

TEXAS BOARD OF NURSING

RULES AND REGULATIONS

relating to

NURSE EDUCATION,

LICENSURE AND PRACTICE



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§214.4. Approval.

- (a) The progressive designation of approval status is not implied by the order of the following listing. Approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. Change from one status to another is based on NCLEX-PN® examination pass rates, compliance audits, survey visits, and other factors listed under subsection (b) of this section. Types of approval include:
- (1) Initial Approval.
 - (A) Initial approval is written authorization by the Board for a new program to enroll students, is granted if the program meets the requirements and addresses the recommendations issued by the Board, and begins with the date of the first student enrollment.
 - (B) The number of students to be enrolled while the program is on initial approval is determined by the Board, and the requirements will be included in the Board's Order approving the program.
 - (C) Change from initial approval status to full approval status cannot occur until the program has demonstrated compliance with this chapter, has met requirements and responded to all recommendations issued by the Board, and the NCLEX-PN® examination pass rate is at least 80% after a full examination year. In order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.
 - (2) Full Approval.
 - (A) Full Approval is granted by the Board to a vocational nursing education program that is in compliance with all Board requirements and has responded to all Board recommendations.
 - (B) Only programs with full approval status may initiate extension programs and grant faculty waivers.
 - (3) Full with warning or initial approval with warning is issued by the Board to a vocational nursing education program that is not meeting the Board's requirements.
 - (A) A program issued a warning will receive written notification from the Board of the warning and a survey visit will be conducted.
 - (B) Following the survey visit, the program will be given a list of identified areas of concern and a specified time in which to respond with a set of corrective measures. Further, in order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.
 - (4) Conditional Approval. Conditional approval is issued by the Board for a specified time to provide the program opportunity to correct any areas of concern identified by the Board or from findings in the program's self-study report.
 - (A) The program shall not enroll students while on conditional status.
 - (B) The Board may establish specific criteria to be met in order for the program's conditional approval status to be changed.
 - (C) Depending upon the degree to which the Board's requirements are currently being or have been met, the Board may change the program's approval status or may withdraw approval. In order to ensure the continuing success of the program, the Board may, in its discretion, impose any restrictions or conditions it deems appropriate and necessary for continued operation and/or as a condition for changing the approval status.
 - (5) Withdrawal of Approval. The Board may withdraw approval from a program which fails to meet the Board's requirements within the specified time. A program may also elect to voluntarily close a program, as provided for in subsection (c)(12) of this section. The director/coordinator shall submit a plan for closure according to Board Education Guideline 3.1.7 available at <https://www.bon.texas.gov> and outlined in subsection (d) of this section.
 - (6) When a program closes by Board action or voluntary decision, the program will be removed from the list of Board approved vocational nursing education programs, but students may complete the program in teach-out.
- (b) Factors Jeopardizing Program Approval Status.
- (1) When a program demonstrates non-compliance with Board requirements, approval status may be changed, approval may be withdrawn, or the Board, in its discretion, may impose restrictions or conditions it deems appropriate and necessary. In addition to imposing restrictions or conditions, the Board may also require additional monitoring of the program. Board monitoring may include the review and analysis of program reports; extended communication with program directors; and additional survey visits. A monitoring plan may require the submission of quarterly reports of students' performance in courses and clinical learning experiences; remediation strategies

and attrition rates; and reports from an assigned mentor to the program director. Additional survey visits by a Board representative may be conducted at appropriate intervals to evaluate the status of the program. The Board may alter a monitoring plan as necessary to address the specific needs of a particular program.

- (2) A change in approval status, requirements for restrictions or conditions, or a monitoring plan may be issued by the Board for any of the following reasons:
 - (A) deficiencies in compliance with the rule;
 - (B) substantiated student complaints;
 - (C) noncompliance with school's stated philosophy/mission, program design, objectives/outcomes, and/or policies;
 - (D) failure to submit records and reports to the Board office within designated time frames;
 - (E) failure to provide sufficient variety and number of clinical learning opportunities for students to achieve stated objectives/outcomes;
 - (F) failure to comply with Board requirements or to respond to Board recommendations within the specified time;
 - (G) student enrollments without resources to support the program, including sufficient qualified faculty, adequate educational facilities, and appropriate clinical affiliating agencies;
 - (H) failure to maintain an 80% passing rate on the licensing examination by first-time candidates;
 - (I) failure of program director/coordinator to verify the currency of faculty licenses; or
 - (J) other activities or situations that demonstrate to the Board that a program is not meeting Board requirements or lacks institutional control necessary for successful student outcomes.
- (c) Ongoing Approval Procedures. Ongoing approval status is determined biennially by the Board on the basis of information reported or provided in the program's NEPIS and CANEP, NCLEX-PN® examination pass rates, program compliance with this chapter, and other program outcomes. Certificates of Board approval will be sent to all Board-approved nursing programs biennially in even-numbered years.
 - (1) Compliance Audit. Each approved vocational nursing education program shall submit a biennial CANEP regarding its compliance with the Board's requirements.
 - (2) NCLEX-PN® Pass Rates. The annual NCLEX-PN® examination pass rate for each vocational nursing education program is determined by the percentage of first time test-takers who pass the examination during the examination year.
 - (A) A minimum of eighty percent (80%) of first-time NCLEX-PN® candidates is required to achieve a passing score on the NCLEX-PN® examination during the examination year.
 - (B) When the passing score of first-time NCLEX-PN® candidates is less than 80% on the examination during the examination year, the nursing program shall submit a Self-Study Report that evaluates factors that may have contributed to the graduates' performance on the examination and a description of the corrective measures to be implemented. The report shall comply with Board Education Guideline 3.2.1 available at <https://bon.texas.gov>. Within one year of the submission of the Self-Study Report to the Board, the program shall provide to Board Staff evaluation data on the effectiveness of corrective measures implemented.
 - (3) Change in Approval Status. The progressive designation of a change in approval status is not implied by the order of the following listing. A change in approval status is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. A change from one approval status to another may be determined by program outcomes, including the NCLEX-PN® examination pass rates, compliance audits, survey visits, and other factors listed under subsection (b) of this section.
 - (A) A warning may be issued to a program when:
 - (i) the pass rate of first-time NCLEX-PN®, candidates, as described in paragraph (2)(A) of this subsection, is less than 80% for two (2) consecutive examination years; or
 - (ii) The program has been in violation of Board requirements.
 - (B) A program may be placed on conditional approval status if:
 - (i) the pass rate of first-time NCLEX-PN® candidates, as described in paragraph (2)(A) of this subsection, is less than 80% for three (3) consecutive examination years;
 - (ii) the faculty fails to implement appropriate corrective measures identified in the Self-Study Report or survey visit;
 - (iii) the program has continued to engage in activities or situations that demonstrate to the Board that the program is not meeting Board requirements and standards or lacks institutional control necessary for successful student outcomes; or
 - (iv) the program persists despite the existence of multiple deficiencies set forth in subsection (b) of this section.
 - (C) Approval may be withdrawn if:
 - (i) the performance of first-time NCLEX-PN® candidates fails to be at least 80% during the examination year following the date the program is placed on conditional approval;