

Final Regulations Governing the Practice of Nursing
18 VAC 90-20-10 et seq.
Virginia Board of Nursing

(Final action on proposed changes to Section 90 of this Chapter has been suspended for further consideration)

18VAC90-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"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 Board of Education~~, State Council of Higher Education or an Act of the General Assembly.

"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 Board of Education~~, the State Council of Higher Education or an Act of the General Assembly.

"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 (18VAC90-20-10 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.

"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, ~~offered by a Virginia school,~~ 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.

"Program director" means a registered nurse who holds a current, unrestricted license in Virginia 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 clearly 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. Phase I 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.
2. Submit to the board, ~~along with the statement of intent,~~ evidence documenting adequate resources and the ability to provide a program that can meet the requirements of Article 2 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;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program as evidenced by letters of support indicating a willingness and the ability to provide a clinical site for training;
 - 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.
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 of not less than two members of the board, shall, in accordance with ~~§9-6.14:11~~ 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 ~~grant~~ granting or denial of approval of ~~Phase I~~ the program application.

1. If the board accepts the recommendation to approve ~~Phase I~~ 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 ~~Phase I~~ 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 ~~§9-6.14:12~~ 2.2-4020 and subdivision 9 of §54.1-2400 of the Code of Virginia.

18VAC90-20-50. ~~Phase II~~ 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 ~~tentative~~ written curriculum plan developed in accordance with 18VAC90-20-120 has been submitted.

B. The committee shall, in accordance with ~~§9-6.14:11~~ 2.2-4019 of the Code of Virginia, make recommendations to the board for the grant or denial of 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 approval and other information as required by the board.

2. If the committee recommendation is to deny provisional approval of ~~Phase II~~, 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 ~~§9-6.14:12~~ 2.2-4020 and subdivision 9 of §54.1-2400 of the Code of Virginia.

18VAC90-20-60. ~~Phase III~~ 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
3. A survey visit has been made by a representative of the board.

B. The committee shall, in accordance with ~~§9-6.14:11~~ 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 the ~~grant~~ granting or denial of approval or for continuance of provisional approval.

C. If the committee's recommendation is to deny approval ~~of Phase III~~, 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 ~~§9-6.14:12~~ 2.2-4020 and subdivision 9 of §54.1-2400 of the Code of Virginia.

18VAC90-20-65. Continued approval.

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

18VAC90-20-95. 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. 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.

18VAC90-20-120. 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 practice 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;
2. Basic concepts of the nursing process;
3. Basic concepts of anatomy, physiology, chemistry, ~~physics~~ and microbiology;
4. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;
5. Basic concepts of ethics, ~~nursing history and trends~~, 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.

6. Basic concepts of pharmacology, nutrition and diet therapy.

C. Nursing education programs preparing for registered nurse licensure shall 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 ~~and physics~~;

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, ~~nursing history and trends~~, 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.

18VAC90-20-140. Program changes.

A. The following shall be reported to the board within ten 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. A final report with findings and recommendations from the accrediting body.

B. Additions, deletions or revisions of courses Curriculum or faculty changes shall be reported to the board with the annual report required in 18VAC90-20-160 A.

18VAC90-20-150. [Repealed]

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 in 18 VAC 90-20-65 shall be reevaluated at least every eight years ~~and shall require:~~ by 1. submission of a comprehensive self-evaluation report based on Article 2 (18VAC90-20-70 et seq.) of this part; and ~~2.~~ 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 in 18 VAC 90-20-65 shall be reevaluated at least every eight 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 report from the accrediting body. 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.

C. The Education Special Conference Committee (the "committee"), comprised of not less than two members of the board, shall, in accordance with ~~§9-6.14:11~~ 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 grant of continued or conditional 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 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 grant of continued approval.

- b. If the governing institution fails to correct the identified deficiencies within the time specified by ~~the committee or~~ an order of the board, the board ~~or a panel thereof~~ 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 ~~§9-6.14:12~~ 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 period either by request or as deemed necessary by the board.

18VAC90-20-170. Closing of an approved nursing education program: ~~voluntary closing; closing as a result of denial or withdrawal of approval~~; custody of records.

A. When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing.

The governing institution shall assist in the transfer of students to other approved programs with the following conditions:

1. The program shall continue to meet the standards required for approval until all students are transferred.

2. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

3. The date on which the last student was transferred shall be the closing date of the program.

B. When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:

1. The program shall ~~close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A~~ be closed according to a time frame for the transfer process shall be established by the board.

2. A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

~~3. The date on which the last student was transferred shall be the closing date of the program.~~

C. Provision shall be made for custody of records as follows:

1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.

2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for safekeeping.

18VAC90-20-180. [Repealed]

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; 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 (~~§9-6.14:1~~ 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.

G. Practice of nursing pending receipt of examination results.

1. ~~An eligible~~ A graduate who has filed an 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. for a The period of practice shall not to exceed 90 days between the date of successful completion of the nursing education program, as documented on the applicant's transcript, and the receipt 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 ~~completion of the nursing education program~~ receipt of the authorization letter from the board or who have failed the examination.

H. 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. 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.

B. An applicant for licensure by endorsement ~~shall submit~~ who has submitted the required application and fee and ~~submit~~ submitted the required form to the appropriate credentialing agency ~~in the state or province of original licensure~~ for verification of licensure may practice for 30 days upon receipt of an authorization letter from the board. ~~Applicants will be notified by the board after 30 days, if the completed verification form has not been received.~~ 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 ~~application shall be retained on file by the board as required for audit~~ 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 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 and return it with the required fee.

D. Failure to receive the application for renewal 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 ~~last day of the birth month~~ 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.

18VAC90-20-230. Reinstatement of ~~lapsed~~ licenses.

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 two years from entry of the order of revocation.

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

18VAC90-20-270. Supervision of licensed practical nurses.

Licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a registered nurse or a licensed dentist ~~within the context of §54.1-3408 of the Code of Virginia.~~

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;
2. Submit evidence of graduation from an approved program as defined in 18VAC90-20-275;
3. Submit evidence of current specialty certification from a national certifying organization as defined in 18VAC90-20-10; 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.
2. The clinical nurse specialist shall complete the renewal application and return 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 and may be reinstated ~~as follows~~ upon:

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

18VAC90-20-300. Disciplinary provisions.

A. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee, upon proof that the licensee 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, ~~or~~ 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; ~~or~~
- i. Delegating nursing tasks to an unlicensed person in violation of the provisions of Part ~~IX~~ X (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 vulnerability, to include but not limited to actions that result in personal gain at the expense of the patient [or client], a non-therapeutic personal involvement or sexual conduct with a patient [or client]; or
- m. Violating state ~~or federal~~ laws relating to the privacy of patient information, including but not limited to § 32.1-127.1:03 of the Code of Virginia.

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 VI

Certified Nurse Aides

18VAC90-20-310. Definitions. [Repealed].

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Nurse aide education program" means a program designed to prepare nurse aides for certification.

"Nursing facility" means a licensed nursing home or an entity which is certified for Medicare or Medicaid long term care reimbursement.

"Primary instructor" means a registered nurse who is responsible for teaching and evaluating the students enrolled in a nurse aide education program.

"Program coordinator" means a registered nurse who is administratively responsible and accountable for a nurse aide education program.

"Program provider" means an entity which conducts a nurse aide education program.

18VAC90-20-320. Delegation of authority. [Repealed].

The executive director of the board shall issue a certificate as a certified nurse aide to each applicant who qualifies for such a certificate under §§54.1-3024, 54.1-3025, 54.1-3026 and 54.1-3028 of the Code of Virginia.

18VAC90-20-330. Nurse aide education program. [Repealed].

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.

2. The application shall provide evidence of the ability of the institution to comply with subsection B of this section.

~~3. The Education Special Conference Committee (the "committee"), comprised of not less than two members of the board, shall, in accordance with [§9-6.14:11](#) of the Code of Virginia, receive and review the application and shall make a recommendation to the board for grant or denial of approval.~~

~~4. 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 [§9-6.14:12](#) and subdivision 11 of [§54.1-2400](#) of the Code of Virginia.~~

~~B. Maintaining an approved nurse aide education program. To maintain approval, the nurse aide education program shall:~~

~~1. Demonstrate evidence of compliance with the following essential elements:~~

~~a. Curriculum content and length as set forth in subsections D and G of this section.~~

~~b. Maintenance of qualified instructional personnel as set forth in subsection C of this section.~~

~~c. Classroom facilities that meet requirements set forth in subsection H of this section.~~

~~d. Maintenance of records as set forth in subsection E of this section.~~

~~e. Skills training experience in a nursing facility which has not been subject to penalty or penalties as provided in 42 CFR 483.151(b)(2) (Medicare and Medicaid Programs: Nurse Aide Training and Competency Evaluation Programs, effective April 1, 1992) in the past two years. The foregoing shall not apply to a nursing facility which has received a waiver from the state survey agency in accordance with federal law.~~

~~f. Agreement that board representatives may make unannounced visits to the program.~~

~~g. Financial support and resources sufficient to meet requirements of this chapter.~~

~~2. Impose no fee for any portion of the program on any nurse aide who, on the date on which the nurse aide begins the program, is either employed or has an offer of employment from a nursing facility.~~

~~3. Provide each student applying to or enrolled in such program with a copy of applicable Virginia law regarding criminal history records checks for employment in certain health care facilities, and a list of crimes which pose a barrier to such employment.~~

4. Report all substantive changes in subdivision 1 of this subsection within 10 days of the change to the board.

C. Instructional personnel:

1. Program coordinator:

a. The program coordinator in a nursing facility based program may be the director of nursing services.

The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program but shall not engage in the actual classroom and clinical teaching.

b. The primary instructor may be the program coordinator in any nurse aide education program.

2. Primary instructor:

a. Qualifications. The primary instructor, who does the actual teaching of the students:

(1) Shall hold a current Virginia license as a registered nurse; and

(2) Shall have two years of experience as a registered nurse within the previous five years and at least one year of experience in the provision of long-term care facility services. Such experience may include, but not be limited to, employment in a nurse aide education program or employment in or supervision of nursing students in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct resident care, supervision and education.

b. Responsibilities. The primary instructor shall participate in the teaching and evaluation of students and, in addition, shall:

(1) Participate in the planning of each learning experience;

(2) Ensure that course objectives are accomplished;

(3) Ensure that the provisions of subdivision 6 of this subsection are maintained;

(4) Maintain records as required by subsection E of this section;

(5) Perform other activities necessary to comply with subsection B of this section; and

~~(6) Ensure that students do not perform services for which they have not received instruction and been found proficient by the instructor.~~

~~3. Other instructional personnel:~~

~~a. Qualifications:~~

~~(1) A registered nurse shall:~~

~~(a) Hold a current Virginia license as a registered nurse; and~~

~~(b) Have had at least one year of direct patient care experience as a registered nurse.~~

~~(2) A licensed practical nurse shall:~~

~~(a) Hold a current Virginia license as a practical nurse;~~

~~(b) Hold a high school diploma or equivalent;~~

~~(c) Have been graduated from a state-approved practical nursing program; and~~

~~(d) Have had at least two years of direct patient care experience as a licensed practical nurse.~~

~~b. Responsibilities. Other personnel shall provide instruction under the general supervision of the primary instructor.~~

~~4. Prior to being assigned to teach the nurse aide education program, all instructional personnel shall demonstrate competence to teach adults by one of the following:~~

~~a. Complete satisfactorily a course in teaching adults that includes:~~

~~(1) Basic principles of adult learning;~~

~~(2) Teaching methods and tools for adult learners; and~~

~~(3) Evaluation strategies and measurement tools for assessing the learning outcomes;~~

~~b. Have experience in teaching adults; or~~

~~c. Have experience in supervising nurse aides.~~

~~5. The program may utilize resource personnel who have had at least one year of experience in their field to meet the planned program objectives for specific topics.~~

~~6. When students are giving direct care to clients in clinical areas, instructional personnel must be on site solely to supervise the students. The ratio of students to each instructor shall not exceed 10 students to one instructor.~~

~~D. Curriculum content.~~

~~1. The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:~~

~~a. Initial core curriculum. Prior to the direct contact of a student with a nursing facility client, a total of at least 16 hours of instruction in the following areas must be presented:~~

- ~~(1) Communication and interpersonal skills;~~
- ~~(2) Infection control;~~
- ~~(3) Safety and emergency procedures, including the Heimlich Maneuver;~~
- ~~(4) Promoting client independence; and~~
- ~~(5) Respecting clients' rights.~~

~~b. Basic skills.~~

- ~~(1) Recognizing changes in body functioning and the importance of reporting such changes to a supervisor.~~
- ~~(2) Measuring and recording routine vital signs.~~
- ~~(3) Measuring and recording height and weight.~~
- ~~(4) Caring for the clients' environment.~~
- ~~(5) Measuring and recording fluid and food intake and output.~~
- ~~(6) Performing basic emergency measures.~~
- ~~(7) Caring for a client when death is imminent.~~

~~c. Personal care skills.~~

- ~~(1) Bathing and oral hygiene.~~
- ~~(2) Grooming.~~

~~(3) Dressing.~~

~~(4) Toileting.~~

~~(5) Assisting with eating and hydration, including proper feeding techniques.~~

~~(6) Caring for skin, to include prevention of pressure ulcers.~~

~~(7) Transfer, positioning and turning.~~

~~d. Individual client's needs, including mental health and social service needs.~~

~~(1) Modifying the aide's behavior in response to the behavior of clients.~~

~~(2) Identifying developmental tasks associated with the aging process.~~

~~(3) Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.~~

~~(4) Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, and by providing and reinforcing other behavior consistent with the client's dignity.~~

~~(5) Utilizing the client's family or concerned others as a source of emotional support.~~

~~(6) Responding appropriately to the client's behavior.~~

~~(7) Providing appropriate clinical care to the aged and disabled.~~

~~(8) Providing culturally sensitive care.~~

~~e. Care of the cognitively impaired client.~~

~~(1) Using techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).~~

~~(2) Communicating with cognitively impaired residents.~~

~~(3) Demonstrating and understanding the behavior of cognitively impaired residents.~~

~~(4) Responding appropriately to the behavior of cognitively impaired residents.~~

~~(5) Using methods to reduce the effects of cognitive impairment.~~

~~f. Skills for basic restorative services.~~

~~(1) Using assistive devices in transferring, ambulation, eating and dressing.~~

~~(2) Maintaining range of motion.~~

~~(3) Turning and positioning, both in bed and chair.~~

~~(4) Bowel and bladder training.~~

~~(5) Caring for and using prosthetic and orthotic devices.~~

~~(6) Teaching the client in self care according to the client's abilities as directed by a supervisor.~~

~~g. Clients' rights.~~

~~(1) Providing privacy and maintaining confidentiality.~~

~~(2) Promoting the client's right to make personal choices to accommodate individual needs.~~

~~(3) Giving assistance in resolving grievances and disputes.~~

~~(4) Providing assistance necessary to participate in client and family groups and other activities.~~

~~(5) Maintaining care and security of the client's personal possessions.~~

~~(6) Promoting the resident's rights to be free from abuse, mistreatment and neglect and the need to report any instances of such treatment to appropriate staff.~~

~~(7) Avoiding the need for restraints in accordance with current professional standards.~~

~~h. Legal aspects of practice as a certified nurse aide.~~

~~i. Occupational health and safety measures.~~

~~j. Appropriate management of conflict.~~

~~2. Unit objectives.~~

~~a. Objectives for each unit of instruction shall be stated in behavioral terms which are measurable.~~

~~b. Objectives shall be reviewed with the students at the beginning of each unit.~~

~~E. Records.~~

~~1. Each nurse aide education program shall develop an individual record of major skills taught and the date of performance by the student. At the completion of the nurse aide education program, the nurse aide must receive a copy of this record.~~

~~2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.~~

~~3. A record that documents the disposition of complaints against the program shall be maintained.~~

~~F. Student identification. The nurse aide students shall wear identification that clearly distinguishes them as students to clients, visitors and staff.~~

~~G. Length of program:~~

~~1. The program shall be at least 120 clock hours in length.~~

~~2. The program shall provide for at least 16 hours of instruction prior to direct contact of a student with a nursing facility client.~~

~~3. Skills training in clinical settings shall be at least 40 hours. Five of the clinical hours may be in a setting other than a nursing home.~~

~~4. Employment orientation to facilities used in the education program must not be included in the 120 hours allotted for the program.~~

~~H. Classroom facilities. The nurse aide education program shall provide facilities that meet federal and state requirements including:~~

~~1. Comfortable temperatures.~~

~~2. Clean and safe conditions.~~

~~3. Adequate lighting.~~

~~4. Adequate space to accommodate all students.~~

~~5. All equipment needed, including audio-visual equipment and that needed for simulating resident care.~~

~~I. Program review.~~

~~1. Each nurse aide education program shall be reviewed on site by an agent of the board at least every two years following initial review.~~

~~2. The committee, in accordance with [§9-6.14:11](#) of the Code of Virginia, shall receive and review the report of the site visit and shall make recommendations to the board to grant or deny continued approval.~~

~~a. A nurse aide education program shall continue to be approved provided the requirements set forth in subsections B through H of this section are maintained.~~

~~b. If the committee determines that a nurse aide education program is not maintaining the requirements of subsections B through H of this section, with the exception of subdivision B 1 e of this section, the committee shall recommend to the board that the program be placed on conditional approval and the program provider shall be given a reasonable period of time to correct the identified deficiencies.~~

~~(1) 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 corrections of deficiencies, make a recommendation to the board for grant of continued approval.~~

~~(2) If the program provider fails to correct the identified deficiencies within the time specified by the committee or the board, the board or a panel thereof may withdraw approval following a hearing in accordance with [§9-6.14:12](#) and subdivision 11 of [§54.1-2400](#) of the Code of Virginia.~~

~~(3) The program provider may request a formal hearing before the board or a panel thereof pursuant to [§9-6.14:12](#) and subdivision 11 of [§54.1-2400](#) of the Code of Virginia if it objects to any action of the board relating to conditional approval.~~

~~3. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on-site review is not conducted.~~

~~J. Curriculum changes. Changes in curriculum shall be approved by the board prior to implementation and shall be submitted at the time of the site visit or with the report submitted by the program coordinator in the intervening year.~~

~~K. Interruption of program.~~

~~1. When a program provider does not wish to admit students for a period not to exceed one year, the provider may request that the program be placed on inactive status and shall not be subject to compliance with subsection B of this section for the specified time.~~

~~2. Unless the program provider notifies the board that it intends to admit students, the program will be considered closed at the end of the one year period and be subject to the requirements of subsection L of this section.~~

~~3. If the program provider does not offer the program for two consecutive years, the program shall be considered closed and shall be subject to the requirements of subsection L of this section.~~

~~L. Closing of a nurse aide education program. When a nurse aide education program closes, the program provider shall:~~

~~1. Notify the board of the date of closing.~~

~~2. Submit to the board a list of all graduates with the date of graduation of each.~~

18VAC90-20-340. Nurse aide competency evaluation. [Repealed].

~~A. The board may contract with a test service for the development and administration of a competency evaluation.~~

~~B. All individuals completing a nurse aide education program in Virginia shall successfully complete the competency evaluation required by the board prior to making application for certification and to using the title Certified Nurse Aide.~~

~~C. The board shall determine the minimum passing standard on the competency evaluation.~~

18VAC90-20-350. Nurse aide registry. [Repealed].

~~A. Initial certification by examination.~~

~~1. To be placed on the registry and certified, the nurse aide must:~~

- ~~a. Satisfactorily complete a nurse aide education program approved by the board; or~~
- ~~b. Be enrolled in a nursing education program preparing for registered nurse or practical nurse licensure, have completed at least one nursing course which includes clinical experience involving client care; or~~
- ~~c. Have completed a nursing education program preparing for registered nurse licensure or practical nurse licensure; and~~
- ~~d. Pass the competency evaluation required by the board; and~~
- ~~e. Submit the required application and fee to the board.~~

~~2. Initial certification by endorsement.~~

- ~~a. A graduate of a state approved nurse aide education program who has satisfactorily completed a competency evaluation program and is currently registered in another state may apply for certification in Virginia by endorsement.~~
- ~~b. An applicant for certification by endorsement shall submit the required application and fee and submit the required verification form to the credentialing agency in the state where registered, certified or licensed within the last two years.~~

~~3. Initial certification shall be for two years.~~

~~B. Renewal of certification.~~

- ~~1. No less than 30 days prior to the expiration date of the current certification, an application for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.~~
- ~~2. The certified nurse aide shall return the completed application with the required fee of \$45 and verification of performance of nursing related activities for compensation within the preceding two years. The board shall also charge a fee of \$25 for a returned check.~~
- ~~3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.~~

~~4. A certified nurse aide who has not performed nursing-related activities for compensation during the two years preceding the expiration date of the certification shall repeat and pass the nurse aide competency evaluation prior to applying for recertification.~~

~~C. Reinstatement of lapsed certification. An individual whose certification has lapsed shall file the required application and renewal fee and:~~

~~1. Verification of performance of nursing-related activities for compensation prior to the expiration date of the certificate and within the preceding two years; or~~

~~2. When nursing activities have not been performed during the preceding two years, evidence of having repeated and passed the nurse aide competency evaluation.~~

~~D. Evidence of change of name. A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order authorizing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence and the required fee.~~

~~E. Requirements for current mailing address:~~

~~1. All notices required by law and by this chapter to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.~~

~~2. Each certificate holder shall maintain a record of his current mailing address with the board.~~

~~3. Any change of address by a certificate holder shall be submitted in writing to the board within 30 days of such change.~~

18VAC90-20-360. Denial, revocation or suspension. [Repealed].

~~The board has the authority to deny, revoke or suspend a certificate issued, or to otherwise discipline a certificate holder upon proof that he 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 shall mean, but shall not be limited to:~~

- ~~a. Filing false credentials;~~
- ~~b. Falsely representing facts on an application for initial certification, reinstatement or renewal of a certificate; or~~
- ~~c. Giving or receiving assistance in taking the competency evaluation.~~

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

- ~~a. Performing acts beyond those authorized for practice as a nurse aide as defined in Chapter 30 (§54.1-3000 et seq.) of Title 54.1 of the Code of Virginia;~~
- ~~b. Assuming duties and responsibilities within the practice of a nurse aide without adequate training or when competency has not been maintained;~~
- ~~c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;~~
- ~~d. Falsifying or otherwise altering client or employer records;~~
- ~~e. Abusing, neglecting or abandoning clients; or~~
- ~~f. Having been denied a license or having had a license issued by the board revoked or suspended.~~

Part ~~VH~~ VI

Medication Administration Training Program

18VAC90-20-390. Content.

The curriculum shall include a minimum of 24 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~~ VII

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. ~~Universal~~ Standard precautions.
8. Post-immunization instructions.
9. Emergency guidelines.
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.

Part ~~IX~~ X

Delegation of Nursing Tasks and Procedures

18VAC90-20-460. Nursing tasks that shall not be delegated.

A. Nursing tasks that shall not be delegated are those which are inappropriate for a specific, unlicensed person to perform on a specific patient after an assessment is conducted as provided in 18VAC90-20-440.

B. Nursing tasks that shall not be delegated to any unlicensed person are:

1. Activities involving nursing assessment, problem identification, and outcome evaluation which require independent nursing judgment;
2. Counseling or teaching except for activities related to promoting independence in personal care and daily living;
3. Coordination and management of care involving collaboration, consultation and referral;
4. Emergency and nonemergency triage; and
5. Administration of medications except as specifically permitted by the Virginia Drug Control Act (§54.1-3400 et seq. of the Code of Virginia).
6. Circulating duties in an operating room.

Certification

I certify that this regulation is full, true, and correctly dated.

Jay P. Douglas, R.N.
Executive Director
Virginia Board of Nursing

Date: _____

FORMS

Application for Licensure by Endorsement--Registered Nurse (with Instructions)(rev. 6/98)
Application for Licensure by Endorsement--Licensed Practical Nurse (rev. 8/99).
Instructions for Filing Application for Licensure by Examination for Registered Nurses (8/97).
Application for Licensure by Examination--Registered Nurse (rev. 8/99).
Instructions for Filing Application for Licensure by Examination for Practical Nurses (rev. 11/96).
Application for Licensure by Examination--Licensed Practical Nurses (rev. 8/99).
Instructions for Filing Application for Licensure by Repeat Examination for Registered Nurses (rev. 8/97).
Application for Licensure by Repeat Examination for Registered Nurse (rev. 8/99).
Instructions for Filing Application for Licensure by Repeat Examination for Practical Nurses (rev. 8/97).
Application for Licensure by Repeat Examination for Licensed Practical Nurse (rev. 8/99).
Instructions for Filing Application for Licensure by Examination for Nurses Educated in Other Countries (rev. 8/97).
Application for Licensure by Examination for Registered Nurses Educated in Other Countries (rev. 8/99).
Temporary Exemption To Licensure (eff. 5/01).
Instructions for Filing Application by Practical Nurses from Other Countries (rev. 1/94).
Application for Licensure by Examination for Licensed Practical Nurses Educated in Other Countries (rev. 8/99).
Application for Reinstatement of License as a Registered Nurse (rev. 8/99).
Application for Reinstatement of License as a Licensed Practical Nurse (rev. 8/99).
Verification of Licensure or Registration (rev. 11/95).
Renewal Notice and Application (rev. 2/00).
Application for Registration as a Clinical Nurse Specialist (rev. 2/98).
Survey Visit Report.
Annual Report for Registered Nursing Programs.
Annual Report for Practical Nursing Programs.
Certified Nurse Aide Renewal Notice and Application (rev. 2/00).
Application for Reinstatement of Nurse Aide Certification (rev. 8/99).
Application for Nurse Aide Certification by Endorsement.
Nurse Aide Certification Verification Form.
Application to Establish Nurse Aide Education Program (rev. 5/99).
Program Evaluation Report (rev. 5/99).
On-Site Review Report (rev. 5/99).
Evaluation of On-Site Visitor.
Request for Statistical Information.
