



Janet Napolitano
Governor

Joey Ridenour
Executive Director

Arizona State Board of Nursing

EDUCATION ADVISORY COMMITTEE MINUTES May 31, 2007

MEMBERS PRESENT:

Kathy Malloch, Chair, PhD, RN, MBA
Constance Woulard, Co-Chair, RN, MSN
Sherrie Beardsley RN, MBA/HCM
Joyceen S. Boyle PhD, RN
Sally Doshier, EdD, RN, CNE
Terry Duffy, RN, MN, CDE
Rita Jury, MSN, CPHQ, RN
Ela-Joy Lehrman PhD, RN
Marty Mayhew RN, MSN
Linda Riesdorff RN, MS, DON
Cheryl Roat RN, MSN
M. Kitty Rogers, MS, RN
Brian Stewart, MSN, BSN, BFA, RN
Sandra Truelove, BS, MA, MBA

BOARD STAFF ATTENDING:

Pam Randolph, Associate Director, Education

MEMBERS ABSENT:

Kathleen Ellis, RN, MSN
Mary Killeen, PhD, RN
Jo A. Podjaski, MSN, OCN, RN
Margaret Souders, MS, RNC, CNS
Jane Werth, MS, RN
Marilyn Whitenton, RN, MSN

GUESTS PRESENT

Gail Baumlein, Chamberlain College
Susan Belshe, EVIT
Rebekah Benson, EVIT
Susan Groenwald, Chamberlain College
Kathy Modene, Chamberlain College
Vicki Mudra, Chamberlain College
Dr. Doug Price, EVIT
Betty Shockey, EVIT
Beth Zavidge, Student

1. CALL TO ORDER/OPENING REMARKS/INTRODUCTIONS

The Education Advisory Committee meeting was called to order by Kathy Malloch at 9:30 a.m.

2. APPROVAL OF MINUTES – APRIL 20, 2007

Doshier moved and Roat seconded to approve the April 20, 2007 minutes without correction. Motion carried unanimously.

3. INFORMATION/POLICY

A. Use of Social Security Numbers as an Identifier

Randolph stated that this item was placed on the agenda in response to a Committee request. Committee members were given the Board policy on release of information and articles regarding biomedical identification. A review of the information found that the use of biomedical identification rather than social security numbers for the AZBN licensing database is not feasible. Several steps, however, are taken to insure that social security

numbers are not released. All documents being released that contain dates of birth and/or social security numbers have that information redacted. As a result of this research a section will be added to application instructions that will inform applicants that the Board has the legal authority to collect social security numbers, which are used as identifiers with the assurance that the social security numbers are considered confidential. Randolph noted a recent Board decision that does not allow for a search of the licensing data base by social security numbers to prevent anyone from randomly entering in social security numbers and coming up with a match.

Malloch stated that at the National Council Board level, one of the strategic initiatives for 2007-2009 involves developing a national data base for nurses that would have unique identifiers. Malloch will keep the Committee informed.

B. Licensure of Faculty in Distance Non-Clinical RN to BSN or Graduate Programs

Randolph addressed the Committee regarding the issue of licensure of faculty in a non-regulated distance nursing programs where the faculty is not teaching a clinical course and is teaching a non-regulated program. Randolph shared a legal memorandum regarding issues of faculty licensure in distance programs with the sub committee assembled to address this issue (Dr. Sally Doshier, Ms. Pam Fuller, Ms. Cheryl Roat, and Ms. M. Kitty Rogers). Randolph reviewed the questions the subcommittee asked and the Board responses they received:

Is teaching a non clinical didactic nursing course considered nursing practice? According to A.R.S. §32-1601-13, teaching nursing knowledge is part of the definition of professional nursing, therefore we would contend that teaching is practicing nursing. Also, teaching is an activity that qualifies as practice for the purposes of licensure renewal under R4-19-312 (the requirement to practice nursing 960 hours in 5 years to renew.) To declare that teaching a non-clinical course is not nursing may seriously affect a faculty member's ability to renew their license in our state.

Where is the nurse practicing – at the employer site or in the state where the knowledge is generated? Because the nurse is transmitting the knowledge from a site in a remote state is the nurse practicing in that state, rather than the state of the employer? The Board staff would contend that the point of delivery to the student is where the practice is occurring. If the nurse is transmitting directly from her personal website to the student, then an argument could be made that the nurse is practicing from her home state. However in distance programs the material is distributed from a nurse to a home state to a website located in another state and then to the student, whom may reside in a third state. The Board would contend that the nurse is traveling by remote means to the state where the program is located and practicing nursing in that state. The practice of nursing does not require the physical presence of the nurse.

Can the faculty member use the initials RN in Arizona if not licensed in Arizona? No. ARS § 32-1636 restricts use of the title to those licensed in Arizona or those holding multi-state compact licenses.

Do all states have the same qualifications for licensure? Many states do not have "core requirements" for licensure. For example California

licenses individuals who have not completed a nursing program and allows for "challenges" to the licensure requirements. Some states license nurses without passing the NCLEX[®] exam such as nurses educated in Canada or Puerto Rico. Arizona also has a "felony bar" statute which many other states do not have. While licensure is similar in all jurisdictions, not every person licensed in one jurisdiction could obtain licensure in another.

If the nurse provides teaching from a program in Arizona, where would the student/consumer/public assume that he or she is licensed? Unless the state of licensure were specifically stated for every faculty member each time the RN credential was used, the consumer would most likely assume that the nurse was licensed in the state of origin of the program.

What are the potential barriers to requiring licensure in Arizona? Some faculty members may not meet core requirements for licensure, which includes the nursing program criminal background screening, and passing NCLEX[®]. The more significant barrier would be expense and time involved in completing the application. Current fees for licensure by endorsement are \$193.00, which includes the fingerprint fee. Other expenses would include rolling the fingerprints which is approximately \$10-20. Nurses with compact licenses would of course be authorized to practice in Arizona on the compact license. Established distance nursing programs questioned whether this policy would limit their ability to recruit recognized experts from other states to teach online courses.

What is the regulatory benefit to requiring licensure in Arizona? Faculty members could legally use the RN title and the public would be assured that faculty members meet core licensure requirements. Any complaints received could be promptly investigated. Licensure of faculty validates the Board's stance that teaching nursing is the practice of nursing and that the state of origin of the program is the worksite of the faculty. This stance is consistent with the National Council of State Boards of Nursing model rules.

Since the Board of nursing has not rendered an opinion on this matter, will the Board allow a period of time for existing Arizona distance nursing programs to achieve compliance? This matter is being explored with the Board's legal staff and attorney generals.

Committee members discussed allowing a six month time frame for obtaining temporary licenses. Randolph noted that the time frame for obtaining a temporary license is between 48 hours and two weeks.

The memorandum will go to the Board at the July 2007 meeting.

C. Proposed Revisions to Facility Availability Form

Randolph stated that Jane Werth offered suggestions for improving the current facility availability form. Draft changes to the facility availability form included placement availability verification, list of programs offered placement and later denied, and the signature of the clinical student placement coordinator. Randolph noted that a program cannot be approved without proof of clinical availability.

Committee members discussed the ongoing practice of facility representatives signing the form and not knowing whether or not clinical spaces were available; subsequently resulting in the facility denying student groups. Members saw the necessity of have the student placement coordinator attest to placement availability. Members did not want programs offered placement and later denied included on the form. Members asked that the student placement coordinators be listed specifically as a nursing clinical placement coordinator as some agencies have more than one coordinator. Randolph will revise the form to reflect changes.

Committee members expressed concern regarding agencies signing forms for programs submitting proposal applications. Students would not be ready for the contracted clinical placement for up to two years. Members stated that agencies may want to accommodate students but may not have available placements one to two years later.

Motion: Accept clinical availability form as amended.

Moved: Ms. Sherrie Beardsley

Seconded: Dr. Ela-Joy Lehrman

Discussion: None

Vote: Motion carried unanimously.

D. Notice of Proposed Rulemaking Articles 1 and 4 and R4-19-206 and R4-19-814

Randolph addressed the Committee stating that Articles 1 and 4 are being revised. Committee members reviewed rule revisions and offered input and suggestions. Members discussed definition of terms; the use of the words client, patient, or resident used throughout the document; contact hours; use of the term professional; RN delegating and LPN scope of practice. New definitions for proposal approval, provisional approval and preceptor were included. The definition for nursing program faculty will be changed to an individual *supervised* by the parent institution. Items defined in statute were eliminated to reduce confusion. New rules include Board Ordered Evaluations and Right to Examine and Copy Evidence. The time frame for investigations has been decreased to remain consistent with the Board goal of board to complete cases within six months. Proposed rulemaking will be reviewed by the Scope of Practice Committee.

E. Report on Refresher Programs

Randolph provided detailed information on the status of Board approved refresher courses. Randolph will present the information to the Board at the July 2007 meeting as information only. Committee members suggested the information be placed in the 3rd Quarter Journal.

A formal vote was not taken.

4. Applications for Program Change

A. Mohave Community College

Education Advisory Committee Member Linda Riesdorff recused herself from this portion of the agenda.

Mohave Community College Representative Present: Ms. Linda Riesdorff

Randolph stated that Mohave Community College submitted an application for program change to change the terminology in the Mohave Community College mission and goals statements. Committee members did not note any substantial changes.

Motion: Recommend approval.

Moved: Ms. Pamela Randolph

Seconded: Ms. Marty Mayhew

Discussion: None.

Vote: Motion carried.

Committee members agreed that because the Committee has no purview over minor changes to mission statements; applications for program change should come before the Education Advisory Committee only if the language change would result in a curriculum change.

5. APPLICATION FOR PROPOSAL APPROVAL

A. Chamberlain College BSN, ASN, ASN Online

Chamberlain College Representative Present: Susan L. Groenwald, President, Chamberlain College of Nursing; Gail Baumline, Campus Administrator; Kathy Modene, Director of Accreditation and Licensing; Vicki Mudra, National Clinical Coordinator

Randolph distributed additional documents which included a summary document dated May 23rd, and a document from the Missouri Board. Chamberlain College distributed a printout of the presentation offered by Ms. Groenwald.

Randolph stated that when an existing program in another state seeks to establish a program in Arizona, the NCLEX[®] pass rate is reviewed to see if it meets Arizona rule requirements. If the program does not meet rule requirements a recommendation to improve pass rates and return to the Board is made. Randolph conducted a courtesy review of the proposal applications and attempted to verify reported NCLEX[®] pass rates. Questions remain regarding the online program proposal and faculty supervision.

Chamberlain College representative, Susan Groenwald offered a presentation to the Education Advisory Committee that sought to address questions and concerns raised in a memorandum from Randolph. The presentation included information regarding NCLEX[®] RN pass rates, the source of the data, and an explanation for discrepancies reported to the Arizona State Board of Nursing; an Associate of Science in Nursing cohort analysis; NCLEX[®] RN Passage Rate Improvement Plan which will include: leadership and personnel changes, SOS Program (Success on State Boards Program), admission and progression requirements, NCLEX[®] preparation, and a revised curriculum; ASN Clinical Experiences, and Online ASN student clinical validation. Groenwald stated that NCLEX[®] pass rates came from two sources, Missouri State Board of Nursing and National Council of State Boards of Nursing (NCSBN). The pass rates are different because NCSBN is on an annual basis (January to December), whereas Missouri Board of Nursing reports on an academic calendar between July and June. Groenwald maintained that Chamberlain College had no intention to deceive anyone with regard to pass rates as they are public information. Chamberlain College wanted to impart to the Education Advisory Committee that the pass rate published does not reflect the current program or the program being presented for the state of Arizona. Groenwald acknowledged problems with the associate degree program, and reported that a number of

significant changes have been made including: leadership and personnel changes; SOS program integrated into the beginning of the course and not just at the end; admission and progression requirements (76% average on exams now required); implementation of Assessment Technologies Institute LLC (ATI) content mastery tests; enforcement of admission requirements; ATI exit exam increased from 66% to 70%; remediation, basic testing skills, and tutoring for students; implementation of Kaplan review as a requirement; revision of the Associate Degree program which was approved by the Missouri Board in December 2006 which will be implemented in July of 2007; and the revision of test questions to add synthesis skills in preparation for NCLEX®. The aforementioned changes have been incorporated into the program for Arizona.

Groenwald addressed the clinical experience practice questions raised in Randolph's memorandum stating that required clinical time experiences in the associate degree program are the same for both the online and on-site delivery options. Associate degree program students within a metropolitan area of campus do clinical in traditional clinical groups with a masters prepared instructor (ratio of 1:8-10). Students outside of the metropolitan area work with a nurse preceptor one-on-one under the direction of a masters prepared faculty member on staff. The nurse preceptor does not have clinical groups. The faculty member is in direct communication with the nurse preceptor, and is responsible for evaluating and grading student. In the hybrid program, are students required to come to campus once during the semester to undergo skills validation – laboratory experience prior to students working with a clinical instructor. Validation is required for all online students outside of the metropolitan area. Mudra added that Chamberlain College has a pilot in Illinois that utilizes regional clinical groups or clustering. There are three Tucson facilities interested in the model. Clinical contracts have not yet been acquired. Chamberlain is taking alternative times, and faculty practice models into consideration.

Malloch opened the floor to Committee members for questions on the associate degree program. Requests for further information, clarity, and questions and comments from Committee members present and those submitted by Education Advisory member Mary Killeen to be read in her absence included the following:

- alternate learning sites
- acute care clinical placements; alternate times; faculty support
- 50 mile radius map does not include all nursing program sites
- scope of practice (consistency)
- BSN nurses as faculty; why inactive nurses are considered excellent faculty; faculty licensure
- enrollment expectations
- RN-BSN total enrollment
- figure or table to show progression of each cohort from admission to completion and overlap of cohorts to understand total projected total enrollments in order to assess appropriateness of resources
- table of pass rates by cohorts for the past two years
- NCLEX data
- faculty location for online students
- ratio of faculty to online students
- organizational charts; role(s) of campus dean; evaluation of faculty
- safety in preceptorships
- clinical supervision
- differentiation of clinical simulation versus practice of clinical skills
- evidence generated for use of clinical simulation
- not enough information to support 270 students (90 students)
- input from other schools

Malloch suggested Chamberlain College make appropriate changes, incorporate recommendations from the Committee and return to the Education Advisory Committee for a second review. Members found that the application for proposal approval did not provide evidence sufficient enough for a recommendation for approval.

Motion: Table item to allow Chamberlain College to address the questions from the Education Advisory Committee.

Moved: Dr. Kathy Malloch

Seconded: Dr. Joyceen Boyle

Discussion: NCLEX data for all programs

Vote: 13 aye; 1 abstention

6. **SITE VISIT REPORT EAST VALLEY INSTITUTE OF TECHNOLOGY**

East Valley Institute of Technology Representative Present: Betty Shockey, Director Practical Nursing Program; Rebecca Benson, Instructor Practical Nursing Program; Dr. Doug Price, Campus Director; Susan Belshe, Instructor Practical Nursing Program

Randolph addressed the Committee stating that in 2006 East Valley Institute of Technology submitted an application for proposal approval for a practical nursing program. The proposal was for approximately fifty (50) students. The Education Advisory Committee recommended approval of the application limiting enrollment to ten (10) students, with a site visiting in the following year of operation. The site visit was conducted by Randolph and Pam Raman. The site visit showed the program to be operating well. The application requests an increase of thirty (30) students which will improve financial viability and provide enough candidates to obtain reliable NCLEX[®] pass rates.

EVIT Representative Betty Shockey introduced instructor Susan Belshe, RN BSN MEd and campus director Dr. Doug Price to the Committee. In response to Committee questions, Shockey provided clarification on projected student enrollment. Shockey stated that EVIT's goal is to have 10 high school students and 20 evening students, which will be supported by 2 instructors.

Motion: Recommend Board continue provisional approval and allow school to increase enrollment to 30 students.

Moved: Dr. Joyceen Boyle

Seconded: Ms. Marty Mayhew

Discussion: None.

Vote: Motion carried unanimously.

7. **NCLEX**

A. **Quarterly Reports**

Randolph included the NCLEX[®] quarterly reports for the Committee's information. Those programs with low pass rates have already submitted plans of correction to the Board. Some programs with low pass rates had too few students testing to warrant any action by the

Committee. Riesdorff shared with the Committee the steps that Mohave Community College is taking to increase NCLEX[®] pass rates.

Malloch noted the pass rates for South Korea (61%) and the Philippines (54%). Ongoing investigations have determined that the Philippines breach involved cheating. Approximately 80/100 test questions were compromised on the Philippine exam. The South Korean breach involved test security. Malloch stated that a lot is being learned about international testing, test sites and vendors.

B. Response to Low Pass Rates

i. Northland Pioneer College

Randolph stated that Northland Pioneer College (NPC) submitted a response to reported low pass rates. The response was comprehensive and sufficiently addressed areas of concern, which enables NPC to remain compliant with the Committee request for periodic reports as a result of NPC's last site visit.

No formal vote was taken

ii. International Institute of the Americas – Ethel Bauer School of Nursing

Randolph stated that Dr. Sue Roe recently accepted an appointment as interim administrator of the program. In response to low pass rates for the Ethel Bauer School of Nursing, Dr. Roe submitted a Plan of Action that outlined short-term actions, mid-term actions, and long-term actions. Curricular changes made did not change the overall length of the nursing program.

No formal vote was taken

8. SELF-REPORT OF RULE VIOLATION – INTERNATIONAL INSTITUTE OF THE AMERICAS ETHEL BAUER SCHOOL OF NURSING

Dr. Roe self-reported a violation of R4-19-204(E). International Institute of the Americas hired a faculty member who is one month away from obtaining a master's degree. This faculty member was the most qualified person to cover for an unexpected faculty resignation at the time. In the past, the Board has allowed programs a period time to become compliant before issuing a Notice of Deficiency. If confirmation of compliance with R4-19-204(E) is not received by July 1, 2007 the matter will be taken to the July 2007 Board meeting.

No formal vote was taken.

9. BOARD and MEMBER UPDATES

Randolph opened by stating that facilities participating in the Medication Technician Pilot Study Project have been given a deadline of July 1, 2007 to begin training and have technicians working by October 1, 2007. Two facilities have not yet started training. Applications for program change for Baptist Health Systems, Arizona Western College, and Northland Pioneer College were approved. Recommendation for continued approval for Pima Community College was finalized and approved. Everest College was granted provisional approval. The complaint against Rio Salado College was dismissed. The Board received information regarding Dr. Roe taking a position as interim program administrator at International Institute of the Americas – Ethel Bauer School of

Nursing. The Board received a five-year rule review progress report and reviewed Articles 1 and 4 and R4-19-206 and R4-19-814 and voted to open the docket.

10. DEBRIEFING ON TODAY'S MEETING

Committee members enjoyed reviewing rule making items and found agenda item discussions interesting. Revisions to the clinical availability form will be helpful for the Committee to make decisions. Members appreciated having program representatives addressing the Committee being moved forward on the agenda.

Malloch announced that Dr. Joyceen Boyle will be leaving the Education Advisory Committee. Boyle stated that she enjoyed her service on the committee.

11. CALL TO THE PUBLIC

Malloch welcomed master's degree student Beth Zavidge, who asked the Committee if students work under the license of the RN training the student. Randolph maintained that only the nurse that owns the license may work under that license. It is unprofessional conduct to allow someone to work under your license. A student is able to practice nursing without a license because there is a specific exemption for students in the Nurse Practice Act under Article 2. Students, when duly enrolled in a program and under the supervision of faculty can practice without a license. However, this exemption does not extend to externships.

12. FUTURE MEETING TOPICS/DATES

Future Meeting Dates: Friday, August 3, 2007

13. ADJOURNMENT

There being no further business Malloch adjourned the meeting at 1:14 p.m.

MINUTES SUBMITTED/APPROVED BY:



Signature

:kbg