WEST virginia legislature

2023 regular session

Introduced

Senate Bill 684

By Senators Grady and Rucker

[Introduced February 20, 2023; referred  
 to the Committee on Health and Human Resources]

A BILL to amend and reenact [§30-7-5](http://wvlegislature.gov/wvcode/chapterentire.cfm?chap=16&art=13A&section=3#01)  of the Code of West Virginia, 1931, as amended, relating to schools of nursing achieving board approval and maintaining nursing board standards and accreditation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. Registered professional nurses.

§30-7-5. Schools of nursing.

(a) An institution, desiring to be approved by the board for the preparation of practitioners of registered professional nursing, shall file an application with the board with the information required. It shall submit written evidence that:

(1) It is prepared to give a program of nursing education which meets the standards prescribed by the board;

(2) It is prepared to meet all other standards prescribed in this article and by the board; and

(3) Annual reports designated by the board shall be submitted.

(b) If the board determines that any such nationally accredited or board approved school is not maintaining the standards required, the board shall immediately notify the nationally accredited or board approved school of this, in writing, specifying the defect or defects. A school which fails to correct these conditions to the satisfaction of the board, within a reasonable time, shall be removed from the list of approved schools.

~~(b)~~ (c) A nursing program is determined to be board approved if the program is accredited by a national nursing accrediting agency recognized by the United States Department of Education. The accreditation is considered board approved and is exempt from board rules that require ongoing approval if the school or program maintains this accreditation.

~~(c)~~ (d) ~~By July 1, 2022, all~~ All nursing programs shall be accredited by a national accrediting agency recognized by the United States Department of Education. A program ~~created after July 1, 2018~~ shall have 5 years from graduation of the first cohort to obtain accreditation by a national nursing accrediting agency recognized by the United States Department of Education.

~~(d)~~ (e) The board may require information concerning the nursing program to be reported to the board by legislative rule. The requested information shall be consistent with information already being collected by the schools which is required to maintain the program’s accreditation or approval.

~~(e)~~ (f) ~~The board shall approve a new nursing program until the program is accredited by a national nursing accrediting agency recognized by the United States Department of Education~~ Quality indicators for evaluation of a nursing education program include:

(1) Accreditation by a national nursing accrediting agency recognized by the United States Department of Education;

(2) No major organizational leadership change including the nursing administrator/director;

(3) Clinical simulation as a substitute for traditional clinical experiences does not to exceed 50 percent of its clinical hours;

(4) Sustains stable faculty;

(5) Graduation rate of 70 percent or higher; and

(6) NCLEX-RN pass rates which are at least 80 percent for first-time test-takers in the last calendar year.

(g) Program visits to a nursing pre-licensure program may be conducted if:

(1) There are complaints from students, faculty, and clinical agencies;

(2) Turnover of program administrators, is defined by more than 3 in 5 years;

(3) There are frequent nursing faculty turnover or cuts in numbers of nursing faculty;

(4) There is a decreasing trend in NCLEX pass rates, based on the Board’s NCLEX pass rate standard;

(5) The graduation rate is below 70 percent, or

(6) The clinical simulation as a substitution for traditional clinical experience exceeds 50 percent.

(h) The board may grant conditional approval when it determines that a program is not fully meeting quality indicators and standards.

(i) If the board determines that an approved nursing education program is not meeting the criteria set forth in this subsection, the nursing program shall be given a reasonable period to submit an action plan and to correct the identified program deficiencies.

(j) The board shall withdraw approval if, after proper notice and opportunity, it determines that a nursing education program fails to meet the standards and a nursing education program fails to correct the identified deficiencies within the time specified.

(k) A program denied approval or given less than full approval may appeal that decision. All such actions shall be in accordance with due process rights.

(l) The board may reinstate approval if the program submits evidence of compliance with nursing education standards within the specified time frame.

(m) A nursing education program may be closed due to withdrawal of board approval or may close voluntarily.

(1) Provisions shall be made for maintenance of the standards for nursing education during the transition to closure;

(2) Arrangements shall be made for the secure storage and access to academic records and transcripts;

(3) An acceptable plan is developed for students to complete a board approved program; and

(4) Confirmation, in writing, shall be provided to the board that the plan has been fully implemented.

NOTE: The purpose of this bill is to provide that quality indicators for evaluation of a nursing education program be defined, describe when program visits to a nursing pre-licensure program may be conducted, granting of conditional approval by the board, and actions if the school closes.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.