

FINAL ANALYSIS AND RECOMMENDATION FOR MDBN Meeting Date: 02/28/2023

Type of Submission:

Compliance Report

Criteria: 3.

Description of Criteria

3. Has an adequate organization and effective procedures, administered by a qualified board and staff, to maintain its operation on a professional basis. Among the factors to be considered in this connection are that the agency:

Narrative:

In the January 19, 2021, "Decision of the Secretary" (the "Decision"), Acting Secretary Zais' found that the "[Maryland Board of Nursing's] staff has the experience and qualifications to conduct site visits." Furthermore, Acting Secretary Zais indicated that he "[did] not find that the Board's decision-making process is compromised by conflicts of interest." However, there remained some confusion about the nature and work of the Board's Practice and Education Committee (the "PEC"), as well as the Board's internal policies and process governing how it conducts nursing education program site visits and examinations.

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

Pursuant to the Acting Secretary's Official Order dated January 19, 2021 reversing the May 2020 Senior Department Official's decision after review of the agency's Appeal, it was declared that the agency met the requirements of this criterion during the review of the 2020 Renewal Petition; however, a system glitch within the eRecognition system utilized for Department petition submissions required the agency to provide a narrative for this criterion. The agency provided language from the SDO letter to bypass the glitch; and no additional information or documentation is required from this agency for this section of the compliance report.

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

The agency met the requirements of this criterion with its original narrative of the compliance report.

List of Document(s) Uploaded by Analyst - Response

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Criteria: 3a.

Description of Criteria

a. Uses experienced and qualified examiners to visit schools of nursing to examine educational objectives, programs, administrative practices, services and facilities and to prepare written reports and recommendations for the use of the reviewing body - and causes such examinations to be conducted under conditions that assure an impartial and objective judgment;

Narrative:

In the January 19, 2021, "Decision of the Secretary" (the "Decision"), Acting Secretary Zais' found that the "[Maryland Board of Nursing's] staff has the experience and qualifications to conduct site visits." Furthermore, Acting Secretary Zais indicated that he "[did] not find that the Board's decision-making process is compromised by conflicts of interest." However, there remained some confusion about the nature and work of the Board's Practice and Education Committee (the "PEC"), as well as the Board's internal policies and process governing how it conducts nursing education program site visits and examinations.

To demonstrate compliance with Criteria 3(a), Acting Secretary Zais ordered the Board to promptly (i.e., within seven (7) days of receipt of the Decision) provide a report or transcript of a PEC meeting. On January 26, 2021, in compliance with Acting Secretary Zais' order, the Board produced transcripts of the PEC meetings held on December 6, 2019, November 13, 2020, and December 11, 2020. EXHIBIT 1 - Practice and Education Committee Transcript - December 6, 2019; Practice and Education Committee Transcript - November 13, 2020; Practice and Education Committee Transcript - December 11, 2020.

These PEC meeting transcripts were selected because they include the Committee's review of several

nursing education program site visit reports, which were conducted, authored, and presented to the PEC by the Board's professional staff. To provide further context and demonstrate continuity, the Board also produced transcripts of its open session meetings held on December 9, 2019, November 18, 2020, and December 16, 2020, at which the same nursing education program site visit reports were presented by the Board's professional staff, along with the PEC's substantive recommendations, for the Board's final review and action. EXHIBIT 2 - Board Meeting Open Session Agenda - December 9, 2019; Board Meeting Open Session Agenda - November 18, 2020; Board Meeting Open Session Agenda - December 16, 2020.

Acting Secretary Zais also ordered the Board to produce "internal policies explicitly demonstrating that its examinations [of nursing education programs] are 'conducted under conditions that assure an impartial and objective judgment' as required by Criteria 3(a)." In response to this requirement, the Board produced, as part of its second interim progress report, submitted on July 19, 2021, a Standard Operating Procedures document (the "SOP"), which governs the Board's procedures for conducting nursing education program site visits and examinations, including a requirement that all relevant Board staff and PEC members perform a self-assessment for potential or actual conflicts of interest and take appropriate action to recuse themselves from matters in which a potential or actual conflict exists or arises. The SOP also formally establishes the role and responsibilities of the PEC in the review and assessment of completed nursing education program site visits and examinations. A copy of the SOP document is attached for the NACIQI's review and validation. EXHIBIT 3 – Maryland Board of Nursing - Standard Operating Procedures for Nursing Education Program Site Visits and Examinations.

Lastly, notwithstanding Acting Secretary Zais' finding that the Board's staff is already sufficiently experienced and qualified to conduct nursing education program site visits and examinations, the Board has expanded its Education and Exam Department by hiring the following highly qualified individuals:

Dr. Camille Forbes-Scott – Dr. Forbes-Scott has a master's degree in Nursing Education and doctoral degree in Nursing Practice: Health Care Systems-Leadership, and she was hired as a full-time Education Consultant II. Dr. Forbes-Scott is the Director of the Board's Education and Exam Department and will, among other responsibilities, supervise and conduct nursing education program site visits to assess regulatory compliance at new and existing nursing education programs in Maryland. EXHIBIT 4 – Dr. Camille Forbes-Scott Resume and Curriculum Vitae.

Bonnie Oettinger – Ms. Oettinger has a master's degree in Business Administration, and she was hired as a part-time Education Consultant I. Ms. Oettinger is a former member of the Board, with extensive experience in the review and assessment of regulatory compliance. Among other responsibilities, Ms. Oettinger will conduct nursing education program site visits and assess regulatory compliance at new and existing nursing education programs in Maryland. EXHIBIT 5 – Bonnie Oettinger Resume and Curriculum Vitae.

With the addition of Dr. Forbes-Scott and Ms. Oettinger, the Board now has four highly qualified staff members, trained at the master's level or higher, to conduct nursing education program site visits and assess regulatory compliance at new and existing nursing education programs in Maryland.

In summary, the Board is now in full compliance with Criteria 3(a). The Board has taken action to ensure that its process for assessing new and existing nursing education programs is codified and clearly articulated, as set forth in the attached SOP, and, to the greatest extent possible, free from bias or conflicts of interest.

Additional information regarding the Board’s compliance with Criteria 3(a) is included in the Board’s interim progress reports, dated January 26, 2021, April 19, 2021, July 19, 2021, and October 19, 2021, all of which are attached for review. EXHIBIT 6 – Interim Progress Reports from January, April, July, and October 2021.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1	Exhibit 1 Practice and Education Committee Tr	-	Practice and Education Transcripts
Exhibit 2	Exhibit 2 Board Meeting Open Session Agendas	-	Board Meetings Open Session Agendas
Exhibit 3	Exhibit 3 MBON Final Version Signed Educatio	-	Standard Operating Procedure for Site Visits
Exhibit 4	Exhibit 4 Dr. Camille Forbes-Scott Resume.20	-	Curriculum Vitae -Camille Forbes-Scott
Exhibit 5	Exhibit 5 Bonnie_Oettinger_Resume.2.18.22.pdf	-	Curriculum Vitae - Bonnie Oettinger
Exhibit 6	Exhibit 6 Interim Progress Report Letters fr	-	Interim Progress Reports
Exhibit 1	Exhibit 1 Practice and Education Meeting - 12	-	-
Exhibit 2	Exhibit 2 Final Version SOP 10.12.2021.pdf	-	-
Attachment A	Attachment A MS - 22 Nursing Education Consu	-	-
Attachment A1	Attachment A1 MS- 22 Nursing Education Prog	-	-
Attachment A2	Attachment A2 MS-22 Nursing Education Progra	-	-
Attachment B	Attachment B MBON Confidentiality Agreement.p	-	-
Attachment C	Attachment C Presurvey Visit Report (PVR) Use	-	-
Attachment C1	Attachment C1 Verification of Rule Compliance	-	-
Attachment C2	Attachment C2 Education Program RN Presurvey	-	-
Attachment C3	Attachment C3 Education Program PN Presurvey	-	-
Attachment C4	Attachment C4 MBON Site Visit Process (1).pdf	-	-

Analyst Worksheet- Narrative
Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency does not meet the requirements of this section of the criteria. The agency must provide the Practice and Education Committee Transcript for the December 11, 2020 meeting referenced in the narrative of this section of the criteria. The agency must also provide a complete SOP document including the documents listed within the Table of Contents for analysis.

Analyst Remarks to Narrative:

In response to the outstanding issues cited within the required compliance report, the agency provided additional explanation and documentation in relation to the criteria for analysis. Specifically, the Acting Secretary's Official Order required the agency to provide the excluded documentation from the Renewal Petition, pertaining to the Practice and Education Committee (PEC). In particular, the agency provided narrative cites the inclusion of transcripts from the PEC, for the November 2020 and December 2019 and 2020 meetings, which discuss the review and recommended actions for approved nursing programs, along with the Maryland Board meeting agendas of the final review and action taken regarding the programs of the aforementioned PEC meetings, for analysis (exhibits 1-3). However, the agency documentation within exhibit 2 does not include the December 2020 PEC Transcript referenced in the narrative for analysis. The agency must provide this documentation in its response.

The Acting Secretary's Official Order also required the agency to provide internal policies and processes for evaluating nursing education program site visits and examinations. In response to this documentation, the agency created and implemented Standard Operating Procedures (SOPs), which includes the purpose of the visits, defined roles, responsibilities, and guidance for conducting and reviewing nursing program visits (exhibit 3). However, the SOP provided is incomplete and out of order from the Table of Contents within the document. The agency must provide a complete and properly organized SOP in its response. In addition, the agency has provided resumes of new staff hired in accordance with the outlined SOPs (exhibits 4-5). Lastly, the agency included evidence of interim reporting provided to the Department outlining the agency's progress towards compliance over the 12-month period in this section of the criteria, pursuant to the Acting Secretary's decision (exhibit 6).

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Response:

Supplemental Response

In response to the Board's Compliance report, NACIQI staff request copies of the following documents, which are attached for review:

1. December 11, 2020, Practice and Education Committee Meeting Transcript (Exhibit 1)
2. Maryland Board of Nursing – Standard Operating Procedure – Nursing Program Site/Survey Visits (Exhibit 2)
 1. Attachment A, A1, and A2 to SOP: Education Consultant MS-22's
 2. Attachment B to SOP: Maryland Board of Nursing Confidentiality Agreement
 3. Attachment C, C1, C2, C3, and C4 to SOP: Nursing Program Pre-Survey Forms

Analyst Worksheet - Response
Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the agency provided the Practice and Education Committee (PEC) Transcript for the December 11, 2020 meeting omitted from the previously submitted compliance report documentation for analysis (exhibit 1, Id 57099). In addition, the agency provided a completed Standard Operating Procedures (SOP) document including the documents listed within the Table of Contents for analysis (exhibits 2, Id 57100, Attachments A, A1-A2, B, C, and C1-C4).

It should be noted that the agency has also provided additional documentation not requested within the Staff Determination, including Curriculum Vitae's, Interim Reports, and Meeting Agendas. Lastly, two exhibits have been labeled exhibit 1 and two exhibits have been labeled as exhibit 2; however, exhibit 1 with Id 57099 and exhibit 2 with Id 57100 are the correct PEC and SOP documents requested and reviewed for compliance.

List of Document(s) Uploaded by Analyst - Response

No file uploaded

Criteria: 3d.

Description of Criteria

d. Enforces a well defined set of standards regarding a school's ethical practices, including recruitment and advertising;

Narrative:

As referenced during the NACIQI meeting on February 27, 2020, the Board drafted and promulgated

amended regulations governing nursing education programs in Maryland, which were adopted in final form on February 22, 2021. The amended regulations, codified in the Code of Maryland Regulations (COMAR), Title 10, Subtitle 27, Chapter 03, are broad and cover all aspects of the assessment and regulation of nursing education programs in Maryland. As relevant to Criteria 3(d), the Board added a provision requiring all approved nursing education programs in Maryland to have clearly defined written policies regarding ethical practices for the performance of activities, including recruitment, admission, and advertising. The Board modeled this new regulation (COMAR 10.27.03.14.D(10)) on regulations adopted by two other USDOE-recognized state regulatory agencies for nursing, the Kansas State Board of Nursing and the North Dakota Board of Nursing.

The language of the new regulation is as follows:

D. Each program shall have clearly defined written policies for the following:

...

(10) Ethical practices for the performance of activities, including recruitment, admission, and advertising.

Source: COMAR 10.27.03.14.D(10). EXHIBIT 7 – COMAR 10.27.03.14.D.

After final adoption of the amended regulations, the Board held meetings with the Deans and Directors of approved nursing education programs in Maryland to introduce and explain the amendments and to highlight the requirement that each approved program have clearly defined written policies governing ethical practices, including in the areas of recruitment and advertising.

The Board made corresponding changes to the form used by approved nursing education programs to submit their annual reports to the Board. The annual report form now includes a section, entitled “VII: Ethical Practices,” which includes the following instructions: “Provide written policies regarding ethical practices in recruitment and advertising to students, as well as a narrative section to provide an explanation of how these policies are enforced by the program.” EXHIBIT 8 – MBON Annual Report Form.

On October 21, 2021, the revised annual report form was distributed to all Deans and Directors of approved nursing education programs in Maryland for completion and submission by December 10, 2021. As of the date of this report, all approved nursing education programs in Maryland have submitted their required annual reports, including information about, and copies of, their written policies governing ethical practices. The Board conducted a comprehensive audit of the annual reports to ensure compliance with Criteria 3(d), a copy of which is attached for review. EXHIBIT 9– MBON Ethical Policy Compliance Audit. Furthermore, as a representative sample, the annual report from Bowie State University is attached, including the program’s written policy governing ethical practices in the areas of recruitment and advertising. EXHIBIT 10 – Annual Report and Written Policies Regarding Ethical Practices for Bowie State University. The annual reports and written policies governing ethical practices of all other approved nursing education programs are available for review upon request.

Additional information regarding the Board’s compliance with Criteria 3(d) is included in the Board’s interim progress reports, dated January 26, 2021, April 19, 2021, July 19, 2021, and October 19, 2021, all of which are attached for review. EXHIBIT 6 – Interim Progress Reports from January, April, July, and

October 2021.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 10	Exhibit 10 Example Bowie State University MBO	-	Annual Report-Bowie State University
Exhibit 7	Exhibit 7 COMAR 10.27.03.14D Students.pdf	-	Ethical Practices COMARs- newly Promulgated
Exhibit 8	Exhibit 8 2021 October 19 MBON Annual Report	-	MDBON Annual Report Template
Exhibit 9	Exhibit 9 Ethical Policy Compliance Audit_Fi	-	Ethical Policy Compliance Audit
Exhibit 3	Exhibit 3 AACC Nursing Self-Study Report.pdf	-	-
Exhibit 4	Exhibit 4 Anne Arundel Community College Ons	-	-
Exhibit 7	Exhibit 7 Anne Arundel Community College Renw	-	-
Exhibit 8	Exhibit 8 Anne Arundel Community College Admi	-	-
Exhibit 9	Exhibit 9 Anne Arundel Community College Comp	-	-
Exhibit 10	Exhibit 10 Anne Arundel Community College GEN	-	-
Exhibit 11	Exhibit 11 Anne Arundel Community College Pro	-	-
Exhibit 12	Exhibit 12 Anne Arundel Community College Stu	-	-
Exhibit 13	Exhibit 13 Anne Arundel Community College Pro	-	-
Exhibit 14	Exhibit 14 Anne Arundel Community College Stu	-	-
Exhibit 15	Exhibit 15 Anne Arundel Community College Acc	-	-
Exhibit 16	Exhibit 16 Anne Arundel Community College Aca	-	-
Exhibit 17	Exhibit 17 Anne Arundel Community College Ant	-	-
Exhibit 18	Exhibit 18 Anne Arundel Community College Dis	-	-
Exhibit 19	Exhibit 19 Anne Arundel Community College-Equ	-	-
Exhibit 20	Exhibit 20 A Anne Arundel Community College F	-	-

Exhibit 21	Exhibit 21 Anne Arundel Community College - P	-	-
Exhibit 22	Exhibit 22 Anne Arundel Community College Stu	-	-
Exhibit 23	Exhibit 23 Anne Arundel Community College Stu	-	-
Exhibit 24	Exhibit 24 Anne Arundel Community College Ca	-	-
Exhibit 25	Exhibit 25 Anne Arundel Community CollegeFocu	-	-
Exhibit 26	Exhibit 26 MBON Transcript Anne Arundel Commu	-	-
Exhibit 27	Exhibit 27 Correspondence from Board re Novem	-	-
Exhibit 5	Exhibit 5 Anne Arundel Community College Virt	-	-
Exhibit 6	Exhibit 6 10-27-21 BON - A - Open Session (Co	-	-

Analyst Worksheet- Narrative
Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency does not meet the requirements of this section of the criteria. The agency must demonstrate with evidence the agency's analysis of the full cycle of review, which includes the evaluation of the nursing program's self-study; a site visit report, Practice and Education Committee's recommendation, final Board decision, and any related accreditation documentation regarding the agency's review of the nursing programs enforcement of the new COMAR regulation.

Analyst Remarks to Narrative:

In response to the outstanding issues cited within the required compliance report, the agency provided additional explanation and documentation in relation to the criteria for analysis. Specifically, the Acting Secretary's Official Order required the agency to provide the excluded documentation from the Renewal Petition requiring the agency to demonstrate that it enforces standards regarding a school's ethical practices, including recruitment and advertising. To address the excluded documentation, the agency submitted evidence of the established and amended regulations within the Code of Maryland Regulations (COMAR), Title 10, Subtitle 27, Chapter 03.14.D., which incorporates the 3d. criteria requirements for the assessment of nursing education programs in Maryland, stating in part D that "Each program shall have clearly defined written policies for the following: (10) Ethical practices for the performance of activities, including recruitment, admission, and advertising" (exhibit 7). This satisfies the requirement to have policy for ethical practices for recruiting and advertising. However, as noted later in the analysis it is the agency's application of its policy that is in question.

In addition to updating the COMAR, the narrative explains the efforts taken by the agency to notify and explain the COMAR amendment to nursing education programs in Maryland through meetings with Deans and Directors of these programs, which is not documented as evidence within the petition. However, the agency has provided evidence of the updated annual report form template, which is distributed to the Deans and Directors of the nursing programs for completion and submission to the agency for review; and reflects the addition of the amended COMAR language, as well as the additional requirement of a narrative explaining the program's enforcement of their ethical policy (exhibit 8). The agency further attests that annual reports for all approved nursing programs, including the amended COMAR regulation, were submitted and audited by the agency. In addition, the agency has provided evidence of an approved nursing program annual report, along with the agency's audit of all annual report findings for program compliance with the new ethical policy (exhibits 9-10).

Particular to the agency annual report provided as evidence, the report identifies that the nursing program submitting the annual report utilizes the institutional accreditors policy regarding ethical practices related to recruitment and advertising and has not created a separate policy; and the agency audit of the annual report specifies the location of the program policy to deem compliance of the program. However, the evidence provided does not demonstrate the agency's analysis of the application of the new COMAR regulation by the nursing program, thus, the agency must provide a full cycle of review of a nursing program demonstrating the review of the programs enforcement of the program's ethical policy pursuant to the new COMAR regulation within the agency's response to this draft report, if the agency has had an opportunity to apply its new policy by reviewing a nurse program's requirement regarding ethical practices, including recruitment and advertising.. Lastly, the agency references the monitoring/interim progress reporting provided to the Department outlining the agency's progress towards compliance with this criterion in accordance with the Acting Secretary's Order, which are found in the response to 3a of the petition (exhibit 6).

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Response:

SUPPLEMENTAL RESPONSE:

In response to the Board's Compliance Report, NACIQI staff indicated that the Board must produce evidence of a full cycle of review that includes an analysis of a nursing program's compliance with the Board's new regulation governing ethical practices (*i.e.*, COMAR 10.27.03.14D(10)).

By way of example, the Board is producing evidence of a full cycle of review of the nursing education program at Anne Arundel Community College. Because the regulation governing ethical practices is new

(adopted on February 22, 2021), and nursing programs were not required to submit copies of their written policies governing ethical practices until the 2021 annual report cycle, Board staff did not assess compliance with that specific regulation at the most recent full cycle of review site visit for Anne Arundel Community College, which was conducted on September 28-30, 2021. However, the Board recently conducted a follow-up focused site visit to assess Anne Arundel Community College's compliance with the Board's new ethical practices regulation. The following documents demonstrate a complete full cycle of review, including the follow-up focused site visit assessment of Anne Arundel Community College's compliance with COMAR 10.27.03.14.D(10).

Moving forward, the Board will incorporate an assessment of compliance with COMAR 10.27.03.14.D(10) (ethical practices) in all full cycle review site visits.

1. Anne Arundel Community College Self-Study for On Site visit September 2021(Exhibit 3)
2. Anne Arundel Community College Site Visit Report – Dated October 27, 2021 (Exhibit 4)
3. Practice and Education Committee Meeting Transcript w/ Review of Anne Arundel Community College Site Visit Report (Exhibit 5)
4. Maryland Board of Nursing Meeting Transcript including Review of Anne Arundel Community College Site Visit and Board Action on Renewal of Approval (Exhibit 6)
5. Correspondence to Anne Arundel Community College Re: Renewal of Approval (Exhibit 7)
6. Anne Arundel Community College – Written Policy Regarding Ethical Practices(Exhibits 8-21)
7. Documents Reviewed During Focused Site Visit to Anne Arundel Community College to Assess Compliance with COMAR 10.27.03.14.D(10) (Exhibits 22-24)
8. Anne Arundel Community College - Focused Site Visit Report – Dated November 16, 2022 – Review of Compliance with COMAR 10.27.03.14.D(10) (Exhibit 25)
9. Maryland Board of Nursing Meeting Transcript including Review of Anne Arundel Community College Focused Site Visit and Board Action on Assessment of Compliance with COMAR 10.27.03.14.D(10)(Exhibit 26)
10. Correspondence to Anne Arundel Community College Re: Compliance with COMAR 10.27.03.14.D(10) (Exhibit 27)

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the agency provided documentation from a focused site visit report to demonstrate evidence of the agency's review of the new COMAR 10.27.03.14.D(10) regulation

requiring that each program shall have clearly defined written policies for the following: (10) Ethical practices for the performance of activities, including recruitment, admission, and advertising, since a nursing program renewal site visit was not conducted within the timeframe of the new COMAR regulation implementation and compliance report response. Specifically, the agency provided documentation of the full cycle of review for a nursing program's renewal conducted virtually in 2020 and onsite in 2021, including the self-study; virtual site visit report and follow-up site visit determination; Practice and Education Committee (PEC) and Board Meeting transcripts/reviews; and program notification with Board decision (exhibits 3-6).

In response to the new COMAR regulation requirements implemented in 2021, the agency required a focused site visit for the nursing program to be conducted in 2022 regarding the adherence of the new COMAR regulation 10.27.03.14.D(10) (exhibit 7). In particular, the agency provided documentation of the nursing programs policies regarding ethical practices; focused site visit report; PEC and Board Meeting transcript/review; and program notification of the Board's decision from the focused site visit as evidence (exhibits 8-27).

Department Staff will review additional documentation to ensure consistency in the application and review of the new COMAR standard during full cycle reviews by agency for initial and renewal approvals of nursing programs over the two-year review of the agency's renewal of recognition petition, which was submitted to the Department February 3, 2023.

List of Document(s) Uploaded by Analyst - Response

No file uploaded

Criteria: 3g.

Description of Criteria

g. Makes initial and periodic on-site inspections of each school of nursing accredited.

Narrative:

As stated during the NACIQI meeting on February 27, 2020, the Board was delinquent in its implementation of the 5-year site visit schedule regarding seven (7) nursing education programs in Maryland, including Allegany College of Maryland, Anne Arundel, Community College Baltimore City Community College, Notre Dame of Maryland University, Stevenson University, University of Maryland School of Nursing, and Wor-Wic Community College.

While the COVID-19 pandemic and national emergency posed several challenges, the Board completed all seven outstanding site visits during calendar year 2020 (between September 20, 2020, and December 15, 2020). All seven site visit reports were presented to the PEC, and then to the Board for its final review and action. For each of these seven programs, the following documents are attached: (1) Board staff's site visit report; (2) the agenda and transcript of the PEC meeting at which the site visit report was presented and acted upon; (3) a transcript of the Board's open session meeting at which the site visit report was presented and acted upon; and (4) a copy of the correspondence to the program indicating

the Board’s final action. EXHIBITS 11-17 Site Visit Packages, including the site visit report, PEC agenda and transcript, Board meeting agenda and transcript, and correspondence informing the program of the Board’s final action.

The Board conducted these site visits remotely, via document review, telephone interview, and synchronous audiovisual technologies. As stated in Acting Secretary Zais’ Decision, the USDOE approved “temporary flexibilities to allow ‘accrediting agencies to perform virtual site visits during th[e] [COVID-19 national emergency].” January 19, 2021, Decision of the Secretary, p. 13.

In addition to the seven outstanding site visits, the Board also completed site visits at four (4) other programs that were scheduled for periodic site visits during the 2020 renewal cycle, including Cecil College, Coppin State, Harford College, and Prince Georges. EXHIBITS 18-21 Site Visit Packages, including the site visit report, PEC agenda and transcript, Board meeting agenda and transcript, and correspondence informing the program of the Board’s final action]. At present, all eleven (11) programs have been reviewed by the PEC and the Board, and all eleven programs were approved for renewal, under conditions where applicable. EXHIBIT 22 – Updated Site Visit Schedule.

Importantly, as part of the comprehensive revisions to the regulations governing nursing education programs in Maryland, the Board moved from a maximum 5-year renewal cycle to a maximum 10-year renewal cycle. EXHIBIT 23 – COMAR 10.27.03.18. This regulatory change brings the Board into congruence with other USDOE-recognized state regulatory agencies for nursing. The new, flexible 10-year renewal period allows the Board to schedule periodic site visits at the same time as accreditation renewals, thereby creating efficiencies among the Board, accrediting bodies, and regulated programs.

Additional information regarding the Board’s compliance with Criteria 3(g) is included in the Board’s interim progress reports, dated January 26, 2021, April 19, 2021, July 19, 2021, and October 19, 2021, all of which are attached for review. EXHIBIT 6 – Interim Progress Reports from January, April, July, and October 2021.

In accordance with the revised regulations, nationally accredited nursing education programs are required to be re-evaluated by the Board at least every 10-years, preferably in coordination with the national accrediting body. Nursing education programs that are not nationally accredited must be re-evaluated by the Board at least every 5 years. See COMAR 10.27.03.18.E(1).

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 11	Exhibit 11 Allegany College of Maryland.pdf	-	Compliant Site Visit Report-Allegany
Exhibit 12	Exhibit 12 Anne Arundel Community College.pdf	-	Compliant Site Visit Report-Anne Arundel
Exhibit 13	Exhibit 13 Baltimore City Community College.p	-	Compliant Site Visit Baltimore City

Exhibit 14	Exhibit 14 Notre Dame of Maryland University.	-	Compliant Site Visit Report-Notre Dame
Exhibit 15	Exhibit 15 Stevenson University.pdf	-	Compliant Site Visit Report-Stevenson
Exhibit 16	Exhibit 16 University of Maryland.pdf	-	Compliant Site Visit Report-University of Maryland
Exhibit 17	Exhibit 17 Wor-Wic Community College.pdf	-	Compliant Site Visit Report-Wor-Wic
Exhibit 18	Exhibit 18 Cecil Community College.pdf	-	Compliant Site Visit Report-Cecil
Exhibit 19	Exhibit 19 Coppin State University.pdf	-	Compliant Site Visit Report-Coppin State
Exhibit 20	Exhibit 20 Harford Community College.pdf	-	Compliant Site Visit Report-Harford
Exhibit 21	Exhibit 21 Prince Georges Community College.p	-	Compliant Site Visit Report-Prince George's
Exhibit 22	Exhibit 22 2021 April MBON Chart for Virtual	-	MDBON Site Visit Schedule 2022-2023
Exhibit 23	Exhibit 23 COMAR 10.27.03.18 New Programs	-	COMARS-New Programs and Continued Approval
Exhibit 28	Exhibit 28 Allegany College of Maryland Colla	-	-
Exhibit 29	Exhibit 29 Anne Arundel Community College On	-	-
Exhibit 30	Exhibit 30 MBON Site Visit Schedule.pdf	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency does not meet the requirements of this section of the criteria. The agency needs to clarify the agency's plan for the verification visits of the virtually evaluated nursing programs in accordance with the Department flexibilities for the national emergency/Pandemic; and evidence demonstrating these verification visits, if the agency has had an opportunity to conduct such evaluations.

Analyst Remarks to Narrative:

In response to the outstanding issues cited within the required compliance report, the agency provided additional explanation and documentation in relation to the criteria for analysis. In particular, the Acting Secretary's Official Order required the agency to complete all seven overdue site visits scheduled to be completed by the end of calendar year 2020. which the agency narrative and documentation demonstrate that these visits were completed between September and December 2020 (exhibits 11-17).

Specifically, the agency provided the full cycle of review for each of the seven nursing programs, comprised of the virtual site visit and the follow-up onsite visit reports with the National recognized accreditor, if applicable with recommendations to the Practice and Education Committee (PEC) and the Board; the Practice and Education Committee transcripts including recommendations to the Board; the Board meeting transcripts containing the final action of the Board on the nursing programs approval; and the correspondence sent to the nursing programs the Board's final action (exhibits 11-17). In addition to completing the aforementioned overdue site visits conducted during the Pandemic, the agency conducted four additional scheduled site visits during calendar year 2020 and included the full cycles of review of these visits as well as the agency site visit schedule demonstrating the dates of completion for these visits (exhibits 18-22).

Correspondingly, the Acting Secretary's Official Order cites the Department's temporary flexibilities to allow accrediting agencies, including state agencies, to perform virtual site visits during the national emergency/Pandemic, which the agency references in their narrative and utilized to comply with the requirements of the Acting Secretary's Order relating to this criterion. However, the agency narrative has not discussed the plan for verification visits for those nursing programs virtually evaluated and cited on the Completed Virtual Site Visits schedule provided as evidence, in accordance with the aforementioned Department flexibilities requirements (exhibit 22).

Further, criteria 3d of the petition references the agency's amendments of the Code of Maryland Regulations (COMAR) to come into compliance with the Department's criteria regarding ethical practices, including recruitment and advertising. In addition to amending the COMAR to include the abovementioned regulation for 3d, the agency revised the maximum 5-year renewal cycle to a maximum 10-year renewal cycle for nursing education programs that are additionally accredited by a nursing education accrediting agency recognized by the Department in conjunction with the Maryland Board of Nursing approval; and a maximum 5-year renewal cycle for those nursing programs without additional accreditation, found within the COMAR Title 10, Subtitle 27, Chapter 03.18.D., which governs the approval of Maryland nursing education programs, thus mirroring other state nursing agencies recognized by the Department renewal cycles (exhibit 23).

Lastly, the agency references the monitoring/interim progress reporting provided to the Department outlining the agency's progress towards compliance with this criterion in accordance with the Acting Secretary's Order, which are found in the response to 3a of the petition (exhibit 6).

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Response:

SUPPLEMENTAL RESPONSE:

In response to the Board's Compliance Report, NACIQI staff requested that the Board clarify its plan to conduct in-person verification visits of the virtually evaluated nursing programs.

Since calendar year 2020 (inclusive), in accordance with the temporary flexibilities approved by the USDOE, the Board has conducted virtual full cycle site visits at thirteen (13) nursing education programs:

Stevenson University

Notre Dame of Maryland University

University of Maryland

Wor-Wic Community College

Cecil Community College

Coppin State University

Harford Community College

Prince George's Community College

Anne Arundel Community College

Allegany College

Baltimore City Community College

Bowie State University

Washington Adventist University

Due to the restrictions and precautions related to the ongoing federal COVID-19 Public Health Emergency, to date, the Board has conducted a total of two (2) in-person verification visits at the following nursing education programs:

Allegany College – in-person full cycle site visit conducted on September 7-10, 2021

Anne Arundel Community College – in-person full cycle site visit conducted on September 28-30, 2021

Attached are the site visit reports for the in-person full cycle site visits at , and Allegany College (Exhibit 28), Anne Arundel Community College (Exhibit 29) .

The Board plans to conduct in-person verification visits at the remaining eleven (11) programs over the next year in accordance with the attached schedule (Exhibit 30).

Analyst Worksheet - Response
Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the agency provided the list of nursing program's that had virtual visits conducted and the list of verification visits conducted, along with documentation of the visit, pursuant to the Department flexibilities. Specifically, the agency provided the site visit determinations for the two nursing program's that had verification visits conducted to date, including the Practice and Education Committee (PEC) review and Board decision notifications for the two programs (exhibits 11-12, and 28-29).

In addition, the agency provided a plan for conducting additional verification visits. In particular, the agency provided a plan outlining the remaining eleven verification visits that will occur between calendar year 2022 and 2023 (exhibit 30). It should also be noted that the agency provided additional documentation not requested within the Staff Determination, including PEC reviews of the nursing programs that had virtual visits, summary of virtual visits conducted in 2020 and 2021, and approval requirements, as supplemental evidence (exhibits 13-23).

List of Document(s) Uploaded by Analyst - Response

No file uploaded

3rd Party Written Comments

Document Title	File Name	Pro/Con
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Staff Analysis of 3rd Party Written Comments

The Maryland Board of Nursing (MDBN) received one third-party comment, which noted concerns about the Department's third-party comment procedure, stating that access should be granted to data regarding the institutions accredited by the agency and the students that attend those institutions to provide comments. However, the MDBN cited noncompliant criteria within the compliance report did not require institutional data based upon the Department's criteria for recognition of state agencies for approval of nurse education, set forth in a Federal Register notice published on January 16, 1969. 34 FR 587, 644-645.

The third party comment also noted concerns regarding MDBN's compliance with 34 CFR 602.31(f) and assumes, if compliant with 34 CFR 602.31(f), there should be no delay in releasing all of the application materials. However, this conclusion does not take into account the Department's role in processing and decision-making on requests for public disclosure of agency materials, as described in 34 C.F.R. § 602.31(f)(1). In addition, the Department's solicitation of written third-party comments sought comment on the agency's compliance with the criteria in question pursuant to 34 C.F.R. §§ 602.32(c) and (l), not on the agency's compliance report or related materials. The purpose of the call for written third-party comment is to allow anyone who has any knowledge of an agency undergoing a recognition review by the Department and the agency's compliance or non-compliance with Departmental regulations to provide that information and/or documentation so that Department staff can utilize it in the comprehensive analysis of the agency.

Response to 3rd Party Comments

No response to 3rd Party Written Comments

Document(s) Uploaded in response to 3rd Party Comments

No files were uploaded in response to 3rd Party Comments.

3rd Party Request for Oral Presentation

There are no oral comments uploaded for this Agency.