

Regulation of Distance Nursing Education Programs: One University's Experience

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The 2010 U.S. Department of Education Regulation on Program Integrity has significantly impacted all nursing programs using online education to reach students outside their state by adding substantial reporting requirements. Without a national clearinghouse for state authorization information, these nursing programs had to develop their own strategies. Administrators must understand the State Authorization Reciprocity Agreement and individual state requirements and expend significant resources in staff time and application fees to comply with regulatory requirements. The purpose of this article is to describe one university's experience with the processes and challenges associated with obtaining state authorization for three online nursing programs accredited by the Commission on Collegiate Nursing Education.

Keywords: Distance education, nursing education, nurse licensure compact, state authorization reciprocity agreement

With the rapid growth of online nursing education programs, federal and state policy makers have taken an interest in protecting consumers and ensuring program integrity and quality. The combination of rapid growth and new consumer protection procedures has created compliance challenges for nursing programs offering online education that includes both didactic and clinically based courses. This article describes the experience of the nursing program at University of Colorado Colorado Springs (UCCS) with the processes and challenges associated with obtaining state authorization for three online nursing programs accredited by the Commission on Collegiate Nursing Education (CCNE).

Regulations and Standards

Since the early 20th century, nursing education programs have been regulated by boards of nursing (BONs) and state agencies (departments of education [DOEs] in some states). Regional and program accrediting agencies (such as CCNE) also provide standards for these programs. Federal oversight began October 29, 2010, when the U.S. Department of Education (USDOE) (34 CFR (B)(VI)(668)(F)) issued the regulation designed to address program integrity issues for distance education programs offered across state lines ("Program integrity issues," 2010). Numerous questions arose after the release of the initial USDOE regulations, and institutions of higher education became concerned that meeting the new guidelines by the proposed deadline would not be feasible, putting programs and enrolled students in jeopardy. Thus, a subsequent "Dear Colleague letter" (U.S. Department of Education, 2011) was released that required

institutions to continue making good faith efforts to obtain state authorization for distance education programs but imposed no deadline for obtaining such authorization. The USDOE also stated that it would not serve as a clearinghouse for individual state requirements. Thus, each state developed its own regulations for state authorization independently, requiring each distance education program to obtain the needed information from each state.

Many public institutions of higher education have been especially burdened by the marked increase in workload needed to meet individual state authorization requirements in a time of lower state funding and efforts to limit tuition increases. Further, individual BONs and DOEs have been burdened by the requests for information about their state's authorization requirements from individual educational programs. A solution was needed to streamline state authorizations across the nation and to promote efficiency for state agencies and educational institutions. To that end, a process was developed to establish reciprocity or interstate agreements whereby assurances are made that certain policies and procedures are established that relate to the provision of distance education across state lines (WICHE Cooperative for Educational Technologies, 2015).

State Authorization Reciprocity Agreement

As a consequence of the cumbersome, fragmented, and costly situation, most states have become part of a consortium called the State Authorization Reciprocity Agreement (National Council for State Authorization Reciprocity Agreements [NC-SARA],

2015). To date, all but 13 states are members (NC-SARA, 2015).

The State Authorization Reciprocity Agreement (SARA) is administered by four regional education compacts that develop policies to serve higher education stakeholders in their region: the Midwestern Higher Education Compact, the New England Board of Higher Education, the Southern Regional Education Board, and the Western Interstate Commission for Higher Education (NC-SARA, 2015). Any degree-granting postsecondary educational institution that is accredited by an agency recognized by the U.S. Secretary of Education may apply to be a member of SARA. Annual dues are based on total student enrollment and support SARA at the regional and national levels (Longanecker & Hill, 2014). The National Council for State Authorization Reciprocity Agreements (NC-SARA) ensures that the regional compacts work together for national solutions to the state authorization challenges (Miller, 2015).

Additional Challenges for Nursing Programs

For nursing programs, however, the challenge of navigating the requirements of individual BONs remains because SARA does not address professional licensing board approvals required by nursing, education, and psychology, for example (Longanecker & Hill, 2014). BONs in all states require approval of prelicensure programs. Some states also approve postlicensure programs. Military installations, which UCCS utilizes as clinical sites to support military and military spouse students, have requirements and follow regulations adopted by the USDOE (Lorenzetti, 2015).

A distance education nursing program must meet requirements whether it has a physical presence in a state or not. According to the NC-SARA (2015), one definition of *physical presence* is operating a campus, branch, or administrative office within the boundaries of a state. Nursing student clinical experiences constitute an ongoing, organized educational activity of at least 45 hours in the university’s program, which meets the definition of physical presence. Advertising a program in a print medium—for example, a newspaper delivered to all registered nurses (RNs) in the state—is not physical presence if the state belongs to SARA. When educators travel to another state to provide an onsite evaluation of the student, physical presence is triggered. The NC-SARA website highlights additional examples (<http://nc-sara.org/about/physical-presence-standard>). In states that do not belong to SARA, programs offering distance education may need to follow other rules regarding physical presence.

TABLE 1 Online Education: Academic Challenges Delivering high-quality online education poses challenges beyond those associated with obtaining states’ authorization for a nursing program. Some challenges reported in the literature—and consistent with the University of Colorado Colorado Springs’s (UCCS) experience—include the following: • Making the time to prepare the virtual classroom (recording lecturers and uploading content) • Facilitating student engagement without visual or verbal cues in communication • Dealing with copyright and lack of technology staff support or training • Overcoming the lack of pedagogical background needed for online teaching (Lloyd, Byrne, & McCoy, 2012). To address these challenges, UCCS (2016) developed a faculty resource center with instructional technology and course design specialists whose mission is to “provide faculty with the instructional resources and support to explore and implement innovative teaching practices.” The center provides consultation to faculty, training on new instruction and course design models and best practices, and support for the online education platform. The nursing department also provides financial support for educators to attend conferences and workshops that teach strategies and approaches for online education. The educators have embraced the challenge, and a growing number of courses meet best practice standards for online education.

One University’s Approach

The UCCS team created to work on the out-of-state distance education authorization requirements included the department chair, clinical practicum coordinator, clinical practicum assistant, program assistant, dean of the university, and university legal counsel. (See Table 1.) The team first inventoried current students and their states of residence and then sought authorization first in states where students were entering clinical experiences. For each state the university considers adding to the UCCS map, the team asks these questions:

- Do we have the resources to meet the regulatory requirements for that state?
- Do we have sufficient clinical contacts to secure a practicum site for our students?

The steps in the UCCS approach are shown in Figure 1. Table 2 illustrates important questions to ask when contacting BONs and DOEs. The National Council of States Boards of Nursing (NCSBN) website (www.ncsbn.org) has resources on BONs’ requirements for prelicensure nursing program approval (NCSBN, 2016). BON websites also may have up-to-date information regarding these issues.

As the team reviewed each state’s approval processes, it made a strategic decision about weighing the effort required to obtain full approval versus obtaining special permission, sometimes referred to as a *teach-out*, which allows current students to

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