

Regulatory Guidelines: The Future of Prelicensure Distance Education Programs in Nursing

The purpose of the Regulatory Guidelines for prelicensure nursing distance education programs is to provide NCSBN Member Boards with criteria and rationale regarding the regulation of prelicensure nursing education programs. The guidelines are proposed, with an eye to the future, to promote clarity and consistency among the BONs for the regulation of prelicensure nursing distance education programs.

Distance learning is prevalent and growing throughout the country as technology advances and the nursing profession develops new strategies to provide greater access to nursing education. The guidelines will be disseminated to boards of nursing (BONs) and key stakeholders to foster collaboration as nursing moves toward the future.

Realizing that it will take BONs time to study their current processes with distance education programs and then make changes to their state's nurse practice act and rules, if necessary, it is recommended that the guidelines be fully implemented by 2020. These guidelines apply to distance education in nursing, clinical experiences that cross state/jurisdiction borders or virtual clinical experiences where patients are located in another state/jurisdiction.

KEY DEFINITIONS

Distance education in nursing – Instruction offered by any means where the student and faculty are in separate physical locations. Teaching methods may be synchronous or asynchronous and shall facilitate and evaluate learning in compliance with BON approval status/regulations. (Adapted from Commission on Regulation and Postsecondary Distance Education, 2013)

Clinical learning experiences – Planned, faculty-guided learning experiences that involve direct contact with patients (NCSBN Model Act, 2012a).

Encumbered license – A license with a current discipline, condition or restriction (NCSBN Model Rules, 2012b).

Faculty – Individuals employed full or part time by an academic institution that are responsible for developing, implementing, evaluating and updating nursing program curricula (NCSBN Model Rules, 2012b).

Home state/jurisdiction – The state/jurisdiction where the program has legal domicile. (Adapted from Commission on Regulation and Postsecondary Distance Education, 2013)

Host state/jurisdiction – The state/jurisdiction outside of the home state/jurisdiction where students participate in didactic coursework and/or clinical experiences. (Adapted from Commission on Regulation and Postsecondary Distance Education, 2013)

For example, if a prelicensure nursing program located and approved in Illinois were to offer either clinical or didactic nursing education in Wisconsin (either by distance education or crossing the borders for clinical rotations), the home state would be Illinois and the host state would be Wisconsin.

Preceptor – An individual at or above the level of licensure that an assigned student is seeking who may serve as a teacher, mentor, role model or supervisor in a clinical setting (NCSBN Model Rules, 2012b).

GUIDELINES

1. Distance learning prelicensure nursing education programs shall meet the same approval guidelines as any other prelicensure nursing education program in the home state.

The NCSBN Model Rules set forth prelicensure nursing education program core education requirements that apply when BONs approve either traditional or distance education programs (see 6.1.2 of the NCSBN Model Rules [https://www.ncsbn.org/12_Model_Rules_090512.pdf]). The following is a summary of these core requirements in the NCSBN Model Rules. The home state/jurisdiction will use these when approving a program that has students in host states, just as they do for traditional programs.

NCSBN MODEL RULES

The curriculum of the nursing education program includes knowledge, skills and abilities necessary for the scope and guidelines of competent nursing practice expected at the level of licensure. Curriculum components, as defined by nursing education, professional and practice guidelines, shall include:

- a. Experiences that promote clinical judgment, clinical management, and commitment to improving quality and safety of the health care system.
- b. Evidence-based learning experiences and methods of instruction, including distance education methods, which are consistent with the curriculum.
- c. Coursework in:
 - i. Biological, physical, social and behavioral sciences to promote safe and effective nursing practice.
 - ii. Professional responsibilities, legal and ethical issues, history and trends in nursing.
 - iii. Didactic content and supervised clinical experiences in the prevention of illness; and the promotion, restoration and maintenance of health in patients across the lifespan and from diverse backgrounds.
 - iv. Faculty supervised clinical practice, which shall provide clinical hours comparable to those provided by an approved program of the equivalent size and type.
 - v. Clinical experiences, including those with preceptors, shall be directed by nursing faculty.
 - vi. Integration of the six Quality and Safety Education for Nurses (QSEN) competencies, which include patient safety, patient-centered care, evidence-based practice, teamwork and collaboration, quality improvement, and informatics.
- d. Sufficient numbers of faculty who are experientially and academically qualified to meet the outcomes and purposes of the nursing education program.

Rationale: The mode of curricular delivery does not alter the regulatory guidelines for nursing education, including distance education. The NCSBN Model Act and Rules, adopted by the NCSBN membership in August 2012, delineate required criteria for prelicensure nursing education programs.

2. The home state/jurisdiction approves prelicensure nursing education programs, including distance learning education programs.

Based on this standard, the prelicensure distance education program is approved in the home state/jurisdiction and no additional BON approvals are required. This standard encourages BONs to rely on the approval status granted by other BONs.

If a host state/jurisdiction has a complaint against a program that is approved in another state/jurisdiction, it will file that complaint with the home state/jurisdiction. It is the responsibility of the home state/jurisdiction to follow up with that complaint and take any action that is deemed necessary. In those states where the BON does not approve prelicensure nursing education programs, it will be their responsibility to contact the relevant state agencies to follow up with the complaint.

Rationale: BONs approve prelicensure nursing education programs, whether they are traditional or distance education programs, which have legal domicile in their state/jurisdiction. BONs historically have relied on the approval status granted by other BONs for prelicensure nursing education programs. In addition, BONs historically have relied on other BONs to investigate complaints and take disciplinary action when needed.

3. Prelicensure nursing education programs in the home state provide oversight over the students in the host states and are responsible for the students' supervision.

Students are under the auspices of the prelicensure nursing education program. If BONs do not have an exemption in their law for students who are participating in clinical experiences in their states/jurisdiction, but are enrolled in a program located in another jurisdiction, they are encouraged to adopt the following language from the NCSBN Model Act, Section 10. Exemptions:

NCSBN MODEL ACT

No provisions of this Act shall be construed to prohibit:

- a. The practice of nursing by a student currently enrolled in and actively pursuing completion of a prelicensure nursing education program, or a graduate program involving nursing practice, if all the following are met:
 - i. The student is participating in a program located in this jurisdiction and approved by the BON or participating in this jurisdiction in a component of a program located in another jurisdiction and approved by a BON that is a member of NCSBN.
 - ii. The student's practice is under the auspices of the program.
 - iii. The student acts under the supervision of an RN serving for the program as a faculty member or teaching assistant.

Therefore, the home state/jurisdiction will determine whether the program provides adequate clinical supervision of the students, just as they do with programs located in their own states/jurisdictions. Additionally, the home state/jurisdiction will establish whether clinical faculty and/or preceptors in host states/jurisdictions have adequate oversight by the nursing program faculty in the home state/jurisdiction.

Rationale: The BON approved prelicensure nursing education program is responsible for its students, regardless of the mode of education, including those students who are taking distance education nursing clinical courses in other states/jurisdictions.

4. Faculty, preceptors or others who teach clinical experiences for a prelicensure nursing education program by means of distance education shall hold a current and active nursing license or privilege to practice, which is not encumbered, and meet licensure requirements in the state/jurisdiction where the patient is located. Faculty who only teach didactic content for a prelicensure nursing education program by means of distance education shall hold a current and active nursing license or privilege to practice, which is not encumbered, and meet licensure requirements in the home state where the program is approved.

Rationale: This standard supports the regulatory framework that practice takes place where the patient is located.

- a. The nurse shall be licensed where the patient is located and where patient care is regulated for protection of the patient. If a practice complaint were to occur, this allows the host state/jurisdiction the ability to investigate that complaint.
 - b. If there are student complaints, the host state will send them to the home state, which approves the prelicensure program and therefore is responsible for investigating and possibly sanctioning the program or the individual.
5. BONs will communicate information through their annual reports about prelicensure nursing programs that have students enrolled in clinical experiences in host states.

BONs have requested data on which prelicensure programs have nursing students in clinical experiences in their states/jurisdictions. Therefore, it is recommended that BONs add a question to their annual reports, which are sent to prelicensure programs, requesting information on whether students are enrolled in clinical experiences in host states/jurisdictions. If the programs do have students in host states/jurisdictions, they are asked to list where their students are located. NCSBN will collect that data from the home states and distribute it to the host states that want it. The following is the question to add to the annual nursing education report:

- a. Do you use another state/jurisdiction for prelicensure clinical experiences? If yes, please list in which states/jurisdictions they are located.

Rationale: Some BONs are interested in knowing which out-of-state/jurisdiction programs have students taking clinical experiences in their states/jurisdictions. This is also excellent national data on prelicensure education that could inform future projects or research.

REFERENCES:

- Commission on Regulation and Postsecondary Distance Education. (2013). Advancing access through regulatory reform: Findings, principles, and recommendations for the State Authorization Reciprocity Agreement (SARA). Retrieved from <http://nc-sara.org/files/docs/Commission-on-Regulation-of-Postsecondary-Distance-Education-Draft-Recommendations.pdf>
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