

244 CMR: BOARD OF REGISTRATION IN NURSING

244 CMR 6.00: APPROVAL OF NURSING EDUCATION PROGRAMS, STANDARDS AND PROCEDURES

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6.01: Definitions

Definitions for terms used in 244 CMR 6.00 and throughout 244 CMR are set forth in 244 CMR 10.00: *Definitions and Severability*.

6.02: Public Notice of Nursing Education Program Approval Status

The Board shall maintain a list of the approval status of all nursing education programs designed to prepare and qualify a graduate to write the NCLEX-RN or NCLEX-PN. The Board shall notify the chief executive officer of the parent institution and the Program Administrator in writing within three months after any approval status determination including: Prerequisite, Initial, Full and Approval with Warning Status, as well as Withdrawal of Approval. In the case of nursing education programs approved in accordance with 244 CMR 6.03(2), the Board may also notify the board of nursing or corresponding body in the location where the parent institution has a principal place of business.

6.03: Nursing Education Programs Eligible for Approval

(1) In-state Programs. Nursing education programs offered by a parent institution with a principal place of business in Massachusetts must obtain Board approval in accordance with 244 CMR 6.05 and must:

- (a) be offered by a parent institution that has and maintains parent institution accreditation;
- (b) be designed to prepare and qualify a graduate to write the NCLEX-RN or NCLEX-PN; and
- (c) confer the following evidence of completion of course work:
 - 1. For Practical Nursing programs, one of the following:
 - a. a diploma of completion from a hospital-based diploma program;
 - b. a certificate of completion from a community college;
 - c. a certificate of completion from a vocational postsecondary school; or
 - d. an associate degree.
 - 2. For Registered Nursing programs, one of the following:
 - a. a diploma of completion from a hospital-based diploma program;
 - b. an associate degree;
 - c. a baccalaureate degree; or
 - d. a certificate of completion from a prelicensure graduate degree program granted Full approval.

(2) Out-of-state Programs. Nursing education programs offered by a parent institution with a principal place of business outside of Massachusetts must:

- (a) be offered by a parent institution that has and maintains parent institution accreditation;
- (b) be designed to prepare and qualify a graduate to write the NCLEX-RN or NCLEX-PN;

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- (c) be approved to operate by the board of nursing or corresponding body in the state where the parent institution has its principle place of business;
- (d) be located in a jurisdiction which maintain standards substantially the same as those required for an approved nursing education program in Massachusetts; and
- (e) obtain Board approval of any didactic learning experiences or clinical learning experiences conducted in Massachusetts by submitting a completed application to the Board at least six months prior to the start of any such learning experiences. Such programs must demonstrate to the Board's satisfaction that the program:
 1. complies with 244 CMR 6.03(2)(a) through (d);
 2. has and maintains its program accreditation by a Board-recognized accrediting agency;
 3. has appointed faculty that meet requirements at 244 CMR 6.04(2)(b);
 4. has appointed preceptors, if applicable, that meet requirements at 244 CMR 6.04(2)(c);
 5. maintains written agreements with cooperating agencies utilized as clinical learning sites that meet requirements at 244 CMR 6.04(5)(b); and
 6. maintains faculty-student ratios of 1:10 or less in accordance with 244 CMR 6.04(5)(c).

6.04: Standards for Nursing Education Program Approval

Out-of-state nursing education programs must comply with the following standards to the extent specified in 244 CMR 6.03(2). In-state nursing education programs must comply with all of the following standards:

- (1) Program Accreditation, Mission and Governance.
 - (a) The program shall be affiliated with a parent institution that has and maintains its accreditation.
 - (b) The program shall obtain and maintain program accreditation as follows:
 1. A program that receives written notice of Full approval status dated before July 1, 2016, and has never obtained program accreditation, shall obtain program accreditation candidacy on or before December 31, 2022 and program accreditation on or before the December 31, 2025.
 2. A program that receives written notice of Initial approval status shall apply for and obtain program accreditation within the time period specified in the notice.
 3. Except as provided in 244 CMR 6.04(1)(b)1. and 2., programs receiving written notice of Full approval status shall maintain program accreditation at all times.
 - (c) Accredited nursing education programs must submit to the Board a copy of accreditation-related correspondence with the program's Board-recognized accrediting agency in nursing within 15 days of receipt.
 - (d) A program shall have a published mission or philosophy, or both, and nursing education outcomes, which shall be consistent internally and with those of its parent institution, or with differences that are justified by the program outcomes.
 - (e) The parent institution shall appoint an Administrator, qualified under 244 CMR 6.04(2)(a), on a full-time basis and shall provide adequate resources to effectively administer the program.
 - (f) The Administrator, faculty and students shall participate in the governance of the parent institution and the program, as appropriate, for the accomplishment of the goals of the parent institution and nursing education outcomes.
 - (g) Faculty shall develop, implement and evaluate policies which are consistent with the policies of the parent institution, or with differences that are justified by the nursing program outcomes.
 - (h) Faculty shall develop and implement a plan for systematic evaluation. The plan shall include, but need not be limited to, measurable expected levels of achievement, evaluation methodologies, frequency of evaluation, responsible person(s), aggregated and trended data and other findings, actual outcomes and resulting actions. The results of the evaluation shall be used for the development, maintenance and revision of the program.

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- (i) Faculty shall:
 1. provide instruction, advice and oversight; and
 2. evaluate student acquisition of nursing competence.
 - (j) The Administrator shall respond to Board requests for information.
 - (k) The program shall, within seven business days, notify the Board in writing of a change in administrative personnel within the program, or a change in the chief executive officer of the parent institution, or both.
 - (l) The program shall have a written policy for the maintenance and retirement of school, faculty, student and graduate records.
 - (m) The program shall publish information about the program including, but not limited to: program approval and accreditation status, number of graduates in each class, the annual NCLEX pass rate for first time writers and transferability of credits from other educational institutions (transfer credit policy). The program shall ensure accuracy, consistency and integrity of the information about the program in its publications, including catalogs and websites.
- (2) Administrator, Faculty and Preceptor Qualifications.
- (a) Administrator. The Administrator of the program shall:
 1. hold a current Massachusetts Registered Nurse license in good standing;
 2. possess an earned graduate degree in nursing;
 3. develop and maintain competence appropriate to administrative responsibilities including, but not limited to:
 - a. orientation and mentoring to the administrator role;
 - b. knowledge of M.G.L. c. 112, §§ 74 through 81C and 244 CMR
 - c. participation in professional development in nursing education such as certification, continuing education; and
 4. possess a minimum of five years full-time nursing experience with at least three years full-time experience, or its equivalent, in nursing education in either:
 - a. a nursing education program designed to prepare a graduate to practice as a Licensed Practical Nurse or a Registered Nurse; or
 - b. a post-licensure graduate nursing education program.
 - (b) Faculty shall:
 1. hold a current Massachusetts Registered Nurse license in good standing;
 2. develop and maintain competence appropriate to teaching responsibilities including, but not limited to:
 - a. orientation and mentoring to the nurse educator role;
 - b. knowledge of M.G.L. c. 112, §§ 74 through 81C and 244 CMR;
 - c. participation in professional development in nursing education such as certification, continuing education;
 3. possess a minimum of two years full-time experience in nursing, or its equivalent, within the last five years and evidence of clinical competence in the area(s) of clinical instruction; and
 4. possess the following academic and experiential qualifications as appropriate to the faculty member's appointment:
 - a. faculty appointed to a Practical Nursing program shall possess:
 - i. an earned baccalaureate degree in nursing; or
 - ii. an earned graduate degree in nursing.
 - b. faculty appointed to a Registered Nursing program, teaching the theoretical component of a nursing course, shall possess an earned graduate degree in nursing;
 - c. faculty appointed to a Registered Nursing program, teaching the clinical or skills lab component of a nursing course, shall possess:
 - i. an earned graduate degree in nursing; or
 - ii. an earned baccalaureate degree in nursing and also meet at least one of the following:
 - (i) be matriculated in a graduate nursing program with an expected graduation date within five years of the date of the appointment; or
 - (ii) possess a related non-nursing graduate degree; or

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- (iii) possess a current Nurse Education certification by a Board recognized certifying organization; or
 - (iv) possess a minimum of five years full-time Registered Nurse experience within the last eight years, be mentored by faculty who possesses a graduate degree in nursing; and
 - have been appointed before January 6, 2023; or
 - be matriculated in a graduate nursing program within one year of appointment with an expected graduation date within five years of the date of matriculation; or
 - obtain a current Nurse Education certification by a Board recognized certifying organization within three years of appointment.
- (c) Preceptors shall:
1. possess a Massachusetts nursing license in good standing or authority to practice under federal law, or both;
 2. possess a minimum of one year full-time experience in nursing, or its equivalent, within the last five years;
 3. maintain competence in the clinical area precepting including, but not limited to, orientation and mentoring to the preceptor role; and
 4. be educationally prepared at or above the level of the student.
- (3) Students. The program shall:
- (a) require all candidates for admission to provide satisfactory evidence of secondary school graduation, or its equivalent, and compliance with the immunization requirements specified by the Massachusetts Department of Public Health;
 - (b) publish current policies which describe the specific nondiscriminatory criteria for admission; progression; attendance; academic integrity; use of social media; course exemption; advanced placement; transfer; advanced placement or transfer of military education, training or service for a military health care occupation; educational mobility; withdrawal; readmission; graduation; and student rights and grievances;
 - (c) publish the common clinical placement requirements among the cooperating agencies; and
 - (d) provide opportunities for students to regularly participate in the development and evaluation of the program.
- (4) Curriculum.
- (a) Program faculty shall develop a nursing curriculum plan which shall provide a variety of learning experiences consistent with the program mission or philosophy, or both, and nursing education outcomes. The sciences, arts, humanities, M.G.L. c. 112, §§ 74 through 81C, and 244 CMR, and other foundations of the profession, shall be an integral part of the nursing curriculum plan, including experiences that promote the development of nursing judgment, leadership and management skills, and professional role socialization consistent with the level of licensure. This includes demonstration of the ability to delegate, supervise others, and provide leadership.
 - (b) The curriculum shall:
 1. extend over a period of time sufficient to provide essential, sequenced learning experiences which enable a student to develop nursing competence appropriate to the level of licensure and educational preparation;
 2. be based on an organized pattern of instruction consistent with principles of learning and educational practice with expected levels of achievement at defined points in the program;
 3. provide instruction in the discipline of nursing, appropriate to the level of licensure and educational preparation, with articulated student learning outcomes, and legal, ethical and professional responsibilities; and
 4. be designed in accordance with generally accepted academic standards.
- (5) Resources. The parent institution shall allocate resources to the program in a manner appropriate to meeting the program outcomes. The resources must be sufficient to allow the program to:
- (a) maintain an adequate number of full-time and part-time faculty and support personnel;
 - (b) develop written agreements with cooperating agencies utilized as clinical learning sites;
 1. Agreements shall be reviewed annually by both program and agency personnel.
 2. Agreements shall be current and specific in defining the responsibilities of the program and the cooperating agency.

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- (c) maintain student-faculty ratio in clinical practice, up to a limit of ten students to one faculty member (10:1);
 - 1. Faculty, in consultation with the cooperating agency, shall determine student-faculty ratio based on the student level of knowledge and skill, the complexity of the learning situations, student learning outcomes and the safety of the patient.
 - 2. In programs that include preceptor facilitated learning experiences, the program shall designate a faculty member who is responsible for coordinating the experience and evaluating student acquisition of competence. The designated faculty member shall determine the student-preceptor ratio, up to a limit of two students to one preceptor (2:1);
- (d) provide current and comprehensive learning resources developed with faculty input. These resources shall be available and accessible to students and faculty;
- (e) maintain appropriately designed and equipped physical facilities; and
- (f) manage fiscal resources to maintain the program's financial health.

6.05: Procedures for the Establishment and Continuing Operation of Nursing Education Programs

A parent institution seeking to establish or continue operation of a nursing education program must first obtain prior written Board approval in three progressive stages: Prerequisite, Initial and Full. At each stage, the parent institution must apply for approval on a form prescribed by the Board. To be considered complete, the application must include all information and documentation appropriate to the stage as designated on the prescribed form.

(1) Prerequisite Approval Status.

- (a) A parent institution seeking to establish a program shall:
 - 1. submit a complete application for Prerequisite approval at least 18 months before the proposed date for student admissions to the proposed program;
 - 2. demonstrate compliance with 244 CMR 6.04 through a site survey and verification of information presented in the application; and
 - 3. provide satisfactory evidence of the appointment of an Administrator qualified in accordance with 244 CMR 6.04(2)(a) at least 12 months before the proposed date for student admissions.
- (b) If the Board determines the parent institution has provided satisfactory evidence of its potential ability to establish a nursing education program that complies with 244 CMR 6.04, the Board shall provide written notice of Prerequisite approval status to the parent institution, which shall remain in effect for 18 months, unless the notice specifies otherwise.

(2) Initial Approval Status.

- (a) A parent institution that received written notice from the Board of Prerequisite approval status shall submit a complete application for Initial approval, prepared by the Administrator, at least six months before the proposed date for student admissions to the proposed program.
- (b) If the Board determines that the parent institution has provided satisfactory evidence of the nursing education program's ability to comply with 244 CMR 6.04, the Board shall provide written notice of Initial approval status to the parent institution, which shall remain in effect for a duration specified in the notice.
- (c) A parent institution may not admit students into a nursing education program until the Board provides written notice of Initial approval status to the parent institution.
- (d) After the first notice of the Board granting Initial approval status, a parent institution seeking to continue operation of a nursing education program shall submit a complete application for continuation of Initial approval status prepared by the Administrator, annually on the first Monday in November. The parent institution shall also accommodate a site survey, if the Board deems it necessary.

(3) Full Approval Status.

- (a) A parent institution that received written notice from the Board of Initial approval status shall submit a complete application for Full approval, prepared by the Administrator, within the time frame specified in the written notice of Initial approval status.

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(b) If the Board determines that the parent institution has provided satisfactory evidence of the nursing education program's accreditation and continuous compliance with 244 CMR 6.04, the Board shall provide written notice of Full approval status to the parent institution. The Board's Full approval of a nursing education program shall be valid for one year, unless the Board's notice specifies otherwise.

(c) After the first notice of the Board granting Full approval status, a parent institution seeking to continue operation of a nursing education program shall submit a complete application for continuation of Full approval status prepared by the Administrator, annually on the first Monday in November. The parent institution shall also accommodate a site survey, if the Board deems it necessary.

(d) If the Board determines that the parent institution has provided satisfactory evidence of the nursing education program's continuous compliance with 244 CMR 6.04, the Board shall provide written notice of continued Full approval status to the parent institution. The Board's continued Full approval of a nursing education program shall be valid for one year, unless the Board's notice specifies otherwise.

6.06: Site Surveys of Nursing Education Programs Granted Full Approval Status

(1) Site Survey of Programs. The Board shall conduct a site survey of a program granted Full Approval Status for the purpose of monitoring the program's compliance with 244 CMR 6.04. The Board may conduct the on-site survey solely or jointly with accreditors, every eight to ten years, or more frequently at the Board's discretion.

(2) Waiver of 244 CMR 6.06(1).

(a) The Board may waive its on-site survey based on its review of a written waiver application submitted by the Administrator of a program which holds Full Approval status and is not under review pursuant to 244 CMR 6.08(1). The application must be submitted on a form prescribed by the Board and prepared in accordance with Board guidelines, and must be received by the Board within three months of the program's receipt of its notice of full accreditation status by a Board-recognized accrediting agency in nursing, and accompanied by:

1. written evidence of the program's full accreditation;
2. the program's report evaluating its compliance with the accreditation standards of the Board-recognized accrediting agency in nursing;
3. the written findings and recommendations of the Board-recognized accrediting agency in nursing based on its review of the program. The Board may request a progress report from the program in response to the recommendation(s) of the accrediting agency; and
4. the program report addressing its compliance with 244 CMR 6.04(1)(g) and (h), (2)(a) and (b), (4)(b)1. and 4., and (5)(b).

(b) The Board shall notify the program administrator of its action on the waiver request.

6.07: Board Approval of Specific Nursing Education Program Changes

(1) The following changes require Board approval prior to implementation:

- (a) adding or removing a program option within a nursing program;
- (b) an increase in student admissions of 20% or more above the most recent three-year admission mean;
- (c) a change in location of the nursing education program;
- (d) a change in the program's nursing education outcomes; and
- (e) a revision to the curriculum resulting in a major change in the sequence of the majority of courses offered or an increase, decrease or substitution in the number of credit hours or the number of clock hours either in content or methods of delivery to meet nursing program outcomes.

(2) The Administrator shall submit a written request for Board approval of program changes. The request shall be submitted to the Board a minimum of six months prior to the planned implementation. The Board may require supporting documentation. The Board may deny approval of the request in the event the program is under review pursuant to 244 CMR 6.08(1).

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(3) The Administrator shall notify the Board of all other program changes when submitting the program's application for continuation of Initial or Full approval.

6.08: Non-compliance with the Standards for Nursing Education Program Approval

(1) Review of the Approval Status of a Program. Grounds for Board review of a program's approval status and site survey include, but are not limited to, the following:

- (a) Board's receipt of information documenting a violation of 244 CMR 6.04;
- (b) with regard to parent institution accreditation, program accreditation or both:
 - 1. failure to obtain or retain accreditation;
 - 2. denial, or withdrawal of accreditation; or
 - 3. change of accreditation status.
- (c) failure to provide information to the Board, enrolled students, program applicants, or the public concerning the program, or providing false or misleading information;
- (d) ongoing difficulty in retaining qualified administrators or faculty;
- (e) failure to adhere to the program's stated mission, philosophy, outcomes, policies or curriculum plan;
- (f) failure to provide clinical experiences necessary to meet the student learning outcomes or nursing education outcomes; and
- (g) ongoing annual NCLEX pass rate less than 80% for first-time writers.

(2) Approval with Warning Status. The Board may determine that a program failed to comply with 244 CMR 6.04 and warrants Approval with Warning status. The Board shall notify the chief executive officer of the parent institution and the Administrator, in writing, of the program's Approval with Warning Status, and of the actions the parent institution must take to reestablish compliance with 244 CMR 6.04. Based on its evaluation of the regulatory deficiencies, the Board may also limit the number of students admitted to the program during the period of Approval with Warning. At the conclusion of the designated time period for the correction of the cited deficiencies, the Board shall determine whether the program warrants restoration of its Full Approval status, continuation of the Approval with Warning status for a specified additional period of time with or without a limitation in student admissions or withdrawal of approval. A program placed on Approval with Warning status shall:

- (a) within three business days of being notified by the Board of the program's Approval with Warning status, update all electronic and print publications to reflect its Approval with Warning status and notify, as directed by the Board, all enrolled students and program applicants in writing, of the program's Approval with Warning status, the basis therefore, and the necessary corrective action(s);
- (b) correct the deficiencies identified by the Board as directed by the Board; and
- (c) inform all program graduates that they remain eligible to write the NCLEX.

(3) Withdrawal of Approval.

- (a) The Board shall withdraw its approval of a program after notifying the Administrator and the parent institution, in writing of its continued failure to comply with 244 CMR 6.04 after having been provided an opportunity to correct such deficiencies. Action by the Board to withdraw approval granted a program shall be taken in accordance with M.G.L. c. 112, § 81A. The Board shall make best efforts to time the effective date of withdrawal of approval at the end of a semester or session.
- (b) Students enrolled in the graduating cohort(s) may write the NCLEX contingent upon the parent institution providing evidence of completion of all program requirements. The parent institution shall provide the Board with information regarding students in the graduating cohort(s) as requested by the Board in order to determine eligibility to write the NCLEX. The parent institution shall notify in writing, and as directed by the Board, all enrolled students who are not in the graduating cohort that the Board has withdrawn the program's approval and that they shall not be eligible as graduates of the program to write the NCLEX.
- (c) The Administrator shall make all reasonable efforts to assist enrolled students in transferring to a Board-approved program.

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(4) Reinstatement of Approval. A program whose approval has been withdrawn by the Board may request reinstatement of approval by following the procedure for obtaining Prerequisite Approval Status as set forth in 244 CMR 6.05.

6.09: Procedure for Change of Governance of Nursing Education Program

The chief executive officer of the parent institution shall notify the Board in writing of any anticipated change in institutional governance and include a planned timeline. Any such change shall require Board approval before such change may be effective. The notification shall include, but not be limited to, documentation satisfactory to the Board which demonstrates:

- (1) all enrolled students and program applicants have been notified in writing of the proposed change and its impact, including cost, possible differences in curriculum, locations of courses and clinical experiences, and financial assistance;
- (2) a plan by the receiving parent institution for the appointment, if needed, of qualified faculty;
- (3) a plan for the orientation and mentoring of faculty transferred to the receiving parent institution which shall include the receiving institution's philosophy, curriculum and policies;
- (4) the receiving parent institution has established an organizational plan and communicated it to affected personnel;
- (5) the receiving parent institution is authorized to operate a program by statute or charter;
- (6) the receiving parent institution's ability to comply with 244 CMR 6.00; and
- (7) the name, title and address of the custodian of the records of the transferred program.

The Board may conduct a site survey to verify that the criteria at 244 CMR 6.09(1) through (7) have been met.

6.10: Procedure for a Change of Nursing Education Program Name

- (1) The legal name of the program on file with the Board shall be used in all references to the program.
- (2) The parent institution shall notify the Board in writing of the new name and its effective date, in the event the name of the program is changed.
- (3) Such notification shall be filed with the Board a minimum of 30 days before the effective date of the name change.

6.11: Procedure for Discontinuance or Termination of an Approved Nursing Education Program

- (1) A parent institution shall submit to the Board written notification of its intent to discontinue or terminate a program. Such notification shall include:
 - (a) the date on which the program shall be terminated or discontinued;
 - (b) the reason(s) for the discontinuance or termination of the program;
 - (c) evidence satisfactory to the Board that all enrolled students and program applicants have been notified in writing of the intention to discontinue or terminate the program, and the date the termination or discontinuance shall be effective;
 - (d) documentation satisfactory to the Board that arrangements have been made by the Administrator for enrolled students to complete their education at another Board-approved program; and
 - (e) the parent institution shall:
 1. arrange for the permanent and secure retention of all graduate records; and
 2. inform the Board in writing of its plan for custody of such records, including the location of all records and the title of the official responsible for maintaining and issuing the records.

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- (2) Approval Status for the program shall terminate as of the date on which the last student(s) graduate(s) or transfer(s) from the program.
- (3) The program shall continue to maintain compliance with 244 CMR 6.00, until the effective date of termination of Approval Status.
- (4) The parent institution shall provide for all enrolled students to complete the program or enroll in another program.
- (5) The Administrator shall notify the Board of the date the last student(s) graduate(s) or transfer(s) from the program. The program shall close as of the date on which the last student(s) graduate(s) or transfers from the program.

REGULATORY AUTHORITY

244 CMR 6.00: M.G.L. c. 112, §§ 81A, 81B and 81C.

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(PAGES 39 AND 40 ARE RESERVED FOR FUTURE USE.)