program on a probationary status. The motion was seconded. All Committee members voted in favor of the motion.

Broadview University,
Faye Uppman, Network Dean of Nursing
Stephanie Slater, Nursing Program Chair
Delos Jones, program administrator
Mark Staats, Campus Director:

Ms. Uppman reported the program is doing better and moving forward with the internal changes. She indicated the program has been accredited by ASICS and received a letter from the NLNAC. Ms. Uppman reported the December cohort had 16 graduates, 14 students tested (two failed), one student is waiting to test and one student is in remediation. Ms. Brown discussed the Nurse Practice Act Rule regarding the NCLEX pass rates and reads: no more than 5% below the national average pass rate for the **same time period**. The Division and the Committee will be looking at those taking the exam in the same time period (quarter) reported by NCSBN/NCLEX and not by cohort. For the 2012 first quarter NCLEX-RN

examination, Broadview had an 80% pass rate. Ms. Uppman stated this is the second quarter since signing the MOU that test results have been 5% below the national average. She requested clarification regarding the next step. There have now been 7 quarters below the national average. Dr. Hobbins indicated in accordance with R156-31b-603(11)(c)(i) if the program is unable to raise the pass rate to the required level after five consecutive graduation cycles or over a two year period of time, the program shall cease operation at the end of the current academic timeframe such as at the end of the current semester or quarter. Dr. Hobbins stated at this point, the program could be closed, but Committee members and Division staff are concerned with those students still in their program. Ms. Uppman stated there are 21 students graduating in June and that would leave 57 students in the program. Ms. Uppman stated the program has significantly improved and student success has increased. Ms. Slater indicated there have been significant changes made, the faculty is dedicated, and they would like to continue to show the Committee and the Board that they can bring the school up to where it meets the requirements of Rule. Ms. Marshall questioned whether or not faculty members and the schools owners and administration are committed to those students. Ms. Uppman stated they support the students and want to maintain excellence. Mr. Staats stated the program is committed to the students. Ms. Uppman stated the program would like to continue to teach-out the current students. Dr. Hobbins stated the Board has never shut down a program before, and want to do what is the best for students, protect the public and promote commerce.

Ms. Marshall questioned if there are exceptions to the Rule. Mr. Walker indicated that when Rule is properly enacted, they are just as much law as the Statute. He indicated if a Rule was written a long time ago with a different policy choice and if there is a question that the Rule could be challenged, he would encourage the Board to discuss making changes. Mr. Walker indicated the Director wants what is fair and may delay aggressive enforcement. Mr. Jones, assistant attorney general, stated there are factors and procedures that need to be considered. Mr. Jones

stated the Committee will make a recommendation and DOPL will make the decision.

Ms. Brown stated the low pass rates for Broadview happened the 1st quarter 2012; the 1st and 3rd quarters of 2011, the 3rd quarter of 2010. The MOU went into effect 2011. Mr. Jones stated that there have been five violations since the MOU was put into effect. Ms. Brown suggested letting the program continue to teach current students with additional monitoring. Ms. Uppman stated the new curriculum will not affect cohorts 18-21, but it will affect the later ones. Ms. Uppman stated it is important to look at the up-and-down of the national average. The program has been in the 80 to 85% range. If the national average had been lower, the program would not be here. If we allow them to continue to teach current students, there must be an articulation agreement in place in case the pass rates do not increase. Committee members suggested allowing the program to teach-out through 2013 but still hold them accountable and re-access on a quarter by quarter basis. If there continues to be issues, they would have to cease operations at that time. Ms. Marshall made a motion to allow Broadview to continue to teach on a quarter by quarter basis, can not accept new students, pursue an articulation agreement and have the articulation agreement in place by June 7, 2012. Ms. Mills seconded the motion. All Committee members voted in favor of the motion. Dr. Hobbins indicated that the recommendation will be presented to the full board for a vote and then presented to the Division.

Nightingale College,
Mikhail Shneyder, President
Sue Jero, Program Administrator
Louise Sowby, Nursing Administrator
Phyllis Gertge, Nursing Director:

Ms. Gertge stated Nightingale College has received informal notification from NLNAC of candidacy status. Ms. Gertge reported the program has made faculty changes based on the recommendations from NLNAC. Ms. Marshall questioned the status of Rebecca McInnis. Ms. Marshall read the section of Rule regarding faculty requirements and indicated Ms. McInnis does not hold a masters degree in nursing, does not have teaching experience and should not have been hired. Ms. Gertge stated Ms. McInnis is in progress of obtaining the proper credentials. Ms. Gertge stated she understands Ms. McInnis does not meet requirements. Ms. Sowby has been hired as the

nursing program administrator and has been teaching 16 years in an accredited program. Ms. Gertge stated the NLNAC accepted Ms. Sowby's credentials. Ms. Gertge stated NLNAC had concerns with the previous faculty, but those have been corrected and the program is advertising for MSN positions. Dr. Hobbins requested that the minutes reflect that they have faculty members that don't meet the requirement of Rule and that they have NLNAC candidacy status. Ms. Gertge stated for the record that they will not be using Ms. McInnis.

Break 10:10 a.m.
Reconvened: 10:15 a.m.

Discussion regarding Medication Aides:

Ms. Joyce Barra, Weber State University was present for the discussion. Debbie Schilleman, Board of Nursing member, was also present for the discussion. Ms. Barra informed the Committee that Weber State University is close to having a curriculum ready for a Medication Aide program and would like to begin the program this fall. Ms. Schilleman indicated that the curriculum is outlined in the Nurse Practice Act Rule. Ms. Schilleman also indicated the current Statute exempts those aids in an assisted living from licensure/certification. However, Ms. Schilleman stated she feels that all facilities should have the aide license/certified because abuse can happen in the assisted living facilities as well as other facilities. Committee members questioned whether or not the medication aide would come before the Board of Nursing for discipline? Ms. Brown stated no one is reporting, so no one knows if there are any problems. Ms. Schilleman indicated that the State of Virginia conducted a study that found that the medication aide was being used to provide nursing care, but did not report on problems with medication aides. Ms. Schilleman stated that the Rule is inclusive of what a medication aide can and can't do. Ms. Schilleman indicated that the phrase "pilot program" in the Nurse Practice Act Rule, section R156-31b-802(6)(a) needs to be eliminated.

The Division needs to develop an application for the MA-C education program. Ms. Marshall stated she would like the program to provide a written report to

the Committee each month. Dr. Hobbins questioned what happens if there is a criminal history? Ms. Brown stated it should be the same as the nurse. Weber may want to consider a background check before the individual enters the program.

Electronic Transcripts:

Dave Taylor, Division operations manager and Karen Duncan, Division IT indicated electronic transcripts could be accepted if the school contacts the division and a process is worked out.

NCSBN recruitment for 2012 RN Standard Setting Panel of Judges:

Informational. If anyone is interested, contact the NCSBN.

Review Written Reports from Provisionally approved Programs:

Eagle Gate College: Ms. Russell will need to provide the Committee with a copy of the NLNAC accreditation.

Everest College: Everest College requested clarification whether or not an individual they are considering hiring meets the qualifications for faculty member. Committee members indicated the individual has to have an MSN degree.

Fortis College: Committee members reviewed the curricular vita for Deborah Moss. Since Ms. Moss does not have three years of teaching experience, Committee members requested clarification whether or not her education included courses in curricular preparation. Committee members also would like the program to address attrition rate.

Western Governors University: Ms. Mills indicated she would like clarification regarding WGU's definition of pre-nursing courses versus nursing courses. Committee members requested Western Governors meet with the Committee to discuss their terminology and the difference of pre-nursing versus nursing courses.

University of Utah innovation program needs to meet with the Committee to report on the progress and outcomes of the program.

Lunch Break: 12:10 p.m.
Reconvened: 1:00 p.m.

Discussion regarding the degree-granting institution:

Dr. Hobbins stated that Utah State University and CEU merged; however, the nursing program did not change. However, the Rule indicates the transcripts must come from an approved program. Ms. Mills made a motion to for the April 2012 graduating class accept the transcripts from Utah State University and CEU. Once the reorganization has been completed and USU becomes the approved program, the transcripts will come from USU. Dr. Steadman seconded the motion. All Committee members voted in favor of the motion.

Rule Discussion:

Dr. Hobbins presented proposed Rule changes.

R156-31b-302c. Qualifications for Licensure-Examination Requirements. (1) Eliminate within three years or four attempts and add: in up to four attempts within three years of graduation. In (4)(a) add the MA-C shall pass the NCSBN Medication Aide Certification Exam (MACE). Committee members agree with both of these changes.

R156-31b-603. Nursing Program Standards: (1)(m) the program shall require students to obtain general education, pre-requisite, and co-requisites courses from an regionally accredited institution. Eliminate the sentence which reads: a current approved program has until January 1, 2010 to come into compliance with this standard. Committee members agree with this change.

603(B)(iv). Further clarify . . . have at least three years of full-time experience teaching in an accredited nursing education program by adding: equivalent of three years of full time experience. Add the same language to (c) (iv). Committee members agree with both of these changes.

Committee discussed hiring faculty members who have a probationary license. Dr. Steadman stated nursing programs are having a hard time finding faculty and questioned if it would be acceptable for these individuals to teach didactics? They would not be allowed to teach clinicals since there would be access to controlled substances in clinicals. The Rule

states an individual responsible for clinicals must have an unencumbered license. It is silent for didactics.

R156-31b-603(6). Eliminate the word didactic. The wording will be: The qualifications for nursing faculty who teach students in a clinical setting or in a skills practice laboratory. Committee members discussed section (ii) that reads for an LPN program have. the majority of faculty (at least 51%) shall have an earned degree. Dr. Hobbins questioned whether or not the 51% should be added to the RN and APRN sections. Ms. Brown indicated she does not believe it is necessary because of national accreditation requirements.

R156-31b-603(7). Eliminate this section. The section reads: at the time the rule becomes effective, any currently employed nursing program administrator or faculty member who does not meet the criteria established in Subsection (5) or (6), shall have until July 1, 2011 to meet the criteria.

R156-31b-603(10). A nursing education program preparing graduates for licensure as either an LPN or RN must maintain an average pass rate on the applicable NCLEX examination that is no more than 5% below the national average pass rate. Dr. Steadman made a motion to retain the 5% below the national average pass rate. Ms. Marshall seconded the motion. All Committee members voted in favor of the motion. Added to the language in (10) 5% below the national average pass rate for the same NCLEX testing time period. Ms. Marshall also requested we add first time-test takers. Committee members determined to place in definition that NCLEX test takers/pass rates means: test results from first-time test takers.

Ms. Brown requested adding to section 603(14) that the Board of Nursing requires all communication with the accrediting body (NLNAC, CCNE or COA).

Ms. Marshall made a motion to submit the proposed changes to the Board of Nursing for approval to move forward. Dr. Steadman seconded the motion. All Committee members voted in favor of the motion.

Recommendation for Minutes regarding
MA-C:

By Rule a CNA can not administer medications.
Committee members indicated the minutes should
reflect that changes need to be made to the Nurse
Practice Act that any unlicensed assistive personnel
who passes medications in any form and anywhere
must be a MA-C

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

August 2, 2012
Date Approved

(ss) Peggy Brown
Peggy Brown, Co-Chair, Education Committee, Board of
Nursing

August 2, 2012
Date Approved

(ss) Debra Hobbins
Debra Hobbins, Bureau Manager, Division of Occupational
& Professional Licensing