

Proposed Regulations

CHAPTER 20

REGULATIONS GOVERNING THE PRACTICE OF NURSING

Part I

General Provisions

18VAC90-20-10. Definitions.

In addition to words and terms defined in § 54.1-3030 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Accreditation" means having been accredited by the National League for Nursing Accrediting Commission (NLNAC) or by the Commission on Collegiate Nursing Education (CCNE).

"Approval" means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Council of Higher Education.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Council of Higher Education.

"Board" means the Board of Nursing.

~~"Clinical nurse specialist" means a licensed registered nurse who holds:~~

~~1. A master's degree from a board-approved program which prepares the nurse to provide advanced clinical nursing services; and~~

~~2. Specialty certification from a national certifying organization acceptable to the board or an exception available from March 1, 1990, to July 1, 1990.~~

"Clinical setting" means any location in which the clinical practice of nursing occurs as specified in an agreement between the cooperating agency and the school of nursing.

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in Article 2 (18VAC90-20-70 et seq.) of Part II of this chapter.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"NCSBN" means the National Council of State Boards of Nursing.

"NCLEX" means the National Council Licensing Examination.

"National certifying organization" means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area and is accredited by a national body recognized by NCSBN.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Nursing faculty" means registered nurses who teach the practice of nursing in nursing education programs.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure that leads to a diploma or certificate in practical nursing, provided the school is authorized by the Virginia State Board of Education or the appropriate governmental credentialing agency.

"Preceptor" means a licensed health care provider who is employed in the clinical setting, serves as a resource person and role model, and is present with the nursing student in that setting.

"Primary state of residence" means the state of a person's declared fixed permanent and principal home or domicile for legal purposes.

"Program director" means a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege and who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

18VAC90-20-35. Identification; accuracy of records.

A. Any person regulated by this chapter who provides direct patient care shall, while on duty, wear identification which is clearly visible and indicates the person's first and last name and the appropriate title for the license, certification, or registration issued to such person by the board under which he is practicing in that setting.

B. A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

C. Each licensee shall maintain a record of his current mailing address with the board, and any change of address by a licensee shall be submitted in writing to the board within 30 days of such change. All notices required by law and by this chapter to be mailed by the board to any licensee shall be validly given when mailed to the latest address on file with the board.

Part II

Nursing Education Programs

Article 1

Establishing a Nursing Education Program

18VAC90-20-40. Application.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 12 months in advance of expected opening date, a statement of intent to establish a nursing education program along with an application fee of \$1,200.

2. Submit to the board evidence documenting adequate resources for the projected number of students and the ability to provide a program that can meet the requirements of Article 2 (18VAC90-20-70 et seq.) of this part to include the following information:

a. Organizational structure of the institution and relationship of nursing program therein;

b. Purpose and type of program;

c. Availability of qualified faculty, sufficient to provide classroom instruction and clinical supervision for the number of students specified by the program;

d. Budgeted faculty positions, sufficient in number to provide classroom instruction and clinical supervision;

e. Availability of clinical training facilities for the program as evidenced by ~~letters of support indicating a willingness and the ability to provide a clinical site for training~~ copies of contracts or letters of agreement specifying the responsibilities of the respective parties and indicating sufficient availability of clinical experiences for the number of students in the program;

f. Availability of academic facilities for the program, including classrooms, laboratory, and library;

g. Evidence of financial resources for the planning, implementation and continuation of the program with budget projections for three years; ~~and~~

h. Tentative time schedule for planning and initiating the program; and

i. An enrollment plan specifying the beginning dates and number of students for each class for a two-year period from the date of initial approval.

3. Respond to the board's request for additional information.

B. A site visit may be conducted by a representative of the board.

C. The Education Special Conference Committee (the "committee"), ~~comprised~~ composed of not less than two members of the board, shall, in accordance with §2.2-4019 of the Code of Virginia, receive and review applications and the report of the site visit and shall make recommendations to the board regarding the granting or denial of approval of the program application.

1. If the board accepts the recommendation to approve the program application, the institution may apply for provisional approval of the nursing education program as set forth in this chapter.

2. If the committee recommendation is to deny approval of the program application, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with §2.2-4020 and subdivision 9 of §54.1-2400 of the Code of Virginia.

18VAC90-20-50. Provisional approval.

A. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed, and there are sufficient faculty to initiate the program as required in 18VAC90-20-90; and

2. A written curriculum plan developed in accordance with 18VAC90-20-120 has been submitted.

B. The committee shall, in accordance with §2.2-4019 of the Code of Virginia, make recommendations to the board ~~for the to grant or denial of~~ deny provisional approval.

1. If provisional approval is granted:

a. The admission of students is authorized; and

b. The program director shall submit quarterly progress reports to the board which shall include evidence of progress toward ~~application for~~ program approval and other information as required by the board.

2. If the committee recommendation is to deny provisional approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with §2.2-4020 and subdivision 9 of §54.1-2400 of the Code of Virginia.

18VAC90-20-60. Program approval.

A. The application for approval shall be complete when:

1. A self-evaluation report of compliance with Article 2 (18VAC90-20-70 et seq.) of this part has been submitted;

2. The first graduating class has taken the licensure examination, and the cumulative passing rate for the program's first-time test takers taking the NCLEX over the first four quarters following graduation of the first class is not less than 80%; and

3. A satisfactory survey visit and report has been made by a representative of the board verifying that the program is in compliance with all requirements for program approval.

B. The committee shall, in accordance with §2.2-4019 of the Code of Virginia, receive and review the self-evaluation, the NCLEX results and survey reports and shall make a recommendation to the board for the granting or denial of approval or for continuance of provisional approval.

C. If the committee's recommendation is to deny approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with §2.2-4020 ~~and subdivision 9 of §54.1-2400 of the Code of Virginia.~~

18VAC90-20-65. ~~Continued approval.~~ [Repealed]

~~For the purpose of continued approval of a program, the board may accept evidence of accreditation by a nursing education accrediting body recognized by the U.S. Department of Education.~~

Article 2

Requirements for Initial and Continued Approval

18VAC90-20-70. Organization and administration.

A. The governing or parent institution offering nursing education programs shall be approved or accredited by the appropriate state agencies or by an accrediting agency recognized by the United States Department of Education.

B. Any agency or institution used for clinical experience by a nursing education program shall be in good standing with its licensing body.

C. The director of the nursing education program shall ~~be~~ hold an unencumbered license as a registered nurse licensed or a multistate licensure privilege to practice nursing in the Commonwealth, with the additional education and experience necessary to administer, plan, implement and evaluate the nursing education program. The program shall provide evidence that the director has authority to:

1. Implement the program and curriculum;

2. Oversee the admission, academic progression and graduation of students;

3. Hire and evaluate faculty; and

4. Recommend and administer the program budget, consistent with established policies of the controlling agency.

D. An organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

E. There shall be evidence of financial support and resources sufficient to meet the goals of the nursing education program. ~~The program director of the nursing education program shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.~~

18VAC90-20-90. Faculty.

A. Qualifications.

1. Every member of the nursing faculty, including the program director, shall hold a current, unencumbered license ~~to practice~~ as a registered nurse or a multistate licensure privilege to practice nursing in Virginia. Persons providing instruction in topics other than nursing shall not be required to hold a license as a registered nurse.

2. Every member of a nursing faculty supervising the clinical practice of students shall meet the licensure requirements of the jurisdiction in which that practice occurs.

3. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

4. For baccalaureate degree programs:

a. The program director shall hold a doctoral degree.

b. Every member of the nursing faculty shall hold a graduate degree. Faculty members with a graduate degree with a major other than in nursing shall have a baccalaureate degree with a major in nursing.

5. For associate degree and diploma programs:

a. The program director shall hold a graduate degree, preferably with a major in nursing.

b. The majority of the members of the nursing faculty shall hold a graduate degree, preferably with a major in nursing.

c. Other members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

6. For practical nursing programs:

a. The program director shall hold a baccalaureate degree, preferably with a major in nursing.

b. The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

7. Exceptions to provisions of subdivisions 4, 5, and 6 of this subsection shall be by board approval.

a. Initial request for exception.

(1) The program director shall submit a request for initial exception in writing for consideration ~~at a regular board meeting~~ prior to the term academic year during which the nursing faculty member is scheduled to teach or whenever an unexpected vacancy has occurred.

(2) A description of teaching assignment, a curriculum vitae, and a statement of intent from the prospective faculty member to pursue the required degree shall accompany each request.

b. Request for continuing exception.

(1) Continuing exception will be based on the progress of the nursing faculty member toward meeting the degree required by this chapter during each year for which the exception is requested.

(2) The program director shall submit the request for continuing exception in writing ~~for consideration at a regular board meeting~~ prior to the next ~~term~~ academic year during which the nursing faculty member is scheduled to teach.

(3) A list of courses required for the degree being pursued and college transcripts showing successful completion of a minimum of two of the courses during the past academic year shall accompany each request.

(4) Any request for continuing exception shall be considered by the committee, which shall make a recommendation to the board.

c. The executive director of the board shall be authorized to make the initial decision on requests for exceptions. Any appeal of that decision shall be in accordance with the provisions of the Administrative Process Act (§9-6.14:1 et seq. of the Code of Virginia).

B. Number.

1. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the educational program and to ensure safety for patients to whom students provide care.

2. When students are giving direct care to patients, the ratio of students to faculty shall not exceed 10 students to one faculty member, and the faculty shall be on-site solely to supervise students.

3. When preceptors are utilized for specified learning experiences in clinical settings, the ~~ratio shall not exceed 15 students to one~~ faculty member may supervise up to 15 students.

C. Functions. The principal functions of the faculty shall be to:

1. Develop, implement and evaluate the philosophy and objectives of the nursing education program;

2. Design, implement, teach, evaluate and revise the curriculum;

3. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;

4. Participate in academic advisement and counseling of students;

5. Provide opportunities for student and graduate evaluation of curriculum and teaching and program effectiveness; and

6. Document actions taken in faculty and committee meetings.

18VAC90-20-95. Preceptorships.

A. Clinical preceptors may be used to augment the faculty and enhance the clinical learning experience. The clinical preceptor shall be licensed at or above the level for which the student is preparing.

B. When giving direct care to patients, students shall be supervised by faculty or preceptors as designated by faculty. In utilizing preceptors to supervise students, the ratio shall not exceed two students to one preceptor at any given time.

C. Faculty shall be responsible for the designation of a preceptor for each student and shall communicate such assignment with the preceptor. A preceptor may not further delegate the duties of the preceptorship.

€ D. Preceptorships shall include:

1. Written objectives, methodology, and evaluation procedures for a specified period of time;
2. An orientation program for faculty, preceptors, and students;
3. The performance of skills for which the student has had faculty-supervised clinical and didactic preparation; and
4. The overall coordination by faculty who assume ultimate responsibility for implementation, periodic monitoring, and evaluation.

18VAC90-20-96. Clinical practice of students.

A. In accordance with § 54.1-3001 of the Code of Virginia, a nursing student, while enrolled in an approved nursing program, may perform tasks that would constitute the practice of nursing. The student shall be responsible and accountable for the safe performance of those direct patient care tasks to which he has been assigned.

B. Faculty members or preceptors providing supervision in the clinical care of patients shall be responsible and accountable for the assignment of patients and tasks based on their assessment and evaluation of the student's clinical knowledge and skills. Supervisors shall also monitor clinical performance and intervene if necessary for the safety and protection of the patients.

18VAC90-20-110. School records; student records; school bulletin or catalogue.

A. A system of records shall be maintained and be made available to the board representative and shall include:

1. Data relating to accreditation by any agency or body.
2. Course outlines.
3. Minutes of faculty and committee meetings.

B. A file shall be maintained for each student. Each file shall be available to the board representative and shall include the student's:

1. Application;
2. High school transcript or copy of high school equivalence certificate; and

3. Current record of achievement.

A final transcript shall be retained in the permanent file of the institution.

Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

C. Current information about the nursing education program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:

1. Description of the program.
2. Philosophy and objectives of the controlling institution and of the nursing program.
3. Admission and graduation requirements.
4. Fees.
5. Expenses.
6. Financial aid.
7. Tuition refund policy.
8. Education facilities.
9. Student activities and services.
10. Curriculum plan.
11. Course descriptions.
12. Faculty-staff roster.
13. School calendar.
14. Annual passage rates on NCLEX for the past five years.

18VAC90-20-120. Curriculum.

A. Curriculum shall reflect the philosophy and objectives of the nursing education program and shall be consistent with the law governing the practice of nursing.

B. Nursing education programs preparing for ~~practical~~ nursing licensure shall include:

1. ~~Principles and direct client care and practice~~ Didactic content and supervised clinical experience in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle and in a variety of clinical settings;

2. Basic Concepts of the nursing process that include conducting a focused nursing assessment of the client status that includes decision-making about who and when to inform, identifying client needs, planning for episodic nursing care, implementing appropriate aspects of client care, and contributing to data collection and the evaluation of client outcomes;

3. Basic Concepts of anatomy, physiology, chemistry, and microbiology and the behavioral sciences;

4. Basic Concepts of communication, growth and development, interpersonal relations, and patient education and cultural diversity, including:

a. Development of professional socialization that includes working in interdisciplinary teams; and

b. Conflict resolution;

5. Basic Concepts of ethics and the vocational and legal aspects of nursing, including:

a. Regulations and sections of the Code of Virginia related to nursing;

b. Patient rights; and

c. Prevention of patient abuse, neglect and abandonment; and

d. Professional responsibility; and

e. History and trends in nursing and health care;

6. Basic Concepts of pharmacology, nutrition and diet therapy;

7. Concepts of client-centered care including:

a. Respect for cultural differences, values, preferences and expressed needs;

b. Promotion of healthy life styles for clients and populations;

c. Promotion of a safe client environment; and

d. Prevention and appropriate response to situations of bioterrorism and domestic violence; and

8. Development of management and supervisory skills;

C. In addition to meeting curriculum requirements set forth in subsection B of this section, nursing education programs preparing for registered nurse licensure shall also include:

1. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness throughout the life cycle for individuals, groups and communities;

2. Concepts of the nursing process;

3. Concepts of anatomy, physiology, chemistry, and microbiology;

~~4. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;~~

~~5. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;~~

~~6. Concepts of ethics, and the professional and legal aspects of nursing, including:~~

~~a. Regulations and sections of the Code of Virginia related to nursing;~~

~~b. Patient rights; and~~

~~c. Prevention of patient abuse, neglect and abandonment.~~

~~7. Concepts of leadership, delegation, management and patient education;~~

1. Didactic content and supervised clinical experiences in conducting a comprehensive nursing assessment that includes:

a. Extensive data collection, both initial and ongoing, for individuals, families, groups, and communities addressing anticipated changes in client conditions as well as emerging changes in a client's health status;

b. Recognition of alterations to previous client conditions;

c. Synthesizing the biological, psychological and social aspects of the client's condition;

d. Evaluation of the effectiveness and impact of nursing care;

e. Planning for nursing interventions and evaluating the need for different interventions for individuals, groups and communities;

f. Evaluation and implementation of the need to communicate and consult with other health team members; and

g. Use of a broad and complete analysis to make independent decisions and nursing diagnoses; and

2. Didactic content and supervised experiences in:

a. Development of clinical judgment;

b. Development of leadership skills and knowledge of the rules and principles for delegation of nursing tasks;

c. Involvement of clients in decision-making and a plan of care;

d. Participation in quality improvement processes to measure client outcomes and identify hazards and errors; and

3. Concepts of pathophysiology.

4. Principles of delegation of nursing tasks to unlicensed persons.

D. A nursing education program preparing for licensure as a practical nurse shall provide a minimum of 400 hours of direct client care supervised by qualified faculty. A nursing education program preparing for licensure as a registered nurse shall provide a minimum of 500 hours of direct client care supervised by qualified faculty.

18VAC90-20-130. Resources, facilities and services.

A. Periodic evaluations of resources, facilities and services shall be conducted by the administration, faculty, students and graduates of the nursing education program.

B. Secretarial and other support services shall be provided.

C. Classrooms, conference rooms, laboratories, clinical facilities and offices shall be ~~available~~ sufficient to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.

D. The ~~library~~ program shall have learning resources that are current, pertinent and accessible to students and faculty, and sufficient ~~in number~~ to meet the needs of the students and faculty.

E. Written agreements with cooperating agencies shall be developed, maintained and periodically reviewed. The agreement shall:

1. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.

2. Provide that faculty members or preceptors be present in the clinical setting ~~to which~~ when students are assigned for direct patient care.

3. Provide for cooperative planning with designated agency personnel to ensure safe patient care.

4. Provide that faculty be available to students and preceptors while students are involved in preceptorship experiences.

F. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.

G. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.

18VAC90-20-140. Program changes.

A. The following shall be reported to the board within 10 days of the change or receipt of a report from an accrediting body:

1. Change in the program director, governing body or parent institution;

2. Change in accreditation status; ~~or~~

3. Change in content of curriculum, faculty or method of delivery that affects 25% or more of the hours of instruction;

4. A change in financial resources that could substantively affect the nursing education program;

5. A change in the physical location of the program; and

3 6. A final report with findings and recommendations from the accrediting body.

B. Other curriculum or faculty changes shall be reported to the board with the annual report required in 18VAC90-20-160 A.

18VAC90-20-151. Passage rate on national examination.

A. For the purpose of continued approval by the board, a nursing education program shall maintain a passage rate for first-time test takers on the NCLEX that is not less than 80%, calculated on the cumulative results of the past four quarters in each year.

B. If a program falls below 80% for two consecutive years, the board shall conduct a site visit and place the program on conditional approval. If a program falls below 80% for three consecutive years, the board may withdraw program approval.

C. For the purpose of program evaluation, the board may provide to the program the examination results of its graduates. However, further release of such information by the program shall not be authorized without written authorization from the candidate.

Article 3

Maintaining or Closing an Approved Nursing Education Program

18VAC90-20-160. Maintaining an approved nursing education program.

A. The program director of each nursing education program shall submit an annual report to the board.

B. Each nursing education program shall be reevaluated as follows:

1. A program that is ~~not accredited as prescribed~~ has not achieved accreditation as defined in 18VAC90-20-65 18VAC90-20-10 shall be reevaluated at least every eight years for a practical nursing program and every six years for a registered nursing program by submission of a comprehensive self-evaluation report based on Article 2 (18VAC90-20-70 et seq.) of this part, and a survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the board.

2. A program that has maintained accreditation as ~~prescribed~~ defined in 18VAC90-20-65 18VAC90-20-10 shall be reevaluated at least every ~~eight~~ ten years by submission of a comprehensive self-evaluation report as provided by the board. As evidence of compliance with specific requirements of this chapter, the board may accept the most recent study report, site visit report and final decision letter from the accrediting body. The board may require additional information or a site visit to ensure compliance with requirements of this chapter. If accreditation has been withdrawn or a program has been placed on probation, the board shall conduct an on-site survey visit within one year of such action. If a program fails to submit the documentation required in this subdivision, the requirements of subdivision 1 shall apply.

C. The Education Special Conference Committee (the "committee"), ~~comprised~~ composed of not less than two members of the board, shall, in accordance with §2.2-4019 of the Code of Virginia, receive and review the self-evaluation and survey reports and shall make a recommendation to the board for to grant of continued or conditional approval, place the program on conditional approval or withdraw approval.

1. A nursing education program shall continue to be approved provided the requirements set forth in Article 2 of this part are attained and maintained.

2. If the committee determines that a nursing education program is not maintaining the requirements of Article 2 of this part, the committee shall recommend to the board that the program be placed on conditional approval and the governing institution shall be given a reasonable defined period of time to correct the identified deficiencies.

a. The committee shall receive and review reports of progress toward correcting identified deficiencies and, when a final report is received at the end of the specified time showing correction of deficiencies, make a recommendation to the board ~~for to grant of continued approval, continue the program on conditional approval or withdraw approval.~~

b. If the ~~governing institution~~ nursing education program fails to correct the identified deficiencies within the time specified by an order of the board, the board may withdraw the approval following a formal hearing.

c. The governing institution may request a formal hearing before the board or a panel thereof pursuant to §2.2-4020 and subdivision 9 of §54.1-2400 of the Code of Virginia if it objects to any action of the board relating to conditional approval.

D. Interim visits shall be made to the institution by board representatives at any time within the ~~eight-year~~ approval period either by request or as deemed necessary by the board.

Part III

Licensure and Practice

18VAC90-20-190. Licensure by examination.

A. The board shall authorize the administration of examinations for registered nurse licensure and examinations for practical nurse licensure.

B. A candidate shall be eligible to take the examination (i) upon receipt by the board of the completed application, fee and an official transcript from the nursing education program; and (ii) when a determination has been made that no grounds exist upon which the board may deny licensure pursuant to §54.1-3007 of the Code of Virginia.

C. To establish eligibility for licensure by examination, an applicant for the licensing examination shall:

1. File the required application, any necessary documentation and fee ~~no later than 60 days prior to the first day of the month in which the applicant expects to take the examination.~~

2. Arrange for the board to receive an official transcript from the nursing education program which shows either:

a. That the degree or diploma has been awarded and the date of graduation or conferral; or

b. That all requirements for awarding the degree or diploma have been met and specifies the date of conferral.

3. File a new application and reapplication fee if:

a. The examination is not taken within six months of the date that the board determines the applicant to be eligible; or

b. Eligibility is not established within six months of the original filing date.

D. The minimum passing standard on the examination for registered nurse licensure and practical nurse licensure shall be determined by the board.

E. Any applicant suspected of giving or receiving unauthorized assistance during the examination may be noticed for a hearing pursuant to the provisions of the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia) to determine eligibility for licensure or reexamination.

~~F. The board shall not release examination results of a candidate to any individual or agency without written authorization from the applicant or licensee.~~

~~GF.~~ Practice of nursing pending receipt of examination results.

1. A graduate who has filed a completed application for licensure in Virginia and has received an authorization letter issued by the board may practice nursing in Virginia from the date of the authorization letter. The period of practice shall not exceed 90 days between the date of successful completion of the nursing education program, as documented on the applicant's transcript, and the publication of the results of the candidate's first licensing examination.

2. Candidates who practice nursing as provided in subdivision 1 of this subsection shall use the designation "R.N. Applicant" or "L.P.N. Applicant" on a nametag or when signing official records.

3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who either do not take the examination within 90 days following receipt of the authorization letter from the board or who have failed the examination.

~~HG.~~ Applicants who fail the examination.

1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.

2. An applicant for licensure by reexamination shall file the required application and reapplication fee no later than 60 days prior to the first day of the month in which the applicant expects to take the examination in order to establish eligibility.

3. Applicants who have failed the examination for licensure in another U.S. jurisdiction but satisfy the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

18VAC90-20-200. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing, or is eligible for reinstatement, if lapsed, shall be eligible for licensure by endorsement in Virginia, provided the applicant satisfies the same requirements for registered nurse or practical nurse licensure as those seeking initial licensure in Virginia.

1. A graduate of a nursing school in Canada where English was the primary language shall be eligible for licensure by endorsement provided the applicant has passed the Canadian Registered Nurses Examination (CRNE) and holds an unrestricted license in Canada.

2. An applicant for licensure by endorsement who has not passed NCLEX may only be issued a single state license to practice in Virginia.

B. An applicant for licensure by endorsement who has submitted the required application and fee and submitted the required form to the appropriate credentialing agency for verification of licensure may practice for 30 days upon receipt of an authorization letter from the board. If an applicant has not received a Virginia license within 30 days and wishes to continue practice, he shall seek an extension of authorization to practice by submitting a request and evidence that he has requested verification of licensure.

C. If the application is not completed within one year of the initial filing date, the applicant shall submit a new application and fee.

18VAC90-20-220. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, ~~an application~~ a notice for renewal of license shall be mailed by the board to the last known address of each licensee, who is currently licensed.

C. The licensee shall complete the ~~application~~ renewal form and ~~return~~ submit it with the required fee.

D. Failure to receive the ~~application for~~ renewal form shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee fails to renew by the expiration date.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of §54.1-3008 of the Code of Virginia.

G. Upon renewal, all licensees shall declare their primary state of residence. If the declared state of residence is another Compact state, the licensee is not eligible for renewal.

18VAC90-20-230. Reinstatement of lapsed licenses or license suspended or revoked.

A. A nurse whose license has lapsed may be reinstated within one renewal period by payment of the current renewal fee and the late renewal fee.

B. A nurse whose license has lapsed for more than one renewal period shall:

1. File a reinstatement application and pay the reinstatement fee; and

2. Provide evidence of completing 15 hours of continuing education in nursing approved by a regionally accredited educational institution or professional nursing organization or of passage of National Council Licensing Examination during the period in which the license has been lapsed.

C. The board may waive all or part of the continuing education requirement for a nurse who holds a current, unrestricted license in another state and who has engaged in active practice during the period the Virginia license was lapsed.

D. A nurse whose license has been suspended or revoked by the board may apply for reinstatement by filing a reinstatement application, fulfilling requirements for continuing competency as required in subsection B of this section and paying the fee for reinstatement after suspension or revocation. A nurse whose license has been revoked may not apply for reinstatement sooner than three years from entry of the order of revocation.

E. The board may request additional evidence that the nurse is prepared to resume practice in a competent manner.

Part IV

Clinical Nurse Specialists

18VAC90-20-275. Clinical nurse specialist education programs.

~~A. An approved program shall be offered by: 1. A nationally accredited in a school of nursing that holds accreditation as defined in 18VAC90-20-10 that is within a regionally-accredited college or university that offers a master's graduate degree in nursing designed to prepare a registered nurse for advanced practice in a clinical specialty in nursing; or~~

~~2 B. A college or university that offers a master's degree consistent with the requirements of a national certifying organization as defined in 18VAC90-20-10 program that is in the process of obtaining and has not been denied accreditation may be considered by the board as an approved program for the purpose of registering a person who graduated during the accrediting process.~~

18VAC90-20-280. Clinical nurse specialist registration.

A. Initial registration. An applicant for initial registration as a clinical nurse specialist shall:

1. Be currently licensed as a registered nurse in Virginia or hold a current multistate licensure privilege as a registered nurse;

2. Submit evidence of ~~graduation~~ a graduate degree in nursing from an approved program as defined in 18VAC90-20-275;

3. Submit evidence of current specialty certification as a clinical nurse specialist from a national certifying organization ~~as defined in 18VAC90-20-10~~ acceptable to the board or has an exception available from March 1, 1990, to July 1, 1990; and

4. Submit the required application and fee.

B. Renewal of registration.

1. Registration as a clinical nurse specialist shall be renewed biennially at the same time the registered nurse license is renewed. If registered as a clinical nurse specialist with a multistate licensure privilege to practice in Virginia as a registered nurse, a licensee born in even-numbered years shall renew his license by the last day of

the birth month in even-numbered years and a licensee born in odd-numbered years shall renew his license by the last day of the birth month in odd-numbered years.

2. The clinical nurse specialist shall complete the renewal application form and return submit it with the required fee and evidence of current specialty certification unless registered in accordance with an exception.

3. Registration as a clinical nurse specialist shall lapse if the registered nurse license is not renewed or the multistate licensure privilege is lapsed and may be reinstated upon:

- a. Reinstatement of R.N. license or multistate licensure privilege;
- b. Payment of reinstatement and current renewal fees; and
- c. Submission of evidence of continued specialty certification unless registered in accordance with an exception.

Part V

Disciplinary Provisions

18VAC90-20-300. Disciplinary provisions.

A. The board has the authority to deny, revoke or suspend a license or multistate licensure privilege issued, or to otherwise discipline a licensee or holder of a multistate licensure privilege upon proof that the licensee or holder of a multistate licensure privilege has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit in procuring or maintaining a license means, but shall not be limited to:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
- c. Giving or receiving assistance in the taking of the licensing examination.

2. Unprofessional conduct means, but shall not be limited to:

- a. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 (§54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, or as provided by §§54.1-2901 and 54.1-2957 of the Code of Virginia;
- b. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
- c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
- d. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;

- e. Falsifying or otherwise altering patient, employer, student, or educational program records, including falsely representing facts on a job application or other employment-related documents;
 - f. Abusing, neglecting or abandoning patients or clients;
 - g. Practice of a clinical nurse specialist beyond that defined in 18VAC90-20-290;
 - h. Representing oneself as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the board;
 - i. Delegating nursing tasks to an unlicensed person in violation of the provisions of Part VIII (18VAC90-20-420 et seq.) of this chapter;
 - j. Giving to or accepting from a patient or client property or money for any reason other than fee for service or a nominal token of appreciation;
 - k. Obtaining money or property of a patient or client by fraud, misrepresentation or duress;
 - l. Entering into a relationship with a patient or client that constitutes a professional boundary violation in which the nurse uses his professional position to take advantage of ~~a patient or client's~~ the vulnerability of a patient, a client or his family, to include but not limited to actions that result in personal gain at the expense of the patient or client, a nontherapeutic personal involvement or sexual conduct with a patient or client;
 - m. Violating state laws relating to the privacy of patient information, including but not limited to §32.1-127.1:03 of the Code of Virginia; ~~or~~
 - n. Providing false information to staff or board members in the course of an investigation or proceeding; or
 - n. Violating any provision of this chapter.
- B. Any sanction imposed on the registered nurse license of a clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

Part VII

Medication Administration Training Program

18VAC90-20-370. Establishing a medication administration training program.

- A. A program provider wishing to establish a medication administration training program pursuant to §54.1-3408 of the Code of Virginia shall submit an application to the board at least 90 days in advance of the expected beginning date.
- B. The application shall be considered at a meeting of the board. The board shall, after review and consideration, either grant or deny approval.
- C. If approval is denied, the program provider may request a hearing before the board, and the provisions of the Administrative Process Act shall apply (~~§9-6.14:1~~ 2.2-4000 et seq. of the Code of Virginia).

18VAC90-20-390. Content.

The curriculum shall include a minimum of ~~24~~ 32 hours of classroom instruction and practice in the following:

1. Preparing for safe administration of medications to clients in specific settings by:
 - a. Demonstrating an understanding of the client's rights regarding medications, treatment decisions and confidentiality.
 - b. Recognizing emergencies and other health-threatening conditions and responding accordingly.
 - c. Identifying medication terminology and abbreviations.
2. Maintaining aseptic conditions by:
 - a. Implementing universal precautions.
 - b. Insuring cleanliness and disinfection.
 - c. Disposing of infectious or hazardous waste.
3. Facilitating client self-administration or assisting with medication administration by:
 - a. Reviewing administration records and prescriber's orders.
 - b. Facilitating client's awareness of the purpose and effects of medication.
 - c. Assisting the client to interpret prescription labels.
 - d. Observing the five rights of medication administration and security requirements appropriate to the setting.
 - e. Following proper procedure for preparing medications.
 - f. Measuring and recording vital signs to assist the client in making medication administration decisions.
 - g. Assisting the client to administer oral medications.
 - h. Assisting the client with administration of prepared instillations and treatments of:
 - (1) Eye drops and ointments.
 - (2) Ear drops.
 - (3) Nasal drops and sprays.
 - (4) Topical preparations.
 - (5) Compresses and dressings.
 - (6) Vaginal and rectal products.
 - (7) Soaks and sitz baths.

- (8) Inhalation therapy.
- (9) Oral hygiene products.
 - i. Reporting and recording the client's refusal to take medication.
 - j. Documenting medication administration.
 - k. Documenting and reporting medication errors.
 - l. Maintaining client records according to facility policy.
 - m. Sharing information with other staff orally and by using documents.
 - n. Storing and securing medications.
 - o. Maintaining an inventory of medications.
 - p. Disposing of medications.
- 4. Facilitating client self-administration or assisting with the administration of insulin. Instruction and practice in the administration of insulin shall be included only in those settings where required by client needs and shall include:
 - a. Cause and treatment of diabetes.
 - b. The side effects of insulin.
 - c. Preparation and administration of insulin.

Part VIII

Protocol for Adult Immunization

18VAC90-20-410. Requirements for protocol for administration of adult immunization.

Pursuant to provisions of §54.1-3408 of the Code of Virginia, a protocol shall be submitted to the board prior to the administration of an adult immunization program which includes the following:

1. Purpose and objectives of immunization program.
2. Target population.
3. Name and address of medical director.
4. A signed and dated medical directive.
5. Screening criteria for inclusion and exclusion.
6. Informed consent form.

7. Immunization procedures.
 - a. Dosage.
 - b. Single or multiple dose administration.
 - c. Injection site.
 - d. Vaccine storage.
 - e. Biohazardous waste disposal.
 - f. Standard precautions.
8. Post-immunization instructions.
9. Emergency guidelines, including a signed medical directive for emergency treatment.
10. Qualification of immunization providers.
 - a. Virginia licensure as a registered nurse, licensed practical nurse, or pharmacist.
 - b. Supervision of LPN provider.
 - c. Current cardiopulmonary resuscitation training.
11. Resource personnel and supervision.
12. Sample of patient record with date, vaccine, dose, site, expiration date, lot number, and administering person's signature.