

FINAL ANALYSIS AND RECOMMENDATION FOR KSBN

Meeting Date: 02/27/2024

Type of Submission:
Renewal Petition

Criteria: Scope of Recognition

Description of Criteria

This is the current scope of recognition for your agency which was granted by the Secretary of Education:

State agency for the approval of nurse education.

Narrative:

Kansas State Board of Nursing

Document(s) for this Section

No files uploaded

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The agency is not requesting a change to its scope of recognition.

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

Criteria: 1.

Description of Criteria

1. Is statewide in the scope of its operations and is legally authorized to accredit schools of nursing.

Narrative:

The Kansas State Board of Nursing has statutory authority for approval of nursing schools in K.S.A. 65-1119. An institution desiring to conduct an approved school of professional or practical nursing program shall apply to the board for approval and submit satisfactory proof that it is prepared to and will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing. K.S.A. 74-1106 (c)(3) states "The board shall prescribe curricula and standards for professional and practical nursing programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board". K.S.A. 65-1133 gives statutory authority for approval of advanced practice registered nursing programs. K.S.A. 65-1119, K.S.A. 74-1106 and K.S.A. 65-1133 are attached as Criteria 1 Exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1: K.S.A. 65-1119	K.S.A. 65-1119.pdf	-	-
Exhibit 21 K.S.A. 65-1133	K.S.A. 65-1133.pdf	-	-
Exhibit 30 K.S.A. 74-1106	K.S.A. 74-1106.pdf	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Kansas State Board of Nursing (Board) provided the Kansas State Act (K.S.A. 65-1119, Exhibit 1) which outlines the Board's statewide activity in its scope of operations and legal authorization to approve schools of professional or practical nursing in Kansas. K.S.A. 65-1133 provides the Board's authority to approve advanced practice registered nursing programs (Exhibit 21). The Board's definition of advanced practice registered nursing programs includes clinical nurse specialist, nurse anesthetist, nurse-midwife, and nurse practitioner, per K.A.R. 60-11-102 (ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022). K.S.A. 65-4206 provides the Board's authority to approve licensed mental health

technology programs (ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022). The Board also provided K.S.A. 74-1106 (Exhibit 30), which outlines the general provisions for the board of nursing.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022	ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 20221.pdf

Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

Criteria: 2.

Description of Criteria

2. Makes publicly available:

- a. Current information covering its criteria or standards for accreditation;
- b. Reports of its operations;
- c. Lists of schools of nursing which it has accredited.

Narrative:

A. The criteria and standards are available on our website at <https://ksbn.kansas.gov/> in the Nurse Practice Act. The criteria and standards are included in Statutes and Administration Regulations 60-1-102 through 60-1-104, 60-2-101 through 60-2-108, 60-17-101 through 60-17-109 and K.S.A. 65-1119 and K.S.A. 65-1133. The agency's standards are also available to the public at the Kansas State Board of Nursing office in Topeka, Kansas. These education statutes and regulations are attached as Criteria 1a exhibit.

B. The Kansas State Board of Nursing issues an annual report which is located on our website at <https://ksbn.kansas.gov/>. Also available on our website are the minutes of the Education Committee and Board meetings. These minutes are public information and are available for review by the general public and schools of nursing. During the COVID-19 pandemic the meetings have been held virtually and the recordings are available on our website. The Kansas State Board of Nursing also publishes a quarterly newsletter. The current issue and prior issues of the newsletter are available on our website. Information about regulations is printed in the newsletter. The official

website for the Kansas State Board of Nursing contains information about nursing schools including NCLEX first time pass rates for each nursing school. Updates are given to the legislative body as requested. The FY 21 Annual Report is attached as Criteria 2b exhibit.

C. The lists of the Kansas State Board of Nursing approved pre-licensure and graduate level nursing schools are available on our website. These lists are attached as Criteria 2c exhibit.

<u>Document(s) for this Section</u>			
Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1: K.S.A. 65-1119	K.S.A. 65-1119.pdf	-	-
Exhibit 10 K.A.R. 60-2-106	K.A.R. 60-2-106.pdf	-	-
Exhibit 11 K.A.R. 60-2-107	K.A.R. 60-2-107.pdf	-	-
Exhibit 12 K.A.R. 60-2-108	K.A.R. 60-2-108.pdf	-	-
Exhibit 13 K.A.R. 60-17-101	60-17-101.pdf	-	-
Exhibit 14 K.A.R. 60-17-102	60-17-102.pdf	-	-
Exhibit 15 K.A.R. 60-17-103	60-17-103.pdf	-	-
Exhibit 16 K.A.R. 60-17-104	60-17-104.pdf	-	-
Exhibit 17 K.A.R. 60-17-105	60-17-105.pdf	-	-
Exhibit 18 K.A.R. 60-17-106	60-17-106.pdf	-	-
Exhibit 19 K.A.R. 60-17-108	60-17-108.pdf	-	-
Exhibit 2: K.A.R. 60-1-102	K.A.R. 60-1-102.pdf	-	-
Exhibit 20 K.A.R. 60-17-109	60-17-109.pdf	-	-
Exhibit 21 K.S.A. 65-1133	K.S.A. 65-1133.pdf	-	-
Exhibit 22 KSBN FY 21 Annual Report	KSBN FY 21 Annual Report.pdf	-	-
Exhibit 31 KSBN Approved Prelicensure Programs	Prelicensure Programs JUN2021.pdf	-	-
Exhibit 32 Graduate Approved Kansas Nursing Schools	Graduate Approved Kansas Nursing Schools 2-20	-	-

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 4 K.A.R. 60-1-104	K.A.R. 60-1-104.pdf	-	-
Exhibit 5 K.A.R. 60-2-101	K.A.R. 60-2-101.pdf	-	-
Exhibit 53 K.A.R. 60-1-103	60-1-103 .pdf	-	-
Exhibit 54 K.A.R. 60-17-107	60-17-107.pdf	-	-
Exhibit 6 K.A.R. 60-2-102	K.A.R. 60-2-102.pdf	-	-
Exhibit 7 K.A.R. 60-2-103	K.A.R. 60-2-103.pdf	-	-
Exhibit 8 K.A.R. 60-2-104	K.A.R. 60-2-104.pdf	-	-
Exhibit 9 K.A.R. 60-2-105	K.A.R. 60-2-105.pdf	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Board provided information and documentation demonstrating it makes its standards and criteria for approving schools of nursing, advanced practice registered nursing programs, and licensed mental health technology programs publicly available. The general public and schools of nursing may access the Board's standards and approval criteria for the of nurse education programs on the Board's website (<https://ksbn.kansas.gov/>) and from the Board's office in Topeka, Kansas. The Board provided the standards and criteria for schools of professional and practical nursing, which are located at Statutes and Administration Regulations (K.A.R.) 60-1-102 through 60-1-104, 60-2-101 through 60-2-108, 60-17-101 through 60-17-109 and K.S.A. 65-1119 and K.S.A. 65-1133, within the petition (Exhibits 1, 2, 4-21, 53, and 54). The Board's definition of advanced practice registered nursing programs includes clinical nurse specialist, nurse anesthetist, nurse-midwife, and nurse practitioner, per K.A.R. 60-11-102 (ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022). K.S.A. 65-1152 provides the Board's authority to approve nurse anesthetist programs and K.S.A. 65-4206 provides the Board's authority to approve mental health technology programs (ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022). The implementing regulations for these specific programs are at K.A.R. 60-13-103 and 60-5-102, respectively (ED Exhibit 1 - KS Nurse Practice Act, Statutes &

Administrative Regulations dated July 2022).

The Board issues and provided its annual report (Exhibit 22). The Board's annual report provides a summary of the Board's activities regarding its schools and programs, exam pass rates and fiscal operations. The Board's website also provides the meeting minutes for its Education Committee and Board meetings, as well as recordings of the meetings that were held virtually during the pandemic. The Board publishes a quarterly newsletter on its website, which highlights regulatory and procedural updates and other information of interest.

The Board provided lists of all approved pre-licensure and graduate level nursing programs at schools of nursing (Exhibits 31 & 32). Currently, there are 43 schools that offer pre-licensure programs including: baccalaureate degree-nursing programs; associate degree practical nursing programs; practical nursing; and there are nine schools that offer graduate programs including: clinical nurse specialist, nurse anesthetist, nurse-midwife, nurse practitioner, master of science in nursing and doctor of nursing practice for a total of 52 schools approved by the Board.

Department staff confirmed that the Board's standards, annual report, and list of approved schools and programs of nursing are available on the Board's website.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022	ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 20221.pdf

Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

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:

Per K.S.A. 74-1106 the governor shall appoint a Board of Nursing that consists of eleven members of which six shall be registered professional nurses, two shall be licensed practical nurses, and three shall be members of the general public. Each

board member shall be appointed for a term of four years. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on the board. Registered professional nurse members shall possess a license to practice as a professional nurse in the state of Kansas with at least five years' experience in nursing and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state of Kansas with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nursing membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meeting the requirements of the appropriate act and rule and regulations of the board. The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs. The board may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs.

The board employs an executive administrator, who is a registered professional nurse. The executive administrator is not a member of the board and employs other employees as necessary to carry on the work of the board. The board is represented by two attorneys appointed by the attorney general as disciplinary counsel. Twenty-seven FTEs function in five divisions to carry out the work of the board: Operations, Information Technology, Licensing, Investigative/Discipline and Education. The Operations division consists of the Director of Operations. The Director of Operations oversees the operations of the agency, functions as the agency Human Resource contact for staff, oversees network security, website maintenance and oversees information technology for the agency. The Director of Operations also supervises the IT and Licensing areas.

The Information Technology division includes an AD III and a Technology Support Consultant. Their functions include network security, computer programming, maintaining the technology servers, develop electronic resources for customers and staff and answer IT questions from customers and staff. The IT division maintains and updates the KSBN website.

The Licensing division consists of a Licensing Supervisor and three Senior Administrative Assistants. The functions of the licensing division include: processing

license applications (initial, renewal, reinstatement, endorsement and advanced practice), approving eligibility of graduates for taking license examinations, providing license verification, if needed, processing name and address changes for licensees and fingerprint cards for criminal background checks. The licensing division is also responsible for imaging the paper applications as they are archived electronically at the Board of Nursing.

The Investigative/Discipline division consists of a Nurse Practice Specialist, seven RN Investigators, one Special Investigator, two Assistant Attorney Generals, one Administrative Specialist, and one Senior Administrative Assistant. The functions of the Investigative/Discipline division include: assisting with references in the Nurse Practice Act for scope of practice questions for all disciplines licensed by the Board of Nursing, investigating licensees or graduates who have possible grounds for disciplinary actions as defined in K.S.A. 65-1120, conducting investigations to gather information about possible grounds for disciplinary action, presenting information to Board members and conducting a hearing when the investigation reveals reasonable ground for believing the applicant or licensee is guilty of the charges.

The Education division consists of a Nursing Education Specialist, a Nursing Education Compliance Officer and one Senior Administrative Assistant. The functions of the Education division include: conducting nursing school site visits to ensure the nursing schools remain in compliance with the Nurse Practice Act, bring curriculum change requests to the Board for consideration, liaison with the approved nursing schools in Kansas, maintain a list of refresher courses that meet the regulations, review transcripts for endorsement applicants to ensure they meet the requirements, oversee the Continuing Nursing Education providers in Kansas and ensure they remain in compliance with the Nurse Practice Act, oversee the IV Therapy providers and ensure they remain in compliance with the Nurse Practice Act. KSBN Organizational Chart is attached as Criteria 3 exhibit.

The Kansas State Board of Nursing has developed several instruments to assist examiners to conduct surveys that are consistently and fairly conducted. For initial applications, the Kansas Board of Nursing developed an initial application checklist, guidelines for survey visits, and requirements for initial approval documents. For program re-approval, the Kansas State Board of Nursing developed guidelines for survey visits and requirements for re-approval document. These documents are available on the Kansas State Board of Nursing's website and are attached as Criteria 3 exhibits. The Kansas State Board of Nursing also maintains a schedule of school visits. 2020 and 2021 site visit schedules are also attached as Criteria 3 exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 30 K.S.A. 74-1106	K.S.A. 74-1106.pdf	-	-

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 41 Requirements for PN Program Re-approval	Requirements for PN Program Re-approval.pdf	-	-
Exhibit 42 Requirements for RN Re-approval	Requirements for RN Program Re-approval.pdf	-	-
Exhibit 43 Requirements for Initial Approval of RN Programs	Requirements for Initial Approval of RN Progr	-	-
Exhibit 44 Requirements for Initial Approval of PN Programs	Requirements for Initial Approval of PN Progr	-	-
Exhibit 55 KSBN Org Chart	KSBN OrgChart 2022.xlsx	-	-
Exhibit 56 2020 Site Visit Schedule	2020 Site Visit Schedule.pdf	-	-
Exhibit 57 2021 Site Visit Schedule	2021 Site Visit Schedule.pdf	-	-
Exhibit 59 Initial Approval Checklist for Advanced Practice Nursing Programs	Initial Approval Checklist for Advanced Pract	-	-
Exhibit 60 Requirements for Initial Approval of Advanced Practice Nursing Programs	Requirements for Approval of ADvanced Practic	-	-
Exhibit 61 Reapproval Requirements for Advanced Practice Programs	Reapproval requirements for Advanced Practice	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Board provided information and documentation regarding the composition of the Board and its staff. Specifically, the Board provided the statute that provides clear requirements for the composition and appointment procedures for the Board, as well as the overall functions of the Board (K.S.A. 74-1106, Exhibit 30). In addition, the Board provided information and documentation on the composition of the staff and their functional roles to demonstrate that the Board has an adequate organization and effective procedures, administered by a qualified staff, to maintain its operation on a professional basis (Exhibit 55). The Board provided documentation that outlines their

procedures for reviewing nursing education programs and schools, including their requirements for approval and supporting documentation used in the review process (Exhibits 41-44 and 59-61). The Board also provided its schedule of site visits for 2020 and 2021 (Exhibits 56 & 57).

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

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:

The Kansas State Board of Nursing collaborates with accrediting agencies (COA, ACEN and CCNE) whenever possible and joint visits are conducted. Staff, board members and education committee members conducts all school visits. Those who have conducted visits during 2020 and 2021 were

(b)(6)

(b)(6)

A surveyor may not survey a program in which they are a faculty member or affiliated with the program (such as advisory board member). All written reports are completed on a standardized form (Requirements for Approval of Nursing Programs, Requirements for Re-approval of RN Nursing Programs and Re-approval of PN Nursing Programs) which has been developed and approved by the Education Committee and the Board of Nursing. These forms are attached as Criteria 3a exhibit. All surveyors complete an orientation prior to participating in their first survey. Site visitor orientation consists of reviewing site visit processes for site visitors, guidelines for program survey visits and site visitor information. These documents are attached as Criteria 3a exhibit. Position descriptions are attached as Criteria 3a exhibit for the two staff members who participate in program site visits. The nursing program must submit a self study report before the site visit. The site visitors review this self study

before conducting the site visit. Johnson County Community College PN Program self study report is attached as Criteria 3a exhibit. A copy of a completed site visit report ready for review by the Education Committee and Board. Johnson County Community College PN Program Re-approval site visit report is attached a Criteria 3a exhibit. After the site visit report is reviewed by the Board, correspondence is provided to the nursing program. Johnson County Community College PN Program's re-approval letter is attached as Criteria 3a exhibit. The Nursing Education Compliance Officer and Executive Administrator's position descriptions are attached as Criteria 3a exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
(b)(6)		-	-
		-	-
		-	-
		-	-
		-	-
		-	-
		-	-
		-	-
Exhibit 41 Requirements for PN Program Re-approval	Requirements for PN Program Re-approval.pdf	-	-
Exhibit 42 Requirements for RN Re-approval	Requirements for RN Program Re-approval.pdf	-	-
Exhibit 43 Requirements for Initial Approval of RN Programs	Requirements for Initial Approval of RN Progr	-	-

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 44 Requirements for Initial Approval of PN Programs	Requirements for Initial Approval of PN Progr	-	-
Exhibit 45 Site Visitor Information	Site Visitor Information.pdf	-	-
Exhibit 46 Site Visit Process for Site Visitors	Site Visit Process for Site Visitors 5-2015.p	-	-
Exhibit 47 Site Visitor Orientation	Site Visitor Orientation.pdf	-	-
Exhibit 48 Executive Administrator Position Description	pd - Executive Administrator K0144765.pdf	-	-
Exhibit 49 Nursing Education Compliance Officer PD	pd- Nursing_Education_Compliance_Officer.pdf	-	-
Exhibit 50 Johnson County PN Program Self Study Report	Self Study_JCCC_PN_for 012621.pdf	-	-
Exhibit 51 Johnson County PN Program Re-approval Letter	JCCC_PN_reapproval_Bd ltr_Mar2021.pdf	-	-
Exhibit 52 Johnson County PN Program Site Visit Report	JCCC PN Re-approval site visit rpt.pdf	-	-
Exhibit 58 Policy on Site Visitor Selection	Site Visitor Selction Policy 11-1-19.pdf	-	-
Site Visitor Orientation Checklist	Site Visit Orientation Checklist_new 062023.p	-	-
Site Visitor Orientation Checklist	Site Visit Orientation Checklist_new 0620231.	-	-
Site Visitor Orientation Checklist new 062023	Site Visit Orientation Checklist_new 0620232.	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board needs to provide documentation that it has implemented policy to ensure that site visits are conducted under conditions that assure an impartial and objective judgment.

Analyst Remarks to Narrative:

The Board provided the applicable statute and documentation to demonstrate that all eight of the site visitors for 2020 and 2021 are either a member of the Board, Board staff or a member of the Board's Education Committee and have documented expertise in nursing education or practice (K.S.A. 65-1119; Exhibits 1 and 33-40). During the virtual file review, Department staff reviewed documentation to demonstrate that the only site visitor who was not included in the petition and who served in 2022 meets the eligibility and experience requirements.

The Board requires site visitors to complete an orientation prior to participating in a site visit, which consists of reviewing the site visit process for site visitors, guidelines for program survey visits and other site visitor information (Exhibits 45-47). During the virtual file review, the Board provided documentation of completion of the orientation by the site visitor added to the roster in 2022 (ED Exhibit 2 - RE_ KSBN Program Site Visits).

The statute also requires that a self-study and site visit are required elements of the review process (K.S.A. 65-1119, Exhibit 1). The site visit team compiles a written report of its findings and recommendations in a standardized report for the Education Committee and Board to make the final decision regarding the school or program. The Board provided the standardized report used by the site team and a self-study, completed site visit report, and re-approval letter as documentation of its process (Exhibits 41-44 and 50-52).

To ensure impartial and objective judgment, the Board provided information and documentation of the requirements for initial and reapproval of schools or programs, and has procedures for site visits (Exhibits 41-44 and 46). The Board states that site visitors must not conduct visits if they are a faculty member of the program and provided its site visitor selection policy, which includes additional requirements to ensure that site visits are conducted under conditions that assure an impartial and objective judgment (Exhibit 58). During the virtual file review, the Board stated that it verifies verbally that there is no conflict of interest and therefore could not provide written documentation of verification.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 2 - RE_ KSBN Program Site Visits	ED Exhibit 2 - RE_ KSBN Program Site Visits.pdf

Response:

Site visitor orientation occurs for new committee and board members that will participate in site visits. The site visitors have not been required to sign documentation of orientation completion. All Board and Committee members receive an orientation to their role which also includes information about conflict of interest. The site visitor orientation checklist has been revised that lists orientation content and site visitors will sign when completed. The site visitors and program scheduled for the site visits are surveyed by the Education Compliance Officer before site visitors are assigned so no conflict of interest is present. The revised site visitor orientation checklist is attached.

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the Board provided additional information and documentation concerning its conflict-of-interest process. Specifically, the Board stated that conflict-of-interest training occurs at site visitor orientation and that Board staff verbally ensure there are no conflicts of interest per the Board's policy prior to assigning site visitors. The Board also provided its revised site visitor orientation checklist (Exhibit 48 - Site Visitor Orientation Checklist new 062023) and documentation of implementation (ED Exhibit 53 - site visitor orientation checklist Pile 11.03.2023).

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 2 - RE_ KSBN Program Site Visits	ED Exhibit 2 - RE_ KSBN Program Site Visits.pdf

Criteria: 3b.

Description of Criteria

b. Secures sufficient and pertinent data concerning the qualitative aspects of the school's educational program;

Narrative:

The Kansas State Board of Nursing obtains data concerning the qualitative aspects of the program through the self-study report, annual report and the on-site visit. The Board also requires programs that are accredited by a recognized national nursing accreditation agency to inform the Board, file all reports for the accreditation agency and notify the Board of any change in accreditation status.

K.A.R. 60-2-101 and 60-17-102 requires written documentation reviewed during an initial survey consists of minutes of faculty meetings, faculty and student handbooks, policies and procedures, curriculum material, the nursing school's budget and affiliating agency contracts. These are reviewed during the site visits to verify the information in the pre-visit self-study report submitted and the school meets the regulations for approval as a school of nursing. Also during the survey visit, interviews are held with school administrators, faculty, program administration, students, advisory committee, clinical site employees, and community members to help verify the school meets the regulations.

K.A.R. 60-2-102 and 60-17-103 requires written documentation reviewed during a resurvey and consists of: number of students, the legal body responsible for policy and support of the program, the organizational chart, an audited fiscal report covering the previous two years, including a statement of income and expenditures, the nurse administrator's responsibilities, degree plan, a copy of the current curriculum with the date of the last revisions, the testing process with test analysis and written test procedure, a description of education facilities, including classrooms, offices, library and computers, a list of clinical facilities, the number of students by classes, the policies for students, job description for faculty and preceptors, selection policies, orientation plan, faculty organization by-laws, number of full-time and part-time and non-nursing faculty with academic credentials and assignments and faculty-student ratio. Also during the resurvey visit, interviews are held with the school administrators, faculty, program administration, students, advisory committee, clinical site employees, and community members to help verify the school meets the regulations. K.A.R. 60-2-101, 60-2-102, 60-17-102 and 60-17-103 are attached as Criteria 3b exhibits.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 14 K.A.R. 60-17-102	60-17-102.pdf	-	-
Exhibit 15 K.A.R. 60-17-103	60-17-103.pdf	-	-
Exhibit 5 K.A.R. 60-2-101	K.A.R. 60-2-101.pdf	-	-
Exhibit 6 K.A.R. 60-2-102	K.A.R. 60-2-102.pdf	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Narrative:

The Board provided the statute and regulations (K.S.A. 65-1119, 65-4206; and K.A.R. 60-2-101, 60-2-102, 60-17-102, 60-17-102, and 60-6-101) that describe the rigor of review required and the specific written documentation that must be analyzed and verified during a site visit (Exhibits 1, 5, 6, 14 & 15; and ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022). The Board evaluates data on the school and program through the self-study report, site visit and annual report. The Board provided an example of a self-study, completed site visit report, re-approval letter, and annual report to demonstrate that it secures sufficient and pertinent data concerning the qualitative aspects of a school and its educational program (Exhibits 23-29 and 50-51). During the virtual file review, Department staff reviewed the files (self-study, site visit report, approval letter) of three school/programs and the annual report for two school/programs.

The Board stated that it also requires programs that are accredited by a nationally recognized accrediting agency for nursing to inform the Board, file all reports from that accrediting agency and notify the Board of any change in accreditation status (K.S.A. 65-1119, Exhibit 1). During the site visit observation and file review, Department staff reviewed the self-study provided to the nationally recognized accrediting agency for nursing that was conducting a joint review with the Board.

List of Document(s) Uploaded by Analyst - Narrative

No files uploaded

Analyst Worksheet - Response

Analyst Review Status:

Not Reviewed

Criteria: 3c.

Description of Criteria

c. Requires each school of nursing accredited to follow clearly defined refund policies governing all fees and tuition paid by students;

Narrative:

K.A.R. 60-2-107 requires each nursing education program shall have defined written policies for refund policies governing all fees and tuition paid by students. These policies are reviewed during surveys and during the annual report when the school is required to send in their catalog for the program. K.A.R. 60-2-107 is attached as Criteria 3c exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 11 K.A.R. 60-2-107	K.A.R. 60-2-107.pdf	-	-
September 19, 2019 Education Committee minutes	Approved_Education_Minutes_September_2019.pdf	-	-
Executive Administrator Report December 2019	Executive Administrator Report December 2019.	-	-
Executive Administrator Report March 2020	Executive Administrator Report March 2020.pdf	-	-
September 10, 2019 Education Committee minutes	Approved_Education_Minutes_September_20191.pdf	-	-
Executive Administrator report December 2019	Executive Administrator Report December 20191	-	-
Executive Administrator Report March 2020	Executive Administrator Report March 20201.pdf	-	-
Draft KAR 60-17-108	60-17-108 2-15-22.docx	-	-
Approved Education Committee Minutes September 2019	Approved_Education_Minutes_September_20195.pdf	-	-
Executive Administrator Report December 2019	Executive Administrator Report December 20195	-	-
Executive Administrator Report March 2020	Executive Administrator Report March 20205.pdf	-	-
K.A.R. 60-17-108 2-15-22	60-17-108 2-15-222.docx	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board must provide information and documentation to demonstrate that it has regulations to require each school of nursing with advanced nursing education programs and/or licensed mental health technician programs to follow clearly defined refund policies governing all fees and tuition paid by students as required by this section.

Analyst Remarks to Narrative:

The Board provided the regulation which requires each school of nursing for pre-licensure programs to have clearly defined written refund policies governing all fees and tuition paid by students (K.A.R. 60-2-107, Exhibit 11). The Board stated that it reviews these policy requirements during site visits and via the annual report, which require submission of the school's catalog. The Board provided an example of a self-study, completed site visit report, and annual report for a school with a pre-licensure nursing program, which reflects the requirement to follow clearly defined refund policies governing all fees and tuition paid by students (Exhibits 23-29 and 50-51).

Department staff confirmed with Board staff that K.A.R. 60-2-107 is only applicable to schools with pre-licensure nursing programs. The regulations that require student policies for advanced nursing education programs and licensed mental health technician programs do not appear to include the requirement that to follow clearly defined refund policies governing all fees and tuition paid by students (K.A.R. 60-17-108, Exhibit 19; and K.A.R. 60-6-101, ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, page 177).

During the virtual file review, Department staff reviewed the files (self-study, site visit report, approval letter, and annual report) of two schools with advanced nursing education programs. Those files included the review of refund policies to cover all fees and tuition paid by students in the site visit reports (ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022 and ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd). Department staff also reviewed the file (self-study and site visit report) of the only approved licensed mental health technician program, but it did not include a review of the refund policy as required by this section (ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft).

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022	ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022.pdf
ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd	ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd.pdf
ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft	ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft.pdf

Response:

KSBN respectfully requests LMHTs not be included in this deficiency since your scope of recognition is approving KSBN as a state agency for the approval of nursing education. LMHT education in Kansas is not considered nursing education and the LMHTs have their own practice act, separate from the Nurse Practice Act.

Our Board drafted changes to the APRN education regulations and decided in the September 19, 2018 and the June 11, 2019 Education Committee meeting to submit these revisions for approval after the undergraduate and LMHT regulation revisions went through the approval process. The September 10, 2019 Education Committee meeting minutes are attached which states this fact. I have attached the Executive Administrator report from December 2019 and March 2020 in which I reported the graduate education regulations were on hold until the others were approved. COVID caused the regulation revision process to slow down greatly. The graduate education regulation revisions will be added to the September 2023 Education Committee agenda. Discussion will occur about directing the Executive Administrator to start the approval process with the draft regulation revisions. These revisions include revisions to K.A.R. 60-17-108 Student Policies that includes language the advanced nursing program must have student policies that addresses refund policies governing all fees and tuition paid by the student. The draft revision to K.A.R. 60-17-108 is attached and is marked with a draft watermark. The additions to this regulation are underlined. The revision that addresses this is (a)(10).

Analyst Worksheet - Response

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency is not in compliance with this section. The Board has not demonstrated that it has a policy in place to require each school of nursing with advanced nursing education programs to follow clearly defined refund policies governing all fees and tuition paid by students as required by this section.

Analyst Remarks to Response

In response to the draft staff analysis, the Board requests the exclusion of licensed mental health technician (LMHT) programs from the scope of recognition. The Board notes that although LMHT programs are approved by the Board, those programs are not nursing education programs and are approved via separate KS state legislation. Department staff agrees that the LMHT programs should not be included within the Board's scope of recognition.

For the advanced nursing education programs, the Board provided additional information and documentation on the regulatory revision process. The Board provided information and documentation that the regulatory review process for advanced nursing education programs was placed on hold until the regulations for the pre-licensure nursing programs were approved and were then delayed further due to the COVID pandemic (Exhibit 20 - September 10, 2019 Education Committee minutes; Exhibit 21 - Executive Administrator Report December 2019; and Exhibit 22 - Executive Administrator Report March 2020). The Board stated that the graduate education regulation revisions were reviewed at the September 2023 Education Committee meeting. The Board provided the meeting agenda (ED Exhibit 55 - Education_Committee_Agenda) and the drafted regulatory revisions (Exhibit 23 - Draft KAR 60-17-108), to include a requirement for schools of nursing with advanced nursing education programs to follow clearly defined refund policies governing all fees and tuition paid by students as required by this section. In subsequent correspondence, Board staff stated that the review of the drafted regulatory revisions was tabled for the December 2023 meeting to allow for additional feedback.

Although the Board has previously demonstrated that it reviews the refund policy for schools of nursing with advanced nursing education programs during the site visit, it had not demonstrated that it has a policy in place to require each school of nursing with advanced nursing education programs to follow clearly defined refund policies governing all fees and tuition paid by students as required by this section.

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022	ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022.pdf
ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd	ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd.pdf
ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft	ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft.pdf

Criteria: 3d.

Description of Criteria

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

Narrative:

K.A.R. 60-2-107 requires each nursing education program shall have clearly defined policies for ethical practices for the performance of activities including recruitment, admission, and advertising. These policies are reviewed during surveys and during the annual report, when the school is required to submit their catalog for the program.

K.A.R. 60-2-107 is attached as Criteria 3D exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 11 K.A.R. 60-2-107	K.A.R. 60-2-107.pdf	-	-
Draft K.A.R. 60-17-108	60-17-108 2-15-221.docx	-	-
September 10, 2019 Education Committee minutes	Approved_Education_Minutes_September_20192.pdf	-	-
Executive Administrator Report December 2019	Executive Administrator Report December 20192	-	-
Executive Administrator Report March 2020	Executive Administrator Report March 20202.pdf	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board must provide information and documentation to demonstrate that it has regulations to enforce a well-defined set of standards regarding a school's ethical practices, including recruitment and advertising, for each school of nursing with advanced nursing education programs and/or licensed mental health technician programs as required by this section.

Analyst Remarks to Narrative:

The Board provided the regulation which requires each school of nursing for pre-licensure programs to have clearly defined written student policies for “ethical practices for the performance of activities including recruitment, admission, and advertising” (K.A.R. 60-2-107, Exhibit 11). K.A.R. 60-2-107(b) further requires a school to have a written policy and provide information to any student who may be subject to licensure denial under K.S.A. 65-1120, and to provide that information to prospective students before admission to the nursing education program.

The Board reviews these policy requirements during site visits and the annual report submission, which includes the school's catalog. The Board provided an example of a self-study, completed site visit report, and annual report, which reflects the requirement to enforce a set of standards regarding a school's ethical practices, including recruitment and advertising (Exhibits 23-29 and 50-51).

Department staff confirmed with Board staff that K.A.R. 60-2-107 is only applicable to schools with pre-licensure nursing programs. The regulation that requires student policies for advanced nursing education programs does not appear to include the requirement to enforce a set of standards regarding a school's ethical practices, including recruitment and advertising (K.A.R. 60-17-108, Exhibit 19). During the virtual file review, Department staff reviewed the files (self-study, site visit report, approval letter, and annual report) of two schools with advanced nursing education programs. Those files included the review of ethical practices including recruitment, admission, and advertising in the site visit reports (ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022 and ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd).

Although the regulations that require student policies for licensed mental health technician programs require “[e]ach program shall have clearly defined policies for admission,” the regulations do not appear to include the requirement to enforce a set of standards regarding a school's ethical practices, including recruitment and advertising (K.A.R. 60-6-101, ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, page 177). During the virtual file review, Department staff reviewed the file (self-study and site visit report) of the only approved licensed mental health technician program which included the review of the admission policy, but it did not include a review of ethical practices, to include recruitment and advertising, as required by this section (ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft).

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022	ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022.pdf
ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd	ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd.pdf

Exhibit Title**File Name**

ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft

ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft.pdf

Response:

KSBN respectfully requests LMHTs not be included in this deficiency since your scope of recognition is approving KSBN as a state agency for the approval of nurse education. LMHT education in Kansas is not considered nursing education and the LMHTs have their own practice act, separate from the Nurse Practice Act.

Our Board drafted changes to the APRN education regulations and decided in September 19, 2018 and the June 11, 2019 Education Committee meeting to submit these revisions for approval after the undergraduate and LMHT regulation revisions went through the approval process. The September 10, 2019 Education Committee meeting minutes are attached which states this fact. I have attached the Executive Administrator report from December 2019 and March 2020 in which I reported the graduate education regulations were on hold until the others were approved. COVID caused the regulation revision process to slow down greatly. The graduate education regulation revision will be added to the September 2023 Education Committee agenda. Discussion will occur about directing the Executive Administrator to start the approval process with them. These revisions include revisions to K.A.R. 60-17-108 Student Policies that includes language the advanced nursing program must have student policies that addresses ethical practices for the performance of activities, including recruitment, admission, and advertising. The draft revision to K.A.R. 60-17-108 is attached and is marked with a draft watermark. The additions to this regulation are underlined. The revision that addresses this is (a)(11).

Analyst Worksheet - Response**Analyst Review Status:**

Does not meet the requirements of this section

Staff Determination:

The agency is not in compliance with this section. The Board has not demonstrated that it has a regulation in place to enforce a well-defined set of standards regarding a school's ethical practices, including recruitment and advertising, for each school of nursing with advanced nursing education programs, as required by this section.

Analyst Remarks to Response

In response to the draft staff analysis, the Board requests the exclusion of licensed mental health technician (LMHT) programs from the scope of recognition. The Board notes that although LMHT programs are approved by the Board, those programs are

not nursing education programs and are approved via separate KS state legislation. Department staff agrees that the LMHT programs should not be included within the Board's scope of recognition.

For the advanced nursing education programs, the Board provided additional information and documentation on the regulatory revision process. The Board provided information and documentation that the regulatory review process for advanced nursing education programs was placed on hold until the regulations for the pre-licensure nursing programs were approved and were then delayed further due to the COVID pandemic (Exhibit 25 - September 10, 2019 Education Committee minutes; Exhibit 26 - Executive Administrator Report December 2019; and Exhibit 27 - Executive Administrator Report March 2020). The Board stated that the graduate education regulation revisions were reviewed at the September 2023 Education Committee meeting. The Board provided the meeting agenda (ED Exhibit 55 - Education_Committee_Agenda) and the drafted regulatory revisions (Exhibit 24 - Draft KAR 60-17-108), to include a regulation to enforce a well-defined set of standards regarding a school's ethical practices, including recruitment and advertising, for each school of nursing with advanced nursing education programs, as required by this section. In subsequent correspondence, Board staff stated that the review of the drafted regulatory revisions was tabled for the December 2023 meeting to allow for additional feedback.

Although the Board has previously demonstrated that it reviews the recruitment and advertising policies for schools of nursing with advanced nursing education programs during the site visit, it has not demonstrated that it has a regulation in place to enforce a well-defined set of standards regarding a school's ethical practices, including recruitment and advertising, for each school of nursing with advanced nursing education programs, as required by this section.

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022	ED Exhibit 3 - KUSON_APRN_reapproval sv rpt_final_apprvd_122022.pdf
ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd	ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final aprvd.pdf
ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft	ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft.pdf

Criteria: 3e.

Description of Criteria

e. Requires each school of nursing accredited to submit a comprehensive annual

report, including current data on:

- (1) Progress toward achievement of its stated objectives in nursing education:
- (2) Qualifications and major responsibilities of the dean or director and of each faculty member:
- (3) Policies used for selection, promotion, and graduation of students:
- (4) Practices followed in safeguarding the health and well-being of students:
- (5) Current enrollment by class and student-teacher ratios:
- (6) Number of admission to school per year for past 5 years:
- (7) Number of graduations from school per year for past 5 years:
- (8) Performance of students on State board examinations for past 5 years:
- (9) Curriculum plan:
- (10) Brief course description:
- (11) Descriptions of resources and facilities, clinical areas and contractual arrangements which reflect upon the academic program.

Narrative:

K.A.R. 60-2-108 requires an annual report on or before June 30th of each year for pre-licensure programs. 60-17-109 requires each advanced nursing program must submit an annual report on or before June 15th annually. This annual report requires the school of nursing to report the following information:

1. Changes in program policies, organizing curriculum framework, objectives or outcomes, and major and minor curriculum changes.
2. Faculty responsibilities for required and elective nursing courses including the name, license number, academic credentials, employment dates and full or part-time status. They must also report the name, license number, academic credentials, current clinical area of practice, and place of current employment for each preceptor. The nurse administrator must also report any teaching responsibilities.
3. The school of nursing is required to submit a copy of the school's current catalog, which will include the selection, promotion, and graduation process for students.
4. A description of the practices used to safeguard the health and well-being of students.
- 5, 6, & 7. Statistics for generic, articulation, and transfer students including admissions, readmissions, withdrawals and graduations. K.A.R. 60-2-105 states that the maximum of 1:10 faculty:student ration, including students at observational sites,

shall be maintained during the clinical experience.

8. First time NCLEX pass rates for each of the last five years.

9. Changes in organizing curriculum framework, major and minor curriculum changes.

10. A copy of the school's current along which will have the course descriptions.

11. The name, location, and student-faculty clinical ration is reported for each affiliating agency.

K.A.R. 60-2-105, 60-2-108 and 60-17-109 are attached as Criteria 3e exhibits. Salina Area Technical College ADN program's 2021 Annual Report and supporting documents are attached as Criteria 3e exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 12 K.A.R. 60-2-108	K.A.R. 60-2-108.pdf	-	-
Exhibit 20 K.A.R. 60-17-109	60-17-109.pdf	-	-
Exhibit 23 Salina Area Technical College ADN Annual Report	Salina Area Technical College ADN. Annual Rep	-	-
Exhibit 24 Salina Area Technical College ADN Faculty	Copy of SATC ADN_faculty.xlsx	-	-
Exhibit 25 Salina Area Technical College Preceptors	Copy of SATC ADN_preceptors.xlsx	-	-
Exhibit 26 Salina Area Technical College ADN Courses	Copy of SATC ADN_courses.xlsx	-	-
Exhibit 28 Salina Area Technical College ADN Clinical Agencies	SATC ADN_clin agen.pdf	-	-
Exhibit 9 K.A.R. 60-2-105	K.A.R. 60-2-105.pdf	-	-
September 2019 Education Committee	Approved_Education_Minutes_September_20193.pd	-	-

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
minutes			
Executive Administrator Report December 2019	Executive Administrator Report December 20193	-	-
Executive Administrator Report March 2020	Executive Administrator Report March 20203.pd	-	-
Rasmussen 4/26/22 letter	RasmussenUniv_ADN_NCLEXpassrate_ltr concern_0	-	-
March 2022 Education Committee Minutes	Approved Education Committee Minutes 3-29-202	-	-
Rasmussen NCLEX Action Plan	NCLEX Action Plan OVP US68409800 2022.pdf	-	-
June 2022 Board meeting minutes	Approved Board Minutes 6-29-22.pdf	-	-
Rasmussen site visit approval letter September 2022	Rasmussen_ADN_reapprvl SV rpt_Bd ltr_SEP2022.	-	-
Rasmussen letter with response to site visit recommendations met	Rasmussen_ADN site visit flw_up ltr - recomm	-	-
Rasmussen letter of concern for NCLEX pass rate 4/2023	Rasmussen_BSN_ADN_NCLEXpassrate_ltr concern_0	-	-
K.A.R. 60-17-107	60-17-107 2-15-22.docx	-	-
K.A.R. 60-2-102	60-2-102 adopted 1-1-2022.docx	-	-
March 2023 Education Committee Minutes	Education March Minutes.pdf	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board must provide information and documentation to demonstrate that it has regulations to require the submission of a comprehensive annual report that includes all elements required by this section for each school of nursing with advanced nursing education programs and/or licensed mental health technician programs as required by this section. The Board must also provide additional information and documentation regarding to its review of the performance of students on State board examinations for past 5 years within the annual report and any action taken based on those reviews by KSBN.

Analyst Remarks to Narrative:

The Board provided the regulations which require that each school of nursing for pre-licensure programs provide a comprehensive annual report reflecting compliance with all the data requirements of this section (K.A.R. 60-2-108; Exhibit 12). In addition, K.A.R. 60-2-105 includes the limit of a 10:1 student-teacher ratio in a clinical setting for pre-licensure programs (Exhibit 9). The Board provided a completed annual report from a pre-licensure program demonstrating the Board's application of reviewing its accredited schools for compliance with the listed requirements (Exhibits 23-29).

Department staff confirmed with Board staff that K.A.R. 60-2-108 is only applicable to schools with pre-licensure nursing programs. The Board provided the regulations which require that each school of nursing for advanced nursing education programs provide an annual report, but it does not include all the elements required by this section (K.A.R. 60-17-109; Exhibit 20). Specifically, the regulation does not appear to include the requirement to submit: policies for the selection, promotion, and graduation of students; practices followed in the safeguarding of health and well-being of students; current enrollment by class and student-teacher ratios; number of admissions to school per year for past five years; number of graduations from school per year for past five years; performance of students on state board examinations for five years; curriculum plan; brief course descriptions; and descriptions of resources and facilities, clinical areas, and contractual arrangements which reflect upon the academic program (K.A.R. 60-17-108, Exhibit 19). During the file review, Department staff reviewed the annual report of two schools with advanced nursing education programs. Those annual reports did not appear to include the submission of: practices followed in the safeguarding of health and well-being of students; current student-teacher ratios; number of admissions to school per year for past five years; number of graduations from school per year for past five years; and performance of students on state board examinations for five years (ED Exhibit 6 - KU_SON_BSN_AnnRpt21core and ED Exhibit 7 - NewmanUniv_BSN_RNA_AnnRpt21core). Therefore, the Board did not demonstrate

that it met the requirements of this section.

The regulations for licensed mental health technician programs do not appear to include the requirement to submit a comprehensive annual report (K.A.R. 60-6-101, ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, page 177). During the file review, Department staff confirmed with Board staff that there is no requirement for a licensed mental health technician program to submit an annual report and that there were none to review. Therefore, the Board did not demonstrate that it met the requirements of this section.

One written comment expressed concern about KSBN's review of NCLEX pass rate data (Public Comment Moultrie). The comment stated that first-time NCLEX pass rates for ADN candidates in Kansas are below the national average. The comment specifically noted that the ADN, RN, and PN programs for Rasmussen University were below the 80% for two consecutive years required by K.A.R. 60-2-102(e), and that the Accreditation Commission for Education in Nursing (ACEN) placed the institution on probation, but there was no public notice of any action taken by KSBN. Another example provided is the 71% pass rate for the PN program at Kansas City Kansas Community College. In response to the draft staff analysis, KSBN needs to provide additional information and documentation regarding to its review of the performance of students on State board examinations for past 5 years within the annual report and any action taken based on those reviews by KSBN.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 6 - KU_SON_BSN_AnnRpt21core	ED Exhibit 6 - KU_SON_BSN_AnnRpt21core.pdf
ED Exhibit 7 - NewmanUniv_BSN_RNA_AnnRpt21core	ED Exhibit 7 - NewmanUniv_BSN_RNA_AnnRpt21core.pdf

Response:

KSBN respectfully request LMHTs not be included in this deficiency since your scope of recognition is approving KSBN as a state agency for the approval of nursing education. LMHT education in Kansas is not considered nurse education and the LMHT's have their own practice act, separate from the Nurse practice Act. Our Board drafted changes to the APRN education regulations and decided in the September 2018 and June 2019 Education Committee meeting to submit these revisions for approval after the undergraduate and LMHT regulation revisions were approved. The September 10, 2019 Education Committee meeting minutes are attached. The Executive Administrator report from December 2019 and March 2020 are attached in which I reported the graduate education regulations were on hold until the others were approved. COVID caused the regulation revisions process to slow down greatly. The graduate education regulation revisions will be added to the

September 2023 Education Committee agenda. These revision include revisions to K.A.R. 60-17-107 Reports that includes language the advanced nursing program must submit an annual report. This regulation contains language the covers the elements required by this section. The draft revision to K.A.R. 60-17-107 is attached and marked with a draft watermark. The additions to this regulation are underlined. The NCLEX pass rates are reported to the Board at the March meetings and direction is given to the staff to follow up as per the Nurse Practice Act. March 2022 Education Committee minutes are attached that include the discussion and direction. A letter of concern dated 4/26/22 is included which was sent for the pass rates <75%.

Rasmussen NCLEX action plan submitted to KSBN is attached. The June 2022 Board meeting minutes is attached in which the program was not reapproved until the site visit recommendations were met. There is a September 2022 letter attached with the site visit report approva after the recommendations had been responded to. The new regulation change in chich the minimum NCLEX pass rate must be 80% or above. In March 2023 the staff was directed to send letters of concern to program that had NCLEX pass rates less than 80%. April 2023 letters of concern were sent to all 12 programs that did not meet the 80% pass rate for 2022. The Rasmussen letter is attached as one of the 12 sent. Our standards and criteria for approval of nursing programs is included in the Kansas Nurse Practice Act, which is available on our website. The Committee and Board minutes are available on our website and include the action taken so that is publicly available. The regulations about the minimum NCLEX pass rates changes in January 2022. Prior to then, action was not taken until the pass rates were less than 75% for two consecutive years. The regulation was changed in January 2022 to reflect letters of concern when the pass rate was less than 80% for one year. That benchmark was utilized for the calendar year 2022 pass rates.

Response to public comments received:

1. All committee and board packets are public and available on our website appr. 2 weeks before the meeting. These are available for the public on our website (no login needed). We follow the Kansas Open Records Act in that public an request records in the possession of KSBN. This information is available on our website about the process and a brochure is available in our agency (which meets the requirements of the law).
2. Our standards and criteria for approval of nursing programs is included in the Kansas Nurse Practice Act, which is available on our website. Site visit report templates and annual reports are available on our website, which contains standards and information about the nursing programs.
3. The minimum standards for NCLEX pass rates are included in the Nurse Practice Act. I have provided explanation and evidence of a letter sent to the programs with NCLEX pass rates <80%. The NCLEX results are report to the Education Committee

and Board in the March meeting for the prior calendar year and are publicly available in the Education Committee packet.

Analyst Worksheet - Response

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency is not in compliance with this section. The Board has not demonstrated that it has and has implemented a regulation in place to require an annual report to include all elements required by this section for advanced nursing education programs.

Analyst Remarks to Response

In response to the draft staff analysis, the Board requests the exclusion of licensed mental health technician (LMHT) programs from the scope of recognition. The Board notes that although LMHT programs are approved by the Board, those programs are not nursing education programs and are approved via separate KS state legislation. Department staff agrees that the LMHT programs should not be included within the Board's scope of recognition.

For the advanced nursing education programs, the Board provided additional information and documentation on the regulatory revision process. The Board provided information and documentation that the regulatory review process for advanced nursing education programs was placed on hold until the regulations for the pre-licensure nursing programs were approved and were then delayed further due to the COVID pandemic (Exhibit 28 - September 10, 2019 Education Committee minutes; Exhibit 29 - Executive Administrator Report December 2019; and Exhibit 30 - Executive Administrator Report March 2020). The Board stated that the graduate education regulation revisions were reviewed at the September 2023 Education Committee meeting. The Board provided the meeting agenda (ED Exhibit 55 - Education_Committee_Agenda) and the drafted regulatory revisions (Exhibit 44 - Draft KAR 60-17-109), to include a requirement for schools of nursing with advanced nursing education programs to provide an annual report to include all elements required by this section. In subsequent correspondence, Board staff stated that the review of the drafted regulatory revisions was tabled for the December 2023 meeting to allow for additional feedback. The Board has not demonstrated that it requires or reviews an annual report to include all elements required by this section for each school of nursing with an advanced nursing education program.

The Board also provided additional information and documentation regarding its review of the performance of students on State board examinations for past 5 years and any Board action taken based on those reviews. The Board stated that schools of nursing report their NCLEX pass rates to the Board annually at the March meeting and that the Board directs staff to follow up per the KS Nurse Practice Act. The Board provided the March 2022 meeting minutes and an example action letter that demonstrate the NCLEX pass rates were reviewed and how the Board directed staff to act for any pass rates that did not meet the 75% minimum (Exhibit 32 - March 2022 Education Committee Minutes and Exhibit 31 - Rasmussen 4/26/22 letter). The Board notes that the regulations related to minimum NCLEX pass rates changed in January 2022 from requiring action when a nursing program failed to meet a 75% pass rate over two consecutive years to the current threshold of 80%. The Board provided documentation that the new requirement was implemented with the reporting of the 2022 NCLEX pass rates at the March 2023 meeting (Exhibit 40 - March 2023 Education Committee Minutes). Additionally, the Board provided documentation that it followed its policies and procedures in the review of the NCLEX pass rates for the nursing programs at Rasmussen University in response to the third-party comment received, to include the school's action plan and other Board correspondence (Exhibit 33 - Rasmussen NCLEX Action Plan; Exhibit 34 - June 2022 Board meeting minutes; Exhibit 35 - Rasmussen site visit approval letter September 2022; Exhibit 36 - Rasmussen letter with response to site visit recommendations met; and Exhibit 37 - Rasmussen letter of concern for NCLEX pass rate 4/2023).

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 6 - KU_SON_BSN_AnnRpt21core	ED Exhibit 6 - KU_SON_BSN_AnnRpt21core.pdf
ED Exhibit 7 - NewmanUniv_BSN_RNA_AnnRpt21core	ED Exhibit 7 - NewmanUniv_BSN_RNA_AnnRpt21core.pdf

Criteria: 3f.

Description of Criteria

f. Regularly, but at least every 2 years, obtains from each accredited school of nursing:

- (1) A copy of its audited fiscal report, including a statement of income and expenditures:
- (2) A current catalog.

Narrative:

K.A.R. 60-2-108 requires an annual report on or before June 30th of each year. The annual report requires the schools of nursing to report the following:

1. An audited fiscal report covering the previous two years, including a statement of income and expenditures.
2. A copy of the school's current catalog

K.A.R. 60-2-108 is attached as Criteria 3f exhibit. Salina Area Technical College's 2021 Course Catalog and 2020 audited fiscal statement are attached as Criteria 3f exhibits. This documentation was submitted with the program's annual report.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 12 K.A.R. 60-2-108	K.A.R. 60-2-108.pdf	-	-
Exhibit 27 Salina Area Technical College Financial Report	Salina Area Tech College ADN. FY 20 Financial	-	-
Exhibit 29 Salina Area Technical College Catalog	Salina Area Tech College Catalog.pdf	-	-
September 2019 Education Committee minutes	Approved_Education_Minutes_September_20194.pd	-	-
Executive Administrator Report December 2019	Executive Administrator Report December 20194	-	-
Executive Administrator Report March 2020	Executive Administrator Report March 20204.pd	-	-
Draft K.A.R. 60-17-109	60-17-109 rev 2-15-22.docx	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board must provide information and documentation to demonstrate that it has regulations to require each school of nursing with advanced nursing education programs and/or licensed mental health technician programs to provide an audited fiscal report and a current catalog as required by this section.

Analyst Remarks to Narrative:

The Board provided the regulation which requires that each school of nursing with pre-licensure programs to provide an annual report, which includes an audited fiscal report covering the previous two years, including a statement of income and expenditures, and a copy of the school's current catalog (K.A.R. 60-2-108, Exhibit 12). The Board provided attachments to an example annual report from a school of nursing with a pre-licensure program to demonstrate the requirement to submit audited financial statements and a catalog at least every two years (Exhibits 27 and 29).

Department staff confirmed with Board staff that K.A.R. 60-2-108 is only applicable to schools with pre-licensure nursing programs. The regulation that requires an annual report from a school of nursing with an advanced nursing education program does not appear to include the requirement to submit an audited fiscal report, including a statement of income and expenditures, and a current catalog (K.A.R. 60-17-109, Exhibit 20). During the file review, Department staff reviewed the annual report of two schools with advanced nursing education programs, which included the submission of an audited fiscal report and current catalog (ED Exhibit 8 - KUSON_fiscal reports_AR21; ED Exhibit 9 - KU_grad_catalog_AR21; ED Exhibit 10 - Newman_RNA_fiscal rpt_AR21; and ED Exhibit 11 - Newman Univ_school catalog_AR21).

The regulations for licensed mental health technician programs do not appear to include the requirement to submit an audited fiscal report, including a statement of income and expenditures, and a current catalog (K.A.R. 60-6-101, ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, page 177). During the file review, Department staff confirmed with Board staff that there is no requirement for a licensed mental health technician program to submit an annual report and that there were none to review. Therefore, the Board did not demonstrate that it met the requirements of this section.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 8 - KUSON_fiscal reports_AR21	ED Exhibit 8 - KUSON_fiscal reports_AR21.pdf
ED Exhibit 9 - KU_grad_catalog_AR21	ED Exhibit 9 - KU_grad_catalog_AR21.pdf
ED Exhibit 10 - Newman_RNA_fiscal rpt_AR21	ED Exhibit 10 - Newman_RNA_fiscal rpt_AR21.pdf
ED Exhibit 11 - Newman Univ_school catalog_AR21	ED Exhibit 11 - Newman Univ_school catalog_AR21.pdf

Response:

KSBN respectfully requests LMHTs not be included in this deficiency since your scope of recognition is approving KSBN as a state agency for the approval of nurse education. LMHT education in Kansas is not considered nurse education and the LMHTs have their own practice act, separate from the Nurse Practice Act.

Our Board drafted changes to the APRN education regulations and decided in the September 19, 2018 and June 11, 2019 Education Committee meetings to submit these revisions for approval after the undergraduate and LMHT regulation revisions went through the approval process. The September 10, 2019 Education Committee meeting minutes are attached which states this. I have attached the Executive Administrator report from December 2019 and March 2020 in which I reported the graduate education regulations were on hold until the others were approved. COVID caused the regulation revision process to slow down greatly. The graduate education regulation revision will be added to the September 2023 Education Committee agenda. Discussion will occur about directing the Executive Administrator to start the approval process with them. These revisions include revisions to K.A.R. 60-17-109 Reports that includes language the advanced nursing program must submit with the annual report the audited fiscal report for the previous two years, including a statement of income and expenditures and a current college catalog. The draft revision to K.A.R. 60-17-109 is attached and is marked with a draft watermark. The additions to this regulation are underlined. The revision that addresses this is (a)(13) and (a)(16).

Analyst Worksheet - Response

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency is not in compliance with this section. The Board has not demonstrated that it has a regulation in place to require each school of nursing with an advanced nursing education program to provide an audited fiscal report and a current catalog as required by this section.

Analyst Remarks to Response

In response to the draft staff analysis, the Board requests the exclusion of licensed mental health technician (LMHT) programs from the scope of recognition. The Board notes that although LMHT programs are approved by the Board, those programs are

not nursing education programs and are approved via separate KS state legislation. Department staff agrees that the LMHT programs should not be included within the Board's scope of recognition.

For the advanced nursing education programs, the Board provided additional information and documentation on the regulatory revision process. The Board provided information and documentation that the regulatory review process for advanced nursing education programs was placed on hold until the regulations for the pre-licensure nursing programs were approved and were then delayed further due to the COVID pandemic (Exhibit 41 - September 2019 Education Committee minutes; Exhibit 42 - Executive Administrator Report December 2019; and Exhibit 43 - Executive Administrator Report March 2020). The Board stated that the graduate education regulation revisions were reviewed at the September 2023 Education Committee meeting. The Board provided the meeting agenda (ED Exhibit 55 - Education_Committee_Agenda) and the drafted regulatory revisions (Exhibit 44 - Draft KAR 60-17-109), to include a regulation to require each school of nursing with an advanced nursing education program to provide an audited fiscal report and a current catalog as required by this section. In subsequent correspondence, Board staff stated that the review of the drafted regulatory revisions was tabled for the December 2023 meeting to allow for additional feedback.

Although the Board has previously demonstrated that it reviews an audited fiscal report and a current school catalog for schools of nursing with advanced nursing education programs during the site visit, it has not demonstrated that it has a regulation in place to require each school of nursing with an advanced nursing education program to provide an audited fiscal report and a current catalog as required by this section.

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 8 - KUSON_fiscal reports_AR21	ED Exhibit 8 - KUSON_fiscal reports_AR21.pdf
ED Exhibit 9 - KU_grad_catalog_AR21	ED Exhibit 9 - KU_grad_catalog_AR21.pdf
ED Exhibit 10 - Newman_RNA_fiscal rpt_AR21	ED Exhibit 10 - Newman_RNA_fiscal rpt_AR21.pdf
ED Exhibit 11 - Newman Univ_school catalog_AR21	ED Exhibit 11 - Newman Univ_school catalog_AR21.pdf

Criteria: 3g.

Description of Criteria

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

K.A.R. 60-2-101 and 60-17-102 require a nursing education program or institution submit an application 60 days prior to a Board meeting. The Education Committee (subcommittee of the Board) and the Board of Nursing review the application. If the application is accepted, a survey visit is scheduled. Each nursing education program, with the exception of nursing anesthesia programs, shall be surveyed for initial approval by the Board. The on-site survey will be conducted by designees of the Board to validate information submitted in the program's initial application before granting initial approval. During the initial survey, the nurse administrator of the program shall make available the following:

- (A) Administrators, prospective faculty and students, clinical facility representatives, and support services personnel to discuss the nursing education program
- (B) Minutes of faculty meetings
- (C) Faculty and student handbooks
- (D) Policies and procedures
- (E) Curriculum materials
- (F) A copy of the nursing education program's budget
- (G) Affiliating agency contractual agreements

The nurse administrator of the nursing education program or designated personnel shall take the survey team to inspect the nursing educational facilities including satellite program facilities and library facilities. Upon completion of the survey, the nurse administrator shall be asked to correct any inaccurate statements contained in the survey report, limiting comments to errors, unclear statements and omissions.

K.A.R. 60-2-102 and 60-17-103 require each resurvey of a nursing education program shall be valid for not more than 10 years. If the program is accredited by a national accreditation agency, the resurvey visit may be made in coordination with a national nursing accreditation agency visit. Each program without national nursing accreditation shall be resurveyed every five years.

K.A.R. 60-2-101, 60-2-102, and 60-17-103 are attached as Criteria 3g exhibit.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 15 K.A.R. 60-17-103	60-17-103.pdf	-	-
Exhibit 5 K.A.R. 60-2-101	K.A.R. 60-2-101.pdf	-	-
Exhibit 6 K.A.R. 60-2-102	K.A.R. 60-2-102.pdf	-	-
K.S.A. 65-1152	KSA 65-1152.html	-	-
K.S.A. 65-1133	KSA 65-1133.html	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board must demonstrate that it makes initial and periodic on-site inspections according to its regulatory timelines. The Board must also demonstrate that it makes on-site inspections to each school of nursing seeking to add a nursing anesthesia program.

Analyst Remarks to Narrative:

The Board provided the regulations which require initial and periodic on-site inspections of each accredited school of nursing (K.A.R. 60-2-101, K.A.R. 60-2-102, K.A.R. 60-17-102 and K.A.R. 60-17-103; Exhibits 5, 6, 14, and 15). The Board's regulations require it to review an application and make an initial visit to validate the information provided in the school's/program's application. For renewal applications, site visits are required to occur at least every 10 years. For schools that are also accredited by a nationally recognized accrediting agency for nursing, the site visit can occur in conjunction with the site visit by that agency. If the school is not accredited by a nationally recognized accrediting agency for nursing, a site visit must occur every five years.

The Board stated in its narrative that nurse anesthesia programs do not require an initial on-site inspection. Department staff confirmed with Board staff that it does not conduct an initial site visit for nurse anesthesia programs, but instead relies on the initial accreditation decision of Council on Accreditation of Nurse Anesthesia Educational Programs (COANAEP). Therefore, the Board did not demonstrate that it met the requirements of this section.

In addition, the regulation for the reapproval for advanced nursing education programs (K.A.R. 60-17-103, Exhibit 15) states that a site visit would occur to a nursing anesthesia program "as required by K.A.R. 60-13-103 (d)(4)." K.A.R. 60-13-103 (d)(4) states that an "on-site visit to the school of nurse anesthesia may be conducted by the board of nursing if there is reason to believe that the program is in violation of the established standards or if the program is placed on public probation by the council on accreditation [COANAEP]," (ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, page 177). Department staff confirmed with Board staff that it regularly conducts site visits for nurse anesthesia programs in conjunction with COANEAP. During the file review, Department staff reviewed the files (self-study, site visit report, approval letter, and annual report) of a school with nurse anesthesia program, which demonstrates that the Board makes periodic on-site inspections of each school of nursing with a nurse anesthesia program (ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV

rpt_012822 final apprvd).

The regulations for licensed mental health technician programs do not appear to include the requirement for the Board to make initial and periodic on-site inspections of each school of nursing accredited (K.A.R. 60-5-102, ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, pg. 202). During the file review, Department staff reviewed the file (self-study and site visit report) of the only approved licensed mental health technician program to demonstrate that the Board makes periodic on-site inspections (ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft).

The Board provided a completed site visit report for a school that does not hold accreditation from a nationally recognized accrediting agency for nursing (Exhibit 52). The documentation also included a listing of the last site visit (October 2015) and current site visit (January 2021), and a re-approval letter (Exhibit 51), which included the next scheduled site visit (Spring 2026). The documentation does not demonstrate that the Board performs periodic on-site inspections of its schools of nursing in accordance with its regulatory requirements, as the site visit did not occur within five years, and the Board did not provide any explanation related to the delay in the site visit. During the file review, Department staff reviewed the files of three programs and one did meet the regulatory requirements of periodic on-site inspections, as it did not occur within 10 years (ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final apprvd). Therefore, the Board did not demonstrate that it met the requirements of this section.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022	ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022.pdf
ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final apprvd	ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final apprvd.pdf
ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft	ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft.pdf

Response:

K.S.A. 65-1152 (b) states approval of schools of nurse anesthesia shall be based on approval standards specified in K.S.A. 65-1133 and amendments thereto. K.S.A. 65-1152 and K.S.A. 65-1133 are attached. K.S.A. 65-1133 contains language about the approval process for advanced practice registered nurse programs. It contains language in © about the approval survey process when an application for a nurse anesthesia program is received by KSBN. There are two approved nurse anesthesia programs in Kansas and have been approved for years. They are surveyed according to the COA timeline, not to exceed 10 years. KSBN has not received an application

for a nurse anesthesia programs within the time period this application covers. Due to this, we have no documentation about on-site inspections to each school of nursing seeking to add a nursing anesthesia program, however there is a process in place if an application is received.

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the Board provided information and documentation that it makes initial and periodic on-site inspections according to its regulatory timelines.

The Board states that it follows the requirements of the applicable Kansas State Acts – specifically K.S.A. 65-1152 and 65-1133 – for the approval process for advanced practice registered nurse programs, which include nurse anesthesia programs (Exhibits 45 and 46). The Board stated in subsequent communications that it also follows the requirements of the applicable Kansas Administrative Regulations – specifically K.A.R. 60-17-102, 60-17-103, and 60-13-103 (Exhibits 14 & 15; & ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022, page 177). These acts and regulations provide the requirements that the Board make on-site inspections to each school of nursing seeking to add a nursing anesthesia program. The Board stated that it has two approved nurse anesthesia programs in Kansas and that no new nurse anesthesia programs have applied during the recognition period, so there is no documentation to provide to demonstrate the Board makes on-site inspections to each school of nursing seeking to add a nursing anesthesia program.

As stated in previous sections, the Board requests the exclusion of licensed mental health technician (LMHT) programs from the scope of recognition. The Board notes that although LMHT programs are approved by the Board, those programs are not nursing education programs and are approved via separate KS state legislation. Department staff agrees that the LMHT programs should not be included within the Board's scope of recognition.

Board staff stated in subsequent communications that it meets its regulatory timelines to conduct periodic on-site inspections and provided documentation to demonstrate compliance. Board staff stated that the COVID pandemic did affect the regular site visits to some programs, which was the case for the program noted in the draft staff analysis. The Board states that it has met its regulatory timelines in 2023 and

provided documentation to support that statement (ED Exhibit 54 - 2023 Nursing Programs Site visits_rev_for DOE flwup_NOV23). The Board also stated that it attempts to conduct its site visit concurrently with a nationally recognized accrediting agency for nursing, if possible.

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022	ED Exhibit 1 - KS Nurse Practice Act, Statutes & Administrative Regulations dated July 2022.pdf
ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final apprvd	ED Exhibit 4 - Newman Univ RNA_APRN reapproval SV rpt_012822 final apprvd.pdf
ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft	ED Exhibit 5 - OSH_reapproval SV rpt_012523_draft.pdf

Criteria: 4.

Description of Criteria

4. Has clear, written procedures for
- (a) the accreditation of a school of nursing or institution,
 - (b) placing it on a probationary status,
 - (c) revoking the accreditation, and
 - (d) reinstating accreditation.

Narrative:

K.S.A. 74-1106 (c)(3) states "The board shall prescribe curricula and standards for professional and practical nursing program and provide for surveys of such schools and courses at such time as it may deem necessary. It shall accredit usch schools and approve courses as meet the requirements of appropriate act and rules and regulations of the Board." K.S.A. 65-1119 (d) states "the board shall prepare and maintain the list of approved schools for both professional and practical nurses whose graduates, if they have the other necessary qualifications provided in this act, shall be eligible to apply for a license as a registered professional nurse or as a licensed practical nurse. A survey of the institution or institutions and of the schools applying for approval shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements as prescribed by the board in its rules and regulations for an approved school for professional nurses or practical nurses, as the case may be. The board shall resurvey approved schools on a periodic basis as determined by rules and

regulations. If the board determines that any approved school of nursing is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such school, shall be given immediately to the school. A school which fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing until such time as the school shall comply with the standards. All approved schools shall maintain accurate and current records showing in full the theoretical and practical courses given to each student."

b. and c: K.A.R. 60-2-102 (c) and (d) states "a resurvey or unannounced site visit may be conducted at any time other than a scheduled survey visit if the board determines that there is consistent evidence reflecting deficiencies in meeting the requirements or the board is determining whether or not deficiencies have been corrected by a program on conditional approval status. (d) The deficiencies sufficient to warrant action by the board shall include the deficiencies specified in subsections (c) through (h). Failure to correct any deficiency within the prescribed period may result in the board's placement of the program on conditional approval or may result in loss of approval."

K.A.R. 60-17-103 states "if an advanced nursing education program fails to meet requirements of the board within a designated period of time, the program shall be notified by the board's designee of the board's intent to deny reapproval. This notification shall be made pursuant to K.S.A. 77-512 and amendments thereto, and shall inform the program of its right to a hearing pursuant to the Kansas administrative procedures act.

During 2020 and 2021 the Board revoked the approval of one ADN program and the institution has not requested to have another ADN program. Presently, the Board has three nursing schools on conditional approval. Conditional approval, as outlined in K.A.R. 60-1-104 i) means the status that the board imposes on an approved nursing program for a limited time to comply after finding evidence that the nursing program no longer meets educational requirements as specified in the nurse practice act or the board's regulations. When placed on conditional approval, the nursing program may be directed by the board to limit or cease admissions. The Board has return site visits planned with these three programs with the expectation all deficiencies identified have been corrected. The conditional approval status could be removed at that time and returned to full approval status if the programs have no deficiencies or approval be denied if deficiencies have not been corrected.

K.S.A. 65-1119, K.S.A. 74-1106, K.A.R. 60-2-102, 60-17-103 and the KSBN appeal process are attached as Criteria 4 exhibits.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1: K.S.A. 65-1119	K.S.A. 65-1119.pdf	-	-

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 15 K.A.R. 60-17-103	60-17-103.pdf	-	-
Exhibit 30 K.S.A. 74-1106	K.S.A. 74-1106.pdf	-	-
Exhibit 4 K.A.R. 60-1-104	K.A.R. 60-1-104.pdf	-	-
Exhibit 57 KSBN Appeal Process	KSBN Appeal Process.pdf	-	-
Exhibit 6 K.A.R. 60-2-102	K.A.R. 60-2-102.pdf	-	-
K.A.R. 60-2-102	60-2-102 adopted 1-1-20221.docx	-	-

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The Board needs to provide information and documentation regarding to its application of K.A.R. 60-2-102(f).

Analyst Remarks to Narrative:

The Board provided the statutes and regulations which demonstrate that the Board has clear, written procedures for the approval of a school of nursing, placing it on a probationary status (“conditional approval”), revoking the approval, and reinstating approval (K.S.A. 65-1119, K.S.A. 65-1133, K.S.A. 74-1106, K.A.R. 60-1-104, K.A.R. 60-2-102, 60-17-103; Exhibits 1, 4, 6, 15, 21, and 30). The Board also provided its appeals process and stated that there have been no appeals during the recognition period (Exhibit 57).

The Board stated that it revoked the approval of one nursing program during the recognition period and that that three programs are on conditional approval. During the file review, Department staff reviewed the files for the one revocation action and three conditional approval actions to demonstrate implementation of the Board’s procedures (ED Exhibit 12 - Pratt letter Withdrawal of Approval 8.2021; ED Exhibit 13 - Seward_ADN FocusSV rpt_cond apprvl_Bd ltr_Mar2021; ED Exhibit 14 - Donnelly_ADN site visit Bd ltr_121219; and ED Exhibit 15 - Colby_Bd Ltr_remove

cond apprvl status_ADN_071522).

One written comment expressed concern about KSBN's review of an institution based on a negative action taken by a nationally recognized accrediting agency (Public Comment Moultrie). The comment stated that the Accreditation Commission for Education in Nursing (ACEN) placed Rasmussen University on probation in September 2022 due to low NCLEX pass rates. K.A.R. 60-2-102(f) requires an institution in such a situation to be "scheduled immediately for a survey visit," however there is no public indication of action taken by KSBN. In response to the draft staff analysis, KSBN needs to provide information and documentation regarding to its application of K.A.R. 60-2-102(f).

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ED Exhibit 12 - Pratt letter Withdrawal of Approval 8.2021	ED Exhibit 12 - Pratt letter Withdrawal of Approval 8.2021.pdf
ED Exhibit 13 - Seward_ADN FocusSV rpt_cond apprvl_Bd ltr_Mar2021	ED Exhibit 13 - Seward_ADN FocusSV rpt_cond apprvl_Bd ltr_Mar2021.pdf
ED Exhibit 14 - Donnelly_ADN site visit Bd ltr_121219	ED Exhibit 14 - Donnelly_ADN site visit Bd ltr_121219.pdf
ED Exhibit 15 - Colby_Bd Ltr_remove cond apprvl status_ADN_071522	ED Exhibit 15 - Colby_Bd Ltr_remove cond apprvl status_ADN_071522.pdf

Response:

K.A.R. 60-2-102(f) describes the aprocess that will take place if a nursing program that is accredited by a national nursing accrediting agency and is subsequently placed on warning or whose accreditation by the national accreditation agency is withdrawn shall be scheduled immediately for a survey visit.

We have not had programs placed on warning or whose accreditation by the national nursing accreditation agency in the time period of this application, so we are unable to provide documentation of something that has not occurred during the time period of this application. KSBN receives notification communication the national accreditation agencies that includes actions taken on nursing programs, which is the notification we would receive in addition to notification from the nursing program affected.

Analyst Worksheet - Response

Analyst Review Status:

Meets the requirements of this section

Analyst Remarks to Response

In response to the draft staff analysis, the Board provided additional information about its implementation of K.A.R. 60-2-102(f), which describes the Board’s process if a nationally recognized accrediting agency for nursing takes a negative action against a program. The Board stated that no program had been placed on warning or whose accreditation was withdrawn by a nationally recognized accrediting agency for nursing during the recognition period. The Board states that it receives notifications from nationally recognized accrediting agencies for nursing of accreditation actions.

For Rasmussen University, Board staff stated in subsequent communications that it conducted its site visit in conjunction with ACEN in March 2022 and was aware of the low NCLEX pass rates. Board staff also stated that it did not receive notice of a probation action from ACEN, so it did not initiate its review process included in K.A.R. 60-2-102(f). Board staff stated that ACEN granted Rasmussen University continued accreditation with conditions related to the low NCLEX pass rates and a follow-up report in spring 2024. This is supported by the actions and information on ACEN’s website (ED Exhibit 18 - Commission Actions – September 2022 – Accreditation Commission for Education in Nursing and ED Exhibit 19 - Search ACEN Programs – Accreditation Commission for Education in Nursing).

List of Document(s) Uploaded by Analyst - Response

Exhibit Title	File Name
ED Exhibit 12 - Pratt letter Withdrawal of Approval 8.2021	ED Exhibit 12 - Pratt letter Withdrawal of Approval 8.2021.pdf
ED Exhibit 13 - Seward_ADN FocusSV rpt_cond apprvl_Bd ltr_Mar2021	ED Exhibit 13 - Seward_ADN FocusSV rpt_cond apprvl_Bd ltr_Mar2021.pdf
ED Exhibit 14 - Donnelly_ADN site visit Bd ltr_121219	ED Exhibit 14 - Donnelly_ADN site visit Bd ltr_121219.pdf
ED Exhibit 15 - Colby_Bd Ltr_remove cond apprvl status_ADN_071522	ED Exhibit 15 - Colby_Bd Ltr_remove cond apprvl status_ADN_071522.pdf

3rd Party Written Comments

Document Title	File Name	Pro/Con
-	-	CON
-	-	CON

Staff Analysis of 3rd Party Written Comments

The Department received two written comments for KSBN. One comment was specific to KSBN (Moultrie), but most of the other one is unrelated to the agency's compliance with the recognition regulations (Conroy). Both comments stated that the Department’s solicitation of written third-party comments occurred without access to the agency’s petition or related

materials. The Department's solicitation of written third-party comments sought comment on the agency's compliance with the regulations in question pursuant to the procedures at 34 C.F.R. §§ 602.32(c) and (l), not on the agency's petition 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. The Moultrie comment referenced 34 C.F.R. Part 603 as applicable to the recognition process for State approval agencies for nurse education. 34 C.F.R. Part 603 is applicable to State Approval Agencies for Public Postsecondary Vocational Education and approval by those agencies enables its institutions to seek eligibility to participate in Federal student aid programs. However, the Secretary's Criteria for Recognition of State Agencies for Approval of Nurse Education (Criteria) was published in the January 16, 1969, Federal Register and approval by those agencies do not enable programs to seek eligibility to participate in Federal student aid programs. Instead, approval by a recognized State agency for the approval of nurse education enables programs to access other Federal programs, such as those contained in the Public Service Health Act at 42 U.S.C. § 296. The Department is limited in its review of State approval agencies for nurse education to the Criteria included in the January 16, 1969, Federal Register Notice, which also does not require a scope of recognition beyond "nurse education." The same comment stated that State approval agencies for nurse education should provide more information and documentation for public access. Specifically, the comment stated that KSBN does not include its standards on its website and only includes the Kansas Administrative Regulations (K.A.R.). The Criteria require agencies to make publicly available current information covering its criteria or standards for accreditation in Section 2, which KSBN does on its website with the K.A.R. The comment also stated that KSBN should include more information on the approved programs, such as student achievement and negative actions. The Criteria require agencies to make publicly available lists of schools of nursing which it has accredited in Section 2, which KSBN does on its website. Nevertheless, the agency may respond to this comment about the information available to the public in its response to the draft staff analysis. The same comment also stated that KSBN needs to have strict minimum standards for NCLEX pass rates and hold their approved programs to those standards. The Department is specifically limited by the Higher Education Act of 1965, as amended, at § 496(g), 20 U.S.C. § 1099b(g), from establishing "any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement." Therefore, the Department is prohibited from requiring an agency to use any specific outcome metrics to assess a program's success with respect to student achievement. However, in its discussion of Section 3e of the Criteria, Department staff raised questions related to the agency's application of its standards with regard to the review of Rasmussen University's nurse education programs (ADN, RN, and PN) and Kansas City Kansas Community College's PN program NCLEX pass rates. Department staff also inquired about the agency's application of K.A.R. 60-2-102(f) in its review of Rasmussen University in Section 4 of the Criteria. The same comment stated that KSBN does not report its actions on the Department's Database of Accredited Postsecondary Institutions and Programs (DAPIP) website. The regulation that requires accrediting agencies to report actions to the DAPIP is located in 34 C.F.R. Part 602. Therefore, agencies recognized under 34 C.F.R. Part 603 (State Approval Agencies for Public Postsecondary Vocational Education) and the January 16, 1969, Federal Register Notice (State Agencies for Approval of Nurse Education) are not required to report actions to the DAPIP. KSBN could choose to voluntarily report its actions to the DAPIP. The Conroy comment stated that complaint processes used by accrediting agencies should be more accessible to complainants. The Department's recognition review process assesses whether or not an agency meets the Criteria, and there is no specific requirement included in the Criteria to review complaints. However, Department staff use information and documentation it receives to ensure that a State agency acts in accordance with both its own policies and procedures and with the Criteria, and notes that KSBN has a regulation related to complaints (K.A.R. 60-2-102(h)). The agency may wish to respond to the comment in its response to the draft staff analysis. The comment also noted the Sweet v. Cardona case and settlement and stated that NACIQI should review accrediting agencies and their actions related to individual institutions included in the case. There is no specific requirement included in the Criteria to review a program's compliance with any title IV, HEA program responsibilities. As stated previously, recognition of State agencies for nurse education do not enable approved programs to establish eligibility to participate in title IV, HEA programs.

Response to 3rd Party Comments

No response to 3rd Party Written Comments

Staff Analysis of Agency Response to 3rd Party Comments

The Board did not provide a response to written comments in this section, but did provide a response in Section 3e, as follows: "Response to public comments received: 1. All committee and board packets are public and available on our website appr. 2 weeks before the meeting. These are available for the public on our website (no login needed). We follow the Kansas Open Records Act in that public can request records in the possession of KSBN. This information is available on our website about the process and a brochure is available in our agency (which meets the requirements of the law). 2. Our standards and criteria for approval of nursing programs is included in the Kansas Nurse Practice Act, which is available on our website. Site visit report templates and annual reports are available on our website, which contains standards and information about the nursing programs. 3. The minimum standards for NCLEX pass rates are included in

the Nurse Practice Act. I have provided explanation and evidence of a letter sent to the programs with NCLEX pass rates <80%. The NCLEX results are report to the Education Committee and Board in the March meeting for the prior calendar year and are publicly available in the Education Committee packet.” Department staff reviewed the Board’s compliance with the Department’s recognition requirements in the applicable sections of the Criteria.

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.
