

244 CMR: BOARD OF REGISTRATION IN NURSING

244 CMR 6.00: APPROVAL OF NURSING EDUCATION PROGRAMS AND THE GENERAL CONDUCT THEREOF

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6.01: Definitions

Accreditation:

Institutional Accreditation means the formal recognition or acceptance of the parent institution by a regional or professional accrediting agency.

Program Accreditation means the formal recognition or acceptance of the nursing education program by a specialized professional accrediting agency recognized as such by the United States Department of Education.

Administrator means the Registered Nurse designated the administrative authority and responsibility for the nursing education program.

Approval Status means the written legal recognition by the Board that a nursing education program is authorized to operate.

Approval with Warning Status means the Board's written notice to a parent institution that the nursing education program has not satisfactorily demonstrated ongoing compliance with 244 CMR 6.04.

Board means the Massachusetts Board of Registration in Nursing.

Board-Recognized Accrediting Agency in Nursing means the accreditation entity which has established criteria by which nursing education programs are voluntarily appraised, and whose criteria are consistent with 244 CMR 6.04.

Board Guidelines means the published written procedural outline for complying with a specific Board regulation related to 244 CMR 6.00.

Change in Governance means the transfer of a Board-approved nursing education program from one parent institution to another.

Chief Executive Officer means the individual designated the administrative authority and responsibility for the parent institution.

CMR means Code of Massachusetts Regulations.

Cooperating Agency means an agency or facility which provides services or clinical resources, or both, which contribute to the achievement of the clinical objectives of the nursing education program.

Curriculum means a planned sequence of course offerings and learning experiences which comprise the nursing education program.

Faculty means the person or body of persons employed within a nursing education program having the responsibility for the development, implementation and evaluation of the program of learning including its services, policies and procedures, student evaluation and curriculum.

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Full Approval Status means the Board's written recognition of a parent institution that the nursing education program has provided satisfactory evidence of its continuous compliance with 244 CMR 6.04.

Initial Approval Status means the Board's written recognition of a parent institution that has been granted Prerequisite Approval status that it has provided satisfactory evidence of its ability to achieve compliance with 244 CMR 6.04. Initial Approval Status is the prerequisite for the admission of students and shall be in effect through the Board's determination of the program's ability to achieve Full Approval Status.

M.G.L. means Massachusetts General Laws.

NCLEX - PN means the National Council Licensure Examination for Practical Nurses, developed by the National Council of State Boards of Nursing.

NCLEX - RN means the National Council Licensure Examination for Registered Nurses, developed by the National Council of State Boards of Nursing.

Nursing Education Program (Program) means the unit within the parent institution which is intended, among other outcomes, to prepare and qualify a graduate to write the NCLEX-RN or NCLEX-PN.

Outcome means measurable performance indicators and shall include, but not be limited to, NCLEX performance, admission, retention and graduation rates, and graduate satisfaction, employment rates and patterns.

Parent Institution means the organization which has the legal authority to operate a nursing education program.

Prerequisite Approval Status means the Board's written notification of a parent institution that it has provided satisfactory evidence of its potential ability to establish a nursing education program complying with 244 CMR 6.04.

Survey means a review of a nursing education program by the Board to determine the program's compliance with 244 CMR 6.04.

6.02: Public Notice of Nursing Education Program Approval Status

The Board shall maintain a list of currently approved nursing education programs. The Board shall notify the chief executive officer of the parent institution in writing within three months of any approval status determination. The Program Administrator shall receive the above notification for Initial, Full and Approval with Warning Status, as well as Withdrawal of Approval.

6.03: Nursing Education Programs Eligible for Approval

Programs eligible for Board approval shall be affiliated with an accredited parent institution and intended, among other outcomes, to prepare and qualify a graduate to write the NCLEX -RN or NCLEX - PN, and shall include:

- (1) Registered Nursing programs granting:
 - (a) a baccalaureate degree
 - (b) an associate degree
 - (c) a diploma of completion from a hospital-based diploma program
 - (d) a certificate of completion from a graduate degree program.
- (2) Practical Nursing programs granting a certificate of completion from a community college, vocational postsecondary school, or hospital.

6.04: Standards for Nursing Education Program Approval

A nursing education program, affiliated with an accredited parent institution seeking Board approval shall comply with the following requirements:

(1) Program Mission and Governance.

- (a) A program shall have a published mission or philosophy and objectives, or goals which shall be consistent with those of its parent institution, or with differences that are justified by the objectives or goals of the program. The program's mission, philosophy and objectives, or goals shall be internally consistent.
- (b) Program faculty, administrators, and students shall participate in the governance of the parent institution and the program, as appropriate, for the accomplishment of the goals of the parent institution and program.
- (c) A program administrator, qualified under 244 CMR 6.04(2)(a), shall be appointed to administer the program on a full-time basis.
- (d) Program faculty shall develop, implement and evaluate policies which are consistent with the policies of the parent institution, or with differences that are justified by the goals of the program.
- (e) Faculty shall develop and implement a written plan for the systematic evaluation of all components of the program. This evaluation shall include the measurement of the outcomes of the program. The results of the evaluation shall be used for the development, maintenance and revision of the program.
- (f) The Board shall be notified immediately in writing of a change in administrative personnel within the program, or a change in the chief executive officer of the parent institution, or both.
- (g) The program shall have a written policy for the maintenance and retirement of school, faculty, student and graduate records.
- (h) The program shall publish its current approval status in its official publication.

(2) Faculty qualifications.

- (a) Administrator. The program administrator shall:
 - 1. hold a current Massachusetts Registered Nurse license in good standing;
 - 2. possess an earned masters degree in nursing or an earned entry level doctorate in nursing;
 - 3. possess a minimum of five years full-time nursing experience, or its equivalent, within the last eight years, with at least three years experience in nursing education; and
 - 4. maintain expertise appropriate to administrative responsibilities.
- (b) Instructor. Faculty teaching either the theoretical or clinical component of a nursing course shall:
 - 1. hold a current Massachusetts Registered Nurse license in good standing;
 - 2. possess an earned baccalaureate degree in nursing or an earned masters degree in nursing for appointment to the faculty of a Practical Nursing program;
 - 3. possess an earned masters degree in nursing, or possess an earned doctorate in nursing, for appointment to the faculty of a Registered Nursing program;
 - 4. possess a minimum of two years full-time experience in nursing, or its equivalent, within the last five years and evidence of clinical competence in the area of clinical instruction; and
 - 5. maintain expertise appropriate to teaching responsibilities.
- (c) Waiver of 244 CMR 6.04(2)(b)3.
 - 1. Before July 1, 1999 programs may apply for a waiver of 244 CMR 6.04(2)(b)3. for the appointment of an instructor who possesses:
 - a. an earned baccalaureate degree in nursing and who is matriculated in a graduate nursing program with an expected graduation date within five years of the waiver; or
 - b. an earned baccalaureate degree in nursing and a related non-nursing graduate degree.
 - 2. The program administrator shall request and complete a waiver on forms supplied by the Board.
 - 3. The Board's review of satisfactory evidence of a potential instructor's academic credentials, including evidence of matriculation in a graduate nursing program, shall serve as the basis for the Board's consideration of a waiver request.
 - 4. A waiver of 244 CMR 6.04(2)(b)3. shall be granted by the Board before appointment.

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(3) Students.

(a) The program shall:

1. require all candidates for admission to provide satisfactory evidence of secondary school graduation, or its equivalent, and compliance with the immunization requirements specified by the Massachusetts Department of Public Health;
2. publish current policies which describe the specific nondiscriminatory criteria for admission, progression, attendance, course exemption, advanced placement, transfer, educational mobility, withdrawal, re-admission, graduation, and student rights and grievances; and
3. provide opportunities for students to regularly participate in the development and evaluation of the program.

(b) Program faculty shall evaluate student achievement of nursing competencies.

(4) Curriculum.

(a) Program faculty shall develop a nursing curriculum plan which shall provide a variety of learning experiences consistent with the program's mission or philosophy and objectives or goals. The sciences, arts, humanities, and foundations of the profession, shall be an integral part of the nursing curriculum plan.

(b) The curriculum shall:

1. extend over a period of time sufficient to provide essential, sequenced learning experiences which enable a student to develop nursing competence. For Practical Nursing programs, this period of time shall be a minimum of 40 academic weeks;
2. be based on an organized pattern of instruction consistent with principles of learning and educational practice;
3. provide instruction in the discipline of nursing, appropriate to the Registered Nurse or Practical Nurse level, across the lifespan and include content relevant to national and local health care needs;
4. be designed in accordance with generally accepted academic standards and credit hours for Registered Nursing programs, and include a minimum of 1080 hours of theory, laboratory and clinical practice for Practical Nursing programs. A minimum of 945 hours shall be allocated to nursing courses in Practical Nursing programs, of which a minimum of 540 hours shall be for clinical experiences; and
5. identify the level of student achievement expected at defined points in the program.

(5) Resources. The allocation of resources shall be appropriate in meeting the goals and outcomes of the program by:

- (a) utilizing an adequate number of full-time and part-time faculty and support personnel;
- (b) determining the student-faculty ratio in clinical practice by the complexity of the educational experience, the student's level of knowledge and skill, and patient needs. The ratio shall not exceed ten students to one faculty member (10:1);
- (c) providing for current and comprehensive learning resources developed with faculty input. These resources shall be available and accessible to students and faculty;
- (d) maintaining appropriately designed and equipped physical facilities;
- (e) managing fiscal resources to maintain the program's financial health; and
- (f) developing written agreements with cooperating agencies utilized as clinical learning sites. Agreements shall be developed and reviewed annually by both program and agency personnel. Agreements shall be current and specific in defining parameters of activities and the responsibilities of the program, the student and the cooperating agency.

6.05: Procedures for the Establishment and Continuing Operation of Nursing Education Programs

The Board shall approve the establishment and continuing operation of nursing education programs. Before the admission of students, a program shall receive both Prerequisite and Initial Approval Status. Thereafter a program shall maintain ongoing compliance with 244 CMR 6.04 to continue operations. Programs seeking Board approval shall adhere to the following procedures:

(1) Prerequisite Approval Status. A parent institution seeking to establish a program shall:

- (a) apply in writing to the Board for Prerequisite Approval Status a minimum of 12 months before

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the proposed date for student admissions to the proposed program;

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- (b) complete the application for Prerequisite Approval Status, including:
 1. the name under which the program shall be operated and which shall be used by the program in all communications;
 2. the rationale for establishing the program and details of the type of program planned, length of the program, and expected opening date;
 3. the philosophy and objectives of the parent institution;
 4. the statute, charter or articles of incorporation authorizing the institution to conduct a program;
 5. evidence of accreditation of the parent institution;
 6. verification of approval of the program by the chief executive officer of the parent institution;
 7. a description of the relationship of the proposed program to the parent institution;
 8. a comprehensive feasibility study which shall include, but not be limited, to the following:
 - a. documentation of the need and demand for such a program in Massachusetts;
 - b. projected impact on other programs in the region where the program has been proposed;
 - c. availability of a qualified program administrator and faculty; and
 - d. source(s) and number of potential students;
 9. names of proposed cooperating agencies, including evidence of their intent to contribute to the achievement of the clinical objectives of the program;
 10. satisfactory evidence provided by the parent institution of:
 - a. adequate support resources including a library, audio/visual resources, classroom(s), laboratory, supplies, equipment, offices, secretaries, and academic counseling;
 - b. adequate financial resources for planning, implementing and continuing the program; and
 11. a timetable for planning and implementing the entire program, including the dates of the appointments of the program administrator and faculty;
- (c) demonstrate compliance with 244 CMR 6.00 through a site survey and verification of information presented in the Prerequisite Approval Status application; and
- (d) provide satisfactory evidence of the appointment of a program administrator qualified in accordance with 244 CMR 6.04(2)(a) at least 12 months before the proposed date for student admissions.

(2) Initial Approval Status. A parent institution which has been granted Prerequisite Approval Status and which seeks Initial Approval Status for a proposed program shall:

- (a) submit an application for Initial Approval Status prepared by the program administrator;
- (b) include in the application a report describing the parent institution's ability to comply with 244 CMR 6.04; and
- (c) secure written Initial Approval Status from the Board before the admission of students.

(3) Full Approval Status. A parent institution which has been granted Initial Approval Status and which seeks Full Approval Status for a program shall:

- (a) apply in writing for Full Approval Status within three months of the publication of the NCLEX performance data of all graduates of the first class. The application shall include a report evaluating the program's ability to maintain on-going compliance with 244 CMR 6.04; and
- (b) seek an annual continuation of Full Approval Status contingent on the Board's yearly review of the program's ongoing compliance with 244 CMR 6.04. This review shall include, but may not be limited to, the program's Annual Report to the Board written on forms supplied by the Board, other reports, correspondence and, as deemed necessary by the Board, site visits.

6.06: Site Surveys of Nursing Education Programs Granted Full Approval Status

(1) Site Survey of Programs. The Board shall conduct an on-site survey of a program granted Full Approval Status for the purpose of monitoring the program's compliance with 244 CMR 6.04(1) through (5). The on-site survey shall be conducted:

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- (a) at least every eight years for programs fully accredited by a Board-recognized national accrediting body for nursing;
 - (b) at least every five years for programs not fully accredited by a Board-recognized accrediting body for nursing;
 - (c) at the discretion of the Board.
- (2) Waiver of 244 CMR 6.06(1)(a).
- (a) The Board may waive its on-site survey based on its review of a written waiver request submitted by the program administrator within three months of the program's receipt of its notice of full accreditation status by a Board-recognized accrediting agency in nursing, and accompanied by:
 - 1. written evidence of the program's full accreditation;
 - 2. the program's report evaluating its compliance with the accreditation standards of the Board-recognized accrediting agency in nursing;
 - 3. the written findings and recommendations of the Board-recognized accrediting agency in nursing based on its review of the program. The Board may request a progress report from the program in response to the recommendation(s) of the accrediting agency; and
 - 4. The program report addressing its compliance with 244 CMR 6.04(1)(g) and (h); (2)(a) and (b); (4)(b)1. and 4.; and (5)(b).
 - (b) The Board shall notify the program administrator of its action on the waiver request.

6.07: Board Approval of Specific Nursing Education Program Changes

- (1) The Board shall approve any of the following program changes before implementation of such change:
- (a) the admission of a minimum of ten additional students;
 - (b) a change in the program's philosophy, goals and/or outcomes;
 - (c) a change in the sequence of the majority of courses offered or a change in the overall program content designed to achieve educational outcomes which may alter the program; or
 - (d) a change in the overall length of the program.
- (2) The program administrator shall submit a written request for Board approval of program changes in accordance with current Board guidelines. The request shall be submitted to the Board a minimum of six months before the planned implementation date.
- (3) The program administrator shall notify the Board of all other program changes when submitting the program's Annual Report to the Board.

6.08: Non-compliance with the Standards for Nursing Education Program Approval

- (1) Review of the Approval Status of a Program. Grounds for Board review of a program's approval status and site visit shall include, but may not be limited to, the following:
- (a) the Board's receipt of information documenting a violation of 244 CMR 6.00;
 - (b) the denial, withdrawal or change of program accreditation by a Board-recognized national nursing accrediting body or institutional accreditation agency;
 - (c) providing false or misleading information to the Board, enrolled students, program applicants, or the public concerning the program;
 - (d) failure to adhere to current Board guidelines;
 - (e) ongoing difficulty in retaining qualified administrators, faculty or both;
 - (f) failure to adhere to the program's stated philosophy, goals, objectives, policies and curriculum plan;
 - (g) failure to provide clinical experiences necessary to meet the objectives of the program; and
 - (h) ongoing annual NCLEX pass rate less than 80% for first-time writers.
- (2) Approval with Warning Status. The Board may determine that a program has failed to satisfactorily comply with 244 CMR 6.04(1) through (5) and warrants the Approval With Warning Status based on a preponderance of the evidence. The Board shall notify the chief executive officer of the parent institution and the program administrator, in writing, of the program's Approval with Warning Status, and of the actions the parent institution and program shall take to come into compliance with 244 CMR 6.04(1) through (5). A Program placed on Approval With Warning Status shall:

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- (a) immediately notify all enrolled students and program applicants in writing, in accordance with established current Board guidelines, of the program's Approval with Warning Status, the basis therefor, and the necessary corrective action(s);
 - (b) correct the deficiencies identified by the Board within 12 months, unless otherwise directed by the Board. Failure to correct the cited deficiencies within the designated time period shall result in the Board's withdrawal of the program's approval status; and
 - (c) inform all program graduates that they remain eligible to write the NCLEX.
- (3) Withdrawal of Approval.
- (a) The Board shall withdraw its approval of a program after notifying the program in writing of its failure to comply with 244 CMR 6.04 and providing an opportunity to correct such deficiencies. Action by the Board to withdraw approval granted a program shall be taken in accordance with M.G.L. c. 112, § 81A. The provisions in M.G.L. c. 112, § 81A specify that:
 - 1. no approval granted by the Board shall be withdrawn unless the Board has conducted an on-site survey visit;
 - 2. the parent institution aggrieved by the withdrawal of approval has an opportunity to petition the Board in writing for a hearing before the Board.
 - (b) The Board shall notify all enrolled students and program applicants upon its withdrawal of a program's approval that they shall not be eligible as graduates of the program to write the NCLEX.
 - (c) The program administrator shall make all reasonable efforts to assist enrolled students in transferring to a Board-approved program.
- (4) Reinstatement of Approval. A program whose approval has been withdrawn by the Board may request reinstatement of approval by following the procedure for obtaining Prerequisite Approval Status as set forth in 244 CMR 6.05.

6.09: Procedure for Change of Governance of Nursing Education Program

The Board shall approve a change in governance before such change may be effective. The chief executive officer of the parent institution shall notify the Board in writing of any anticipated change in institutional governance. The notification shall include, but may not be limited to, documentation satisfactory to the Board which demonstrates:

- (a) all enrolled students and program applicants have been notified in writing of the proposed change and its impact, including cost, possible differences in curriculum, locations of courses and clinical experiences, and financial assistance;
- (b) a plan by the receiving parent institution for the appointment, if needed, of qualified faculty;
- (c) a plan for the orientation of faculty transferred to the receiving parent institution which shall include the receiving institution's philosophy, curriculum and policies;
- (d) the receiving parent institution has established an organizational plan and communicated it to affected personnel;
- (e) the receiving parent institution has been authorized to operate a program by statute or charter;
- (f) the receiving parent institution shall comply with 244 CMR 6.00; and
- (g) the name, title and address of the custodian of the records of the transferred program.

6.10: Procedure for a Change of Nursing Education Program Name

- (1) The legal name of the program on file with the Board shall be used in all references to the program.
- (2) The parent institution shall notify the Board in writing of the new name and its effective date, in the event the name of the program is changed.
- (3) Such notification shall be filed with the Board a minimum of 30 days before the effective date of the name change.

6.11: Procedure for Discontinuance or Termination of an Approved Nursing Education Program

- (1) A parent institution shall submit to the Board written notification of its intent to discontinue or terminate a program. Such notification shall include:
 - (a) the date on which the program shall be terminated or discontinued;
 - (b) the reason(s) for the discontinuance or termination of the program;
 - (c) evidence satisfactory to the Board that all enrolled students and program applicants have been notified in writing of the intention to discontinue or terminate the program, and the date the termination or discontinuance shall be effective;
 - (d) documentation satisfactory to the Board that arrangements have been made by the program administrator for enrolled students to complete their education at another Board-approved program; and
 - (e) the parent institution shall:
 1. arrange for the permanent and secure retention of all graduate records; and
 2. inform the Board in writing of its plan for custody of such records, including the location of all records and the title of the official responsible for maintaining and issuing the records.
- (2) Approval Status for the program shall terminate as of the date on which the last student(s) graduate(s) or transfer(s) from the program.
- (3) The program shall continue to maintain compliance with 244 CMR 6.00 until the effective date of termination of Approval Status.
- (4) The parent institution shall provide for all enrolled students to complete the program or enroll in another program.
- (5) The program administrator shall notify the Board of the date the last student(s) graduate(s) or transfer(s) from the program. The program shall close as of the date on which the last student(s) graduate(s) or transfers from the program.

REGULATORY AUTHORITY

244 CMR 6.00: M.G.L. c. 112, §§ 81A and 81C.

(PAGES 37 THROUGH 40 ARE RESERVED FOR FUTURE USE.)