

MINUTES

UTAH EDUCATION COMMITTEE BOARD OF NURSING April 5, 2012

Room 464 – 4th Floor –8:30 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:34 a.m.

ADJOURNED: 12:45 p.m.

Bureau Manager:
Secretary:

Debra Hobbins
Shirlene Kimball

Conducting:

Peggy Brown, Co-Chair

Committee Members Present:

Peggy Brown
Gigi Marshall
Debra Mills
Sheryl Steadman

Guests:

Susan Jero, Nightingale College
Mikhail Shneyder, Nightingale College
Matthew Chase, Navy Veteran
Faye Uppman, Broadview University
Delos Jones, Broadview University
Malinda Daniel, Broadview University
Stephanie Slater, Broadview University
Mark Staats, Broadview University

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

January 5, 2011 Minutes:

The January 5, 2011 minutes were approved as written.

February 2, 2012 Minutes:

The February 2, 2012 minutes were approved as written.

March 1, 2012 Minutes:

The March 1, 2012 Minutes were approved as written.

NEW BUSINESS:

Division E-Mails:

Dr. Hobbins reported on an e-mail complaint from a student at Stevens Henager College. The student reported she received a letter from Stevens Henager College that indicated her transcripts, graduation and

degree had been withdrawn because she did not pass the final ATI examination. The student had already submitted her transcripts to the Division and had taken and passed the NCLEX examination. She is currently licensed as an RN.

Dr. Hobbins reported 6 additional students also submitted e-mails indicating the program will not give them their transcripts unless they retake and pass the ATI exam at a level determined by the program. Ms. Marshall read the Nurse Practice Act Rule section R156-31b-603 (d) which reads: “the program shall implement a comprehensive, systematic plan for ongoing evaluation that is based on program outcomes and incorporates continuous improvement; (j) program information communicated by the nursing program shall be fair, accurate, complete, consistent, and readily available.” Committee members questioned if the program is deviating from their systemic plan? It would appear the program is providing inconsistent information and changing the requirements. Dr. Steadman stated she believes there is case law regarding institutions that hold transcripts and she stated she doesn’t believe the transcripts can be held. Dr. Steadman stated things change in a program and are addressed by the institution indicating that the syllabus is subject to change. Ms. Marshall questioned what information was provided by the program upfront and indicated that Rule requires a program make this information available to the public. Ms. Brown questioned whether or not students should be taking complaints to DOPL. She indicated grievances should be addressed with the school. Dr. Steadman stated students always have complaints if they don’t pass a course, but passing the ATI is not usually required for a student to pass the course. Dr. Steadman stated her issue is that the program appears to be holding transcripts.

Dr. Hobbins indicated Committee members need to determine whether or not students are being provided the correct information at the beginning of the program. Dr. Hobbins reported she sent Ms. Richards a letter requesting a response to the complaint from the student who received her transcript but was told her graduation had been withdrawn. Ms. Richards

submitted a response and provided the information from the student handbook; however it is not dated. Committee members stated they would like to see the handbook that corresponds to the cohort. Committee members recommend that Stevens-Henager College be invited to come to the next meeting to address the issue from the students. Dr. Steadman questioned what is our role with student complaints? Ms. Marshall stated there are six students who have expressed the same concern that Committee members expressed when Stevens-Henager presented their remediation plan.

Committee members indicated they would need to meet sooner than the next scheduled meeting because it appears to be adversely affecting students. Ms. Richards will be asked to provide the handbook for each cohort, a roster of students in each cohort, provide any changes or additions to the handbook, and provide information regarding how students are notified of changes. Ms. Richards will also be requested to present the timeline of the nursing program administrators and dates the administrator held the position.

Committee members recommend that a general letter be sent to all educational institutions regarding student issues that the Board can address.

Committee members determined a meeting will be held Tuesday, April 17, 2012 at 8:30 a.m. -10:00 a.m. Ms. Brown will call in for the meeting.

**Matthew Chase,
Request to allow a pathway for LPN
licensure for navy corpsman:**

Mr. Chase met with the Committee to discuss a pathway for licensure for a navy corpsman. He indicated only California allows a navy corpsman to be licensed as an LPN. Mr. Chase requested the Board consider the same type of pathway for PN licensure in Utah. Ms. Brown indicated she has attended several national meetings that discussed this issue. Ms. Brown reported it was her understanding the military was going to put together a training program which would then be reviewed on a national basis to see how it could be adopted by rule. Committee members explained the concern is that the role of the navy corpsman in the military is completely different than

an LPN and goes beyond the scope of practice of the LPN. There were questions how it would translate into PN practice and a transition course for the corpsman would need to be provided. Ms. Mills indicated there are individuals who are still working to develop a program, but there are a lot of differences across services lines and a variety of state practice acts. Mr. Chase explained the different level of navy corpsman and the training provided at each level. Ms. Marshall questioned whether or not he had a copy of the California model? He indicated no, but stated California has determined Level 5 is the level that a navy corpsman would be considered as meeting the LPN requirements.

Ms. Brown also indicated there are less and less PN roles. Ms. Mills stated there is a push nation wide to help those in the military find employment in the health care field, but she agrees with Ms. Brown, the roles for PN are limited. Ms. Marshall suggested looking at the military to the RN. Mr. Chase stated he has reviewed RN curriculum and understands there are areas that he would need to work on. He stated he was looking at the ability of a navy corpsman to walk in, just like at the California Board and have the Utah Board evaluate education. Ms. Marshall stated the Statute doesn't have the mechanism to support this type of program at this point. Ms. Marshall suggested developing a pathway with one of the approved programs. Ms. Mills suggested working with the VA Hospital to see if they could develop an association with an approved nursing program. Dr. Hobbins suggested working with Weber State. Ms. Brown suggested he find someone who could look at the model rules, could help with language to approach the schools and say, here are all these vets, can you help put together a program.

Mr. Steinagel:

Mr. Steinagel reported on S.B. 263 and how it will effect the Division and Board of Nursing regarding nursing education programs. Mr. Steinagel reported that if a nursing education program is accredited by one of the six named accrediting bodies, and accredited by a nursing accreditation body such as CCNE, NLNAC or COA the program will not come under review of the Board or Committee. Mr.

Steinagel stated the bill was presented late in the session and he did his best to improve the bill. Mr. Steinagel informed the sponsor of the bill that he did not know what the impact would be and requested the bill be delayed until after the next Legislative session. Mr. Steinagel indicated the bill was not delayed; however, the implementation date was pushed to January 1, 2013. Mr. Steinagel stated that until January 1, 2013, all schools will remain under the current Nurse Practice Act. Ms. Brown stated the issue is that the Board recently had a program in trouble with the accreditation body and the accrediting body could not take any action unless the Board took action. Ms. Brown indicated that the accrediting bodies do not act independently from the Board. Mr. Steinagel stated that the accreditation bodies will need to understand and any problems will be their concern. Ms. Brown stated that won't work because the CCNE is an academic accrediting body, not regulation. Mr. Steinagel stated in the minds of the sponsor and lobbyist, there was redundancy. Mr. Steinagel stated the Division very rarely takes a position, but in this case the Division opposed the bill. He recommended that an outline of the adverse effect of the bill be presented to the Interim Committee during the summer session. Mr. Steinagel suggested gathering the information early, provide the impact the bill will have on Utah students, the impact on transportability, and if there are any issues regarding the health, safety and welfare of the public.

Mr. Steinagel indicated one good bill came out of the session, which will allow the Board to take a position regarding a bill. The Board will have its own letter head and can make recommendations to the Legislature.

Broadview University,
Faye Uppman, Network Dean of Nursing
Stephanie Slater, Program Chair
Delos Jones
Mark Staats

Ms. Uppman introduced Stephanie Slater, the new nursing program administrator. Ms. Uppman reported the December 2011 cohort graduation NCLEX results are at 88% overall according to their calculations. The March cohort had 13 students graduate, eleven students test and ten students passed the NCLEX-RN examination. Ms. Uppman stated there will be 21 students graduate in the June cohort. Ms. Uppman indicated they will have the new curriculum for the

fall and would like to move forward with admissions. She indicated Broadview submitted a plan last month that indicated they would like to begin the recruitment and admission processes June 2012 with admission into the program in October 2012 based on two successive successful quarter outcomes. Ms. Brown indicated that, according to the program, the December and March NCLEX pass rates appear to be within acceptable standards. She stated that the Division will need to provide the official NLCEX pass rates and the national average for the first quarter 2012. Once all March graduates have taken the examination and the program meets the pass rate requirement for two consecutive time periods, the program should be allowed to start recruiting new students in June for admissions in October 2012.

Nightingale College,
Mikhail Shneyder, President
Sue Jero, Program Administrator

Mr. Shneyder introduced himself and indicated he is the new college President at Nightingale College. Mr. Shneyder indicated he started with the program at the end of March. Mr. Shneyder stated he has been an RN for over twenty years and has been working in higher education for the past six years in California.

Mr. Shneyder stated his first step at Nightingale was to complete an assessment of the program and is addressing policy at this time. Mr. Shneyder stated his duties are to begin the accreditation processes, review legal consequences and provide oversight of the college. Mr. Shneyder also informed the Committee that the program will be teaching out the physical therapy program and will only offer a nursing program for a period of time.

Ms. Marshall questioned the resolution and outcome regarding students who applied to sit for the PN examination by equivalency. Ms. Jero stated both the program and the students understand the process and since the program does not have full approval or NLNAC accreditation, those students can not sit for the exam by equivalency.

Ms. Jero indicated the first cohort of five students graduated in December. These students are the LPNs who were accepted into the RN program. Ms. Jero stated two of the five students have tested. Committee

members questioned why only two of the five graduates of the first cohort have taken the NCLEX exam? Ms. Jero stated the program is working with three graduates, one is working with Kaplan and two have general education courses to complete. Ms. Marshall questioned the admission criteria and how were students able to complete the nursing program without having first completed the general education courses? Ms. Jero stated the program would accept a student into the nursing program if they were missing six or less general education courses. She indicated the program has looked at changing this policy.

Ms. Jero stated the second cohort of LPNs accepted in the RN program will graduate in April. She stated they have no students who have completed the generic RN program. Ms. Jero indicated the third cohort has 19 intergraded students and they will graduate in August. The fourth cohort has fourteen students and they will graduate December 2012.

Mr. Shneyder stated the program continues working on the candidacy process with NLNAC. He stated they recently received a letter indicating candidacy status was deferred due to a faculty member issue. Committee members requested a copy of the letter from NLNAC. Committee members indicated the Nurse Practice Act Rule requires that a program must demonstrate progression and have candidacy status within six months of accepting students. Mr. Shneyder stated they have not received candidacy statuses but are in the process of becoming a candidate. Committee members indicated the program accepted students a year ago and should have obtained candidacy status within six months. Mr. Shneyder stated NLNAC indicated the program needed more MSN prepared faculty members. He indicated they had two individuals in an MSN program, and one completed in December. Ms. Jero stated the Nurse Practice Act Rule allows for a faculty members who are currently enrolled in a MSN program. Committee members indicated that the Rule reads that a current employee had until July 1, 2011 to become MSN prepared and that rule no longer applies.

Committee members expressed concern that the

program does not understand the Nurse Practice Act Rule requirements for a nursing program. Nightingale College is out of compliance regarding obtaining candidacy status. Ms. Jero stated the rule indicates “progression” and the program is progressing toward candidacy status. Ms. Jero stated they have been presenting a monthly written report and questioned why this issue has not been addressed before this time? Committee members stated they did not realize that Nightingale had not obtained candidacy status until today. Mr. Shneyder stated their program can not tell the accreditation body what to do and the Committee should have known six months ago they did not have candidacy status. Ms. Brown stated the Committee needs to see the letter from NLNAC. If candidacy status is failed there are steps we need to take. If candidacy is deferred, we would need to know. Committee members discussed what steps need to be taken next. R156 31b 602(4) (4)(a) reads: “A nursing education program seeking accreditation from NLNAC shall demonstrate progression toward accreditation and qualifying for full approval status by becoming a Candidate for Accreditation by the NLNAC no later than six months from the date of the first day a nursing course is offered. (b) A program that fails to obtain NLNAC Candidacy Status as required in this Subsection shall:
(i) immediately cease accepting any new students;
(ii) the approval status of the program shall be changed to “Probationary” and if the program fails to become a Candidate for NLNAC accreditation within one year from the date of the first day a nursing course is offered, the program shall cease operation at the end of the current academic term such as at the end of the current semester or quarter.”

Committee members expressed concern with the re-occurring misunderstandings regarding the requirements in rule such as, allowing students to sit for the LPN examination by equivalency, MSN faculty members, and candidacy status. It appears that the rules are not being thoroughly read. Mr. Shneyder stated if they have to hire a different faculty member, they will so that they can expedite the candidacy process. Ms. Marshall stated we do not want to close the program and until today, thought the program was

progressing.

Summary: Nightingale College will need to forward the NLNAC letter to the Committee for review. If one faculty member graduated in December with the MSN, that individual is acceptable as a faculty member. The program would need to hire another MSN prepared individual in order to be into compliance with faculty requirements. Ms. Brown made a motion that pending receipt of the NLNAC letter, and in accordance with the Nurse Practice Act Rule, section R156-31b-6024a, program seeking accreditation, Nightingale College has taken steps for candidacy, but did not achieve candidacy within the six month period of time from first accepting students. Therefore, the program will need to cease accepting new students and the program will be placed on a probationary status and given six months from the date of the MOU to achieve candidacy status. If the program is not successful in obtaining candidacy status they would have to cease operation. Ms. Mills seconded the motion. All Committee members voted in favor of the motion.

Committee members indicated once the program meets the requirements, the probationary status would be lifted. If the NLNAC letter is received, and the information changes before the Board meets, the new information would be reflected.

Review Written Reports from Provisionally approved Programs:

Eagle Gate College: Reviewed and accepted. The program should be receiving NLNAC approval soon.

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: Faculty member Mollie Nordgren does not have a MSN degree and can not teach in the program. Ms. Nordgren also teaches at Eagle Gate College and a letter needs to be sent out to both programs indicating the faculty members must have achieved an MSN degree prior to July 1, 2011 to be hired in the program. Eagle Gate reported that Ms. Nordgren will complete her MSN degree May 2012;

however, the resume says May 2013. Clarification will be requested.

Western Governors University: Reviewed and accepted.

Waldin University:

Waldin University is an online APRN program. They make the same request each year, however, last year they did not have any Utah students in the program. Committee members indicated the Division should provide the information from the Rule and indicated there are no changes.

Mountainland Applied Technology,
Report from T.J. Carter:

Ms. Carter provided a list of the tasks a student can and can't do as requested. The document was accepted. The program was also approved to use home health hospice and Aspen Ridge.

Discussion regarding Medication Aide
Certified:

Ms. Brown reported that Wyoming offered the first Medication Aide Course and they took the National exam March of this year. She suggested we contact Wyoming and use them as a resource for this issue. We will need to contact NCSBN to see how we can administer the examination. Next month review all applications for student, facility and school.

Committee members suggested allowing the student to sit for the exam twice, and must take the exam within 6 months of completing the coursework.

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.

May 3, 2012
Date Approved

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

May 3, 2012
Date Approved

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