

STATE OF VERMONT

Board of Nursing

Administrative Rules

Effective: March 1, 2004

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Chapter 1. INTRODUCTION AND GENERAL PROVISIONS

I. LOCATION AND PURPOSE OF OFFICE

The Office of the Vermont State Board of Nursing and its Executive Director are located at the Office of the Secretary of State, Office of Professional Regulation, Heritage Building, 81 River Street, Montpelier, Vermont 05602.

II. PURPOSE OF RULES

The purpose of these rules is to assist in administering and implementing the spirit and intent of 26 V.S.A. Chapter 28, NURSING, enacted to safeguard the life and health of the people of Vermont by empowering the Board to:

- A. approve all nursing education programs in Vermont, which prepare persons to practice nursing at both the basic and advanced levels;
- B. examine graduates of state-approved educational programs which prepare persons to enter the practice of nursing;
- C. register and license successful examinees;
- D. register and license qualified applicants licensed by other states;
- E. relicense qualified licensees;
- F. endorse advanced practice registered nurses;
- G. regulate the practice of nursing;
- H. publish interpretative statements;
- I. discipline licensees for cause; and
- J. regulate the proceedings of the Vermont State Board of Nursing in accordance with 26 V.S.A. Chapter 28, subchapters 1 and 2, 3 V.S.A. Chapters 5 and 25 and these ADMINISTRATIVE RULES.

Chapter 2. DEFINITIONS

In addition to 26 V.S.A. §1572, DEFINITIONS, the following definitions apply to these rules:

1. **Administrator** - a registered nurse who is responsible for administering an educational program or a nursing services department regardless of the title used by the governing organization.
2. **Approval** - official recognition of nursing education programs that meet standards established by the Board of Nursing.
3. **Approved nursing education program** - a nursing education program that the Board determines meets and complies with the requirements of §1581 and these rules, or a program which is ascertained to meet and comply with the requirements of statutes and rules administered by a similar statutory agency which licenses nurses in another United States jurisdiction or country.
4. **Collaborating physician** - a physician who holds an unencumbered license and is actively practicing medicine in the State of Vermont who has formally agreed to be available for collaboration, consultation and referral.
5. **Collaboration** - a process which involves two or more health care professionals working together, though not necessarily in each other's presence, each contributing one's respective area of expertise to provide more comprehensive care than one alone can offer.
6. **Collaboration as it pertains to advanced practice** - The Advanced Practice Registered Nurse acts independently in dealing with the nursing needs of the individual; and independently consistent with practice guidelines with a collaborating physician in the appropriate speciality area and for all related medical functions; or by clinical privileges approved by the facility or facilities at which the individual practices.
7. **Competence** - performance of nursing functions skillfully and proficiently while demonstrating the interrelationship of essential knowledge, judgment and skills.
8. **Conditioned license** - a license which, as part of the disciplinary process, has had conditions or provisions added which must be met in order to maintain the license.
9. **Cooperating agency** - an agency that by contract or written agreement with the governing organization, is utilized to provide essential learning experiences for students.
10. **Delegation** - nurses entrusting the performance of selected nursing tasks to competent subordinate persons in selected situations. The nurse retains the accountability for the total nursing care of the individual.

11. **Delineation of Practice Privileges** - Clinical privileges established by the advanced nurse practitioner and the facility or facilities at which the individual practices as part of admission to practice as a member of the professional staff. Describes mutually developed medical and nursing acts to be performed by the nurse in advance practice.
12. **Distance Education** - a set of teaching and/or learning strategies to meet the needs of students in other than a traditional classroom where teachers and learners are separate from each other.
13. **Endorsement** -
 - A. process of verifying education, examination, and other credentials related to registration and licensure by one state Board of nursing to another.
 - B. endorsement also describes the process by which a registered nurse is authorized to act as an advanced practice registered nurse under Chapter 4, subchapter 8 of these rules.
14. **Governing Organization** - agency or institution that has the authority and responsibility for financing the nursing education program, employing the administrator and faculty, graduating students, and granting the diploma, certificate, or degree.
15. **Lapsed License** - the termination of an individual's privilege to practice nursing due to the individual's failure to renew or notify the Board to place in inactive status the nursing license within the specified period of time.
16. **License** - current authority to practice nursing in Vermont which is granted to qualified applicants upon registration and periodically thereafter in accordance with 26 V.S.A. §§ 1571-1601 and these rules.
 - A. APRN- Advanced Practice Registered Nurse.
 - B. RN- Registered Nurse.
 - C. LPN- Licensed Practical Nurse.
 - D. LNA- Licensed Nursing Assistant.
17. **Nursing Education Program** - refers to a post secondary education program preparing persons to practice nursing at both the basic and advanced levels.
18. **Preceptor** - Registered Nurse who serves as a facilitator and supervisor of student learning experiences in a practice setting who is not a member of the nursing education program's faculty.
19. **Preceptor for APRN Applicants** - a Vermont endorsed APRN or physician in an appropriate specialized field who serves as a facilitator and supervisor for an APRN fulfilling requirements for endorsement.
20. **Preceptorial Learning Activities** - those learning activities which are provided under the direct leadership and supervision of a preceptor after the student has received basic theory and clinical experiences necessary to safely provide care to clients.
21. **Policy** - definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions, as established by the Board.
22. **Practice Guidelines** - documents outlining the medical functions which are performed independently by the Advanced Practice Registered Nurse and which specify mechanisms for consultation, collaboration and referral.
23. **Registration** - the recorded and permanent number prefixed by L.P.N. or R.N. and assigned to an applicant who meets all requirements for initial licensure to practice nursing in Vermont in accordance with 26 V.S.A. § 1576 and these rules. A certificate of registration issued to the registrant is not in itself authority to practice nursing.
24. **Reinstatement** - procedure of restoring or re-establishing a nursing license which has lapsed or which has been revoked or suspended.
25. **Revocation** - removal of the privilege to practice nursing indefinitely.
26. **Rule** - Board's statement of general applicability which has the force and effect of law when duly adopted in conformity with the requirements of 3 V.S.A. Chapter 25 and under the authority of 26 V.S.A. Chapter 28 that implements, interprets, or prescribes law or policy, or describes the organization, procedure or practice

requirement of the Board.

27. **Standards of Practice** - statements enunciated by state and national nursing organizations and used by the Board in determining safe practice.
28. **Supervision** - the provision of guidance by a qualified nurse for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.
 - A. **Direct Supervision** - supervision which requires that direction be given by a registered nurse physically present on the unit.
 - B. **Supervision of a LPN or RN applicant** - the supervisor must be on the premises of the facility and be specifically assigned responsibilities for supervising the performance of the RN or LPN applicant.
 - C. **Supervision of licensees under disciplinary action** - supervision which requires monitoring of the licensees practice and which must be on the premise of the facility and specifically assigned to another RN.
 - D. **Supervision of APRN applicants** - the supervisor must be an APRN or physician in the area of specialty who is on the premises of the facility.
29. **Suspension** - removal of the privilege to practice nursing for a specified period of time.
30. **Temporary License** - a license issued under 26 V.S.A. § 1576(d) which is valid for 90 days.
31. **Temporary Permit** - written permission granted to an applicant when the applicant has not practiced nursing for five or more years that permits the applicant to function in the clinical field while regaining and updating competence in nursing practice.

Chapter 3. COMPOSITION, POWERS AND DUTIES OF THE Board

- I. MEMBERS
- II. POWERS AND DUTIES
- III. AGENDA
- IV. ROBERTS RULES OF ORDER
- V. OFFICERS OF THE Board
- VI. DELEGATION OF Board FUNCTIONS TO THE EXECUTIVE OFFICER
- VII. AUTHORITY OF THE EXECUTIVE OFFICER

I. MEMBERS

Members of the Board shall be those persons appointed by the Governor as provided in 26 V.S.A. § 1573. No member shall serve concurrently on the policy-making Board of a professional association of nurses at the State level.

II. POWERS AND DUTIES

The Board shall have all such powers and duties as conferred on it by 26 V.S.A. Chapter 28 Subchapters 1 & 2. In particular, the Board shall:

- A. submit recommendations for appointment of an Executive Director to the Director, Office of Professional Regulation;
- B. approve the appointment of the Executive Director and other persons as may be necessary to carry on the work of the Board.
- C. review, approve, and contract for suitable licensing examinations and determine the passing scores;
- D. appoint or recommend appointment of appropriate members or staff to participate as representatives of the Board at national, state, and regional meetings of associations whose purposes and functions are relevant to the work of the Board;
- E. adopt, amend, or repeal rules in accordance with the administrative procedures act;
- F. advise the legislature when fees established by 26 V.S.A. § 1577 and 3 V.S.A. § 125 need revisions;
- G. delegate such duties to the officers and authority of the Board to the Executive Director as defined in these rules and by motion of the Board;

- H. meet monthly to transact the regular business of the Board. The first meeting following Sept 1st of each year shall include the election of officers; and
- I. meet at such other additional times for special purposes as deemed necessary and as required under 26 V.S.A. § 1574.

III. AGENDA

The agenda for meetings shall be sent from the Office of the Board to each member, and to others upon request at least five days before the meeting. Any member or person wishing to place an item on the agenda shall notify the Office of the Board at least ten days before the meeting. Items of an emergency nature shall be considered at any meeting without prior notice.

IV. ROBERT'S RULES OF ORDER

The rules contained in the current edition of Robert's Rules of Order shall serve as a guide for the conduct of the meetings in all disputed instances to which they apply.

V. OFFICERS OF THE Board

In accordance with 26 V.S.A. § 1574(1), officers shall be a chair, a vice-chair, and secretary elected by majority ballot of those members attending the annual meeting. Officers shall assume office at the close of the annual meeting. The term of office shall be one year and officers may succeed themselves. Vacancies in the office of vice-chair or secretary shall be filled for the unexpired term by Board election in the manner here prescribed. A vacancy in the office of chair shall be filled by the vice-chair for the unexpired term.

A. The chair shall:

1. preside at all meetings and hearings, and
2. in consultation with the Director, Office of Professional Regulation, and with the concurrence of the Board assume delegated administrative authority and responsibilities of the Executive Director in the event of a vacancy of that position; reimbursement shall be determined as provided in 32 V.S.A. Section 1010 (a) and (b).

B. The vice-chair shall:

1. assume the duties of the chair in the event of absence from meetings and all responsibilities of the chair in the event of vacancy in office.

C. The secretary shall:

1. review the record of the proceedings of all meetings and hearings, and
2. in the event of a vacancy in the position of Executive Director assume delegated authority and responsibilities that are related to minutes and records of meetings and hearings.

D. In the absence of the chair and vice-chair the secretary shall assume the responsibility of the chair.

VI. QUALIFICATIONS OF THE EXECUTIVE DIRECTOR

The Executive Director shall be a graduate of an approved nursing education program, hold a master's degree in nursing and have at least five years experience in nursing practice, including administration, teaching or supervision in schools of nursing or health agencies.

VII. AUTHORITY OF THE EXECUTIVE DIRECTOR

In addition to authority specifically conferred in this Chapter, the Executive Director:

- A. has the authority and responsibility to the Board to administer 26 V.S.A. Chapter 28 and these rules in accordance with the provisions of these rules and policies which may be established by the Board;
- B. appoints persons to serve on committees as may be created for special tasks related to the work of the Board. All such committees shall have at least one member of the Board in its composition;
- C. interprets policies and makes administrative decisions based on Board instructions and policy, these rules, and 26 V.S.A. Chapter 28;
- D. carries out, provides consultation, and otherwise implements directions of the Board related to nursing education, examination, registration, licensure, renewal, practice, and discipline of licensees;
- E. functions as surveyor of nursing education programs to determine approval status;
- F. reviews and recommends approval of re-entry programs according to these rules and Board established guidelines;

- G. assists the Board and prosecuting attorneys in investigating potential disciplinary cases including malpractice and unprofessional conduct; assists in preparing recommended disciplinary actions;
- H. represents the Board at meetings of professional associations, agencies providing health care services, and institutions providing educational opportunities related to nursing and health care as requested by the Board;
- I. has the authority and responsibility for ensuring the preparation of:
 - 1. agendas for meetings;
 - 2. all reports, except as may be specified otherwise by motion of the Board;
 - 3. all minutes of meetings and records of hearings;
 - 4. projected budgets for the Board's approval and for submission to the Director of the Office of Professional Regulation and subsequently to the Secretary of State; and
 - 5. correspondence of the Board.
- J. requests secretarial and clerical assistance from the Office of the Secretary of State, Office of Professional Regulation, as needed to carry out the work of the Board;
- K. orients new Board members and provides information for continuous updating of all members;
- L. coordinates and supervises staff employed by or assigned to the Board;
- M. reviews the expenditures of the Board in accordance with its approved budget; and
- N. reviews all claims for payment by the State Department of Finance from funds appropriated to the Board except those for salaries and fringe benefits of employees and those for interdepartmental transfers.

Chapter 4. Nursing

Subchapter 1 NURSING EDUCATION

- I. APPROVAL
- II. STANDARDS OF NURSING EDUCATION
- III. TYPES OF APPROVAL
- IV. NEW PROGRAMS: PROVISIONAL APPROVAL
- V. EXISTING PROGRAM: REQUIREMENTS FOR APPROVAL
- VI. REPORTS TO Board
- VII. SURVEYS
- VIII. CONSULTATIONS
- IX. CLOSING A PROGRAM
- X. RE-ENTRY PROGRAMS
- XI. APPROVAL GUIDELINES FOR ADVANCED PRACTICE REGISTERED NURSE EDUCATIONAL PROGRAMS

I. APPROVAL

- A. Approval of nursing education programs is based on the ability of these programs to produce nurses capable of functioning safely and effectively within the standards of nursing practice. The nursing programs will be evaluated to ensure the ability of graduate nurses to meet this goal, as appropriate to the educational program's level of preparation. Criteria for approval are stated in Sections C, D, E, F, and G of these rules.
- B. All nursing education programs, whether individualized or general, shall be approved by the State Board of Nursing.
- C. All nursing education programs in Vermont preparing persons to practice nursing under 26 V.S.A. Chapter 28 shall be state-approved schools or programs established in an accredited post-secondary institution, an education agency or re-entry setting. The level of education shall not be less than post-secondary education.
- D. Change of Control: If the governing organization of an approved program changes ownership, the program shall be removed from the Board's list of approved schools until such time as the new governing body gives the Board written assurance that all requirements of approval will be maintained.

II. STANDARDS OF NURSING EDUCATION

Purpose of Standards:

- A. To ensure that the purpose and outcomes of the nursing programs are consistent with the Nurse Practice Act and Board Rules and Regulations and other relevant state statutes.
- B. To ensure that graduates of nursing education programs are prepared for safe and effective nursing practice.
- C. To emphasize outcomes evaluation and quality improvement of nursing education programs.
- D. To provide criteria for the development and evaluation of new and established nursing education programs.
- E. To promote quality improvement of established nursing education programs through outcome evaluation.

III. TYPES OF APPROVAL

- A. **Provisional approval** is granted to a new program that, on application by the governing organization and after survey and Board evaluation, is determined by the Board to be ready to admit students. Provisional approval terminates when the Board has considered the program's application for approval at its first meeting following graduation of the first students.
- B. **Approval** is granted to a program that has graduated its first class and periodically thereafter if, after survey and evaluation, it is determined by the Board to have complied with 26 V.S.A. § 1581 and these rules. The Board shall state the term of approval, which shall be no longer than eight years and shall be contingent upon continued compliance with 26 V.S.A. § 1581 and these rules.
- C. **Conditional approval** is granted to a program when there is evidence of a degree of non-compliance with 26 V.S.A. § 1581 and these rules. The governing organization shall be given a reasonable period of time determined by the Board to submit an action plan to correct the identified program deficiencies.
- D. **Withdrawal of approval** will occur when it has been determined that the program fails substantially to meet the standards set forth in 26 V.S.A. § 1581 and these rules or fails to correct the deficiencies within the time specified by the Board.

IV. NEW PROGRAMS: PROVISIONAL APPROVAL:

A new nursing education program to prepare persons for nursing practice shall be established only by a governing organization which is a post-secondary educational institution or agency as described in Rule I. C. of this subchapter.

Step I:

- A. A governing organization wishing to establish such a program shall request provisional approval by the Board at least twelve months before the date it expects to admit its first students.
- B. Using the guideline identified in Rule II of this subchapter, this request shall include three copies of the following information:
 1. the philosophy, purpose, outcomes, and accreditation status of the governing organization;
 2. organizational and administrative relationships of the governing organization and the program;
 3. studies documenting the need for the programs in the state;
 4. evidence of community readiness to accept and support the program;
 5. purposes and classification of program;
 6. availability of adequate resources; faculty, clinical and academic facilities including classroom, conference room, library, office space and skills laboratory;
 7. evidence of financial resources adequate for the planning, implementation and continuation of the program;
 8. description of anticipated student population, and;
 9. tentative time-schedule for the next twelve months; and
 10. any other evidence of compliance with the requirements of 26 V.S.A. § 1581 and these rules.
- C. The appropriate administrative officer of the governing organization shall sign the request.
- D. The Board shall advise the governing organization, after review and evaluation of the information submitted, of the need for additional information, any requirements not met and any recommendations the Board may have. Once the requirements are met, the governing organization may proceed to Step II.

Step II:

- A. The governing organization shall employ an administrator with qualifications complying with 26 V.S.A. §§ 1572,1581 and these rules.
- B. The administrator shall provide the Board with the following.
 - 1. a tentative overall plan for the program, including operational statements of philosophy, purpose, outcomes and curriculum plan, organizational and administrative policies, plans for use of clinical facilities, and resources;
 - 2. a budget plan;
 - 3. a plan describing qualifications, numbers, and conditions of employment of faculty; and
 - 4. an organizational chart indicating lines of administrative authority and control within the organization and program, and other relationships of authority and cooperation.
- C. The Board shall grant provisional approval when the information submitted shows compliance with the provisions of this Rule and 26 V.S.A. § 1581. The governing organization and administrator may then proceed to Step III.
 - 1. Prior to the initiation of the program, the Board shall advise the governing organization in writing, with a copy to the administrator of the nursing program, of its decision regarding approval together with its recommendations.
 - 2. The Board shall advise the governing organization and program administrator when action on the approval status of their program is placed on its agenda.
 - 3. If provisional approval is denied the institution may request a hearing before the Board, which shall be granted.

Step III:

- A. The governing organization and program administrator shall employ faculty in compliance with qualifications required by 26 V.S.A. §§1572,1581 and by these rules.
- B. The faculty shall develop and implement the program, including written:
 - 1. statements of philosophy, purpose, and program outcomes;
 - 2. statements of course objectives;
 - 3. curriculum design;
 - 4. plans for the use of all assigned facilities and resources, including the clinical areas in cooperating agencies;
 - 5. policies for student rights and responsibilities; and
 - 6. description of evaluation methods and tools.
- C. The administrator shall submit progress reports as requested by the Board.
- D. A site visit may be conducted by the Board.
- E. Following graduation of the first class, a self-study report, outlining compliance with the Standards of Nursing Education and Guidelines identified in Rule II of this subchapter shall be submitted and a survey visit shall be made for consideration of approval of the program.

V. EXISTING PROGRAMS: REQUIREMENTS FOR APPROVAL

To ensure continuing compliance with the Standards of Nursing Education and Guidelines identified in Rule II of this subchapter, existing programs are evaluated every eight years unless substantial changes in any part of the program are made during the interim. Each program is required to submit an annual report. See Rule VI of this subchapter. A narrative self-study report submitted to the Board previous to the survey shall contain information and statistical data regarding:

A. **Mission and Philosophy**

Standard: The program shall have a mission and philosophy congruent with that of the governing organization and reflective of current nursing standards appropriate to post secondary and higher education.

- 1. The program shall have purpose and outcomes that are consistent with the mission and philosophy, laws and rules, and generally accepted standards of practice for the graduates of the type of nursing program offered.
- 2. The faculty shall use the mission and philosophy, purpose and outcomes to develop, plan, implement, and evaluate the total program.

B. **Governance**

Standard: The governance of the nursing education program shall be consistent with the policies and procedures of the governing organization.

1. The relationship of the nursing education program to other units within the governing organization shall be clearly defined as to authority, responsibility and channels of communication.
2. The program shall have an organizational plan depicting relationships and channels of communication within the program.
3. The program shall be governed by an organization which is accredited by the New England Association of Colleges and Secondary Schools or other accrediting bodies as appropriate.
4. Administration, faculty and students shall participate in the governance of the organization and the nursing unit.
5. All nursing education programs shall include clinical experience in hospitals accredited by JCAHCO or in cooperating agencies that are appropriately approved or accredited.
6. The program and its governing organization shall have a written and current contract or memorandum of agreement with each cooperating agency used by the program as a clinical laboratory for its students.
7. The administrator of the program shall be a registered nurse licensed in this state who is academically and experientially qualified to direct the nursing program in preparing graduates for the safe and effective practice of nursing.
8. The administrator is accountable for the administration, planning, implementation and evaluation of the nursing education program and for the allocation of resources.
9. The administrator of the master's degree nursing program shall have a minimum of a master's degree in nursing and an earned doctoral degree from an accredited institution and shall have educational experience in teaching, research, curriculum development and administration including at least 2 years of clinical experience.
10. The administrator of all other nursing programs shall have a minimum of a master's degree in nursing and educational experience in teaching, curriculum development and administration, including at least 2 years of clinical experience.
11. The administrator's work load shall allow adequate time to carry out administrative and leadership activities.

C. **Faculty:**

Standard: All nursing education programs shall have academically and experientially qualified nurse faculty in sufficient numbers and expertise to achieve the objectives of the nursing education program.

1. All faculty shall hold a current unencumbered license to practice as a registered nurse in Vermont and;
2. shall meet the governing organization's requirement for faculty appointment and;
3. shall be recruited, appointed, and promoted without discrimination as to age, race, religion, sex, sexual preference, national origin or marital status.
4. The roles of the faculty in teaching, scholarship, service and practice are clearly identified in job descriptions and faculty personnel policies.
5. A master's degree nursing education program shall have a majority of faculty holding earned doctorates from accredited institutions.
6. All baccalaureate and associate degree nursing education programs shall have nurse faculty, all of whom hold at least a masters degree with a major in nursing and clinical experience relevant to the areas of responsibility;
7. All practical nursing education programs shall have nurse faculty all of whom shall have a minimum of a bachelor's degree in nursing and clinical experience relevant to the areas of responsibility;
8. All baccalaureate nursing degree programs may use clinical instructors who do not hold the educational qualifications herein specified but who have clinical experience relevant to the area of responsibility and hold, at a minimum, a bachelor's degree in nursing and a master's degree with a major in nursing or a master's degree in a related field, approved by the Board;
9. All associate degree nursing programs may use clinical instructors who do not hold the educational qualifications herein specified but who have clinical experience relevant to the area of responsibility and hold a bachelor's degree in nursing and a master's degree in nursing or a master's degree in a related field, approved by the Board, or who can demonstrate enrollment in a master's degree in nursing program
10. All clinical instructors who do not have the qualifications specified above on the date these rules become effective are not affected by the requirements of this article while they remain in their present positions with the same program and the same governing institution, provided, however, that they must meet the requirements of 8 and 9, above on or before July 1, 2009.
11. Faculty personnel policies shall be written and shall include those used in evaluation of performance.

12. Faculty who teach non-clinical courses shall have advanced academic preparation appropriate to the area of content.

D. Preceptors:

1. Preceptors shall have expertise in the clinical area in which students are being precepted;
2. Criteria for selection of preceptors shall be in writing and consistent with meeting program outcomes for students;
3. There shall be a written agreement between the nursing program, clinical agency and/or preceptor which identifies the roles and responsibilities of faculty, preceptor, student and clinical facility;
4. Preceptors shall: contribute to the evaluation of the student's performance by providing information in writing to the faculty member regarding the student's achievement of established clinical learning objectives or outcomes.

E. Facilities and other resources:

Standard: The human, fiscal, physical, and learning resources support program outcomes and quality improvement.

1. Classrooms, conference rooms, laboratories and offices are available to meet the purpose(s) of the nursing program and the needs of the students, faculty, administration and staff at each site in which the program is offered.
2. Library space is adequate and holdings are relevant, current, comprehensive, and accessible to students and faculty.
3. Agencies and services utilized for learning experiences adequate in number and kind to meet curriculum objectives.
4. Fiscal resources are sufficient to support the nursing program commensurate with resources of the governing organization.
5. Technical support and computer equipment is available and sufficient for students and faculty to achieve the outcomes of the nursing program.
6. Learning resources are comprehensive and available to aid students in achieving program goals / outcomes.
7. Distance learners have access to and can effectively use resources available to on-campus students.
8. Supportive personnel and services are adequate to meet faculty and administrative needs.

F. Students:

Standards: The program provides a learning environment conducive to academic achievement.

1. Each nursing education program shall admit students without discrimination as to age, race, religion, sex, sexual preference, national origin and marital status.
2. Each nursing program shall have accurate and clearly written information available to students regarding:
 - a. policies for admission, readmission, transfer, progression, advanced placement, dismissal, graduation and state Board of nursing criteria for examination;
 - b. costs associated with the program and conditions of refund;
 - c. students' rights and responsibilities; and
 - d. grievances / complaints and the appeal processes.
3. Students shall have access to support services that include health, counseling, academic advisement and financial aid.
4. Distance learning education students shall have the same range of services as on-campus students.
5. Each nursing program shall provide opportunity for student participation in academic policies, curriculum planning, implementation, and evaluation.

G. Curriculum:

Standard: The curriculum shall provide diverse learning experiences consistent with program outcomes and quality improvement.

1. The curriculum developed, implemented and evaluated by the nursing faculty has an organizing framework from which course objectives / competencies, learning activities and outcomes flow.
2. The curriculum is congruent with the mission/ philosophy, purpose, organizing framework, program objectives, curriculum design and outcome measures.
3. The curriculum is logically and sequentially organized and has measurable objectives for courses and levels of progression.
4. The ratio between nursing and non-nursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.

5. The ratio of clock hours to credit hours for theory and clinical experiences and other activities is consistent, clear and reasonable and meets program objectives.
6. Course syllabi are available to all students and identify all aspects of each nursing course.
7. Clinical experiences are selected and monitored by faculty and are correlated with didactic content to provide an opportunity for direct care in the promotion, prevention, restoration and maintenance of health in clients across the life span in a variety of settings.
8. Teaching/learning practices consider the individual differences of students.
9. Distance education provided by nursing faculty meet the same requirements, rigor and quality of the on-campus program.
10. The graduate nursing curriculum shall include advanced knowledge and practice in nursing and health care delivery.
11. The associate and baccalaureate nursing curricula shall be designed to prepare graduates for safe and effective practice as registered nurses in accordance with 26 V.S.A. Chapter 28, and with these rules. The curriculum shall include nursing content drawn from major concerns of individuals across the life span as well as society at large as they occur on the wellness-illness continuum.
12. The curricula in the graduate, baccalaureate and associate degree nursing programs shall include courses in biological, social and behavioral sciences and humanities that provide a foundation for nursing courses and contribute to the critical thinking skills of its graduates commensurate with the level of education offered.
13. The practical nurse curriculum shall require no less than one academic year for completion and shall be designed to prepare graduates for practice as licensed practical nurses in accordance with 26 V.S.A. Chapter 28 and with these rules.
14. The practical nurse curriculum shall include content in biological sciences, communication, nutrition, and pharmacology and nursing courses that ensure preparation sufficient for the safe and effective practice of nursing.
15. The practical nurse curriculum shall include clinical experiences that allow students to provide direct care to persons throughout the life span who have relatively stable nursing requirements.

H. Evaluation:

Standard: The program shall implement a comprehensive systematic plan for the evaluation and assessment of its educational program.

1. The program has both formative and summative documentation of periodic evaluations of each student's achievement including but not limited to completion / graduation rates, pass rates on NCLEX and other professional qualifying examinations and job placement appraisals.
2. The program has a written plan for systematic evaluation of each program component related to its purpose or objective, and documented evidence that the plan has been implemented.
3. The program has a process for utilizing evaluation findings for future planning and revision.

I. Records:

Standard: The program maintains current and accurate educational records.

1. Student files are current and include admission data, written periodic evaluations, and transcripts. The permanent file record shall include a final transcript and terminal evaluation.
2. Faculty file records shall be current with proof of licensure, curriculum vitae, terms of employment, evidence of educational activities and evidence of participation in relevant professional and community activity.
3. Administrative file records shall include all operational policies; minutes of faculty and committee meeting reports to the governing organization, the Board and other accrediting bodies; fiscal accounting records and program bulletins and catalogues.

J. Program Bulletins:

Standard: The program demonstrates integrity in all of its written publications.

All program bulletins, catalogues, and brochures shall show the date of release and provide accurate summary information about the governing organization and the nursing education program.

K. Advisory Committee:

An advisory committee shall consist of consumers, students and other members whose input shall be considered in the development and evaluation of the program. Its major functions shall be advisory and supportive. There shall be written rules describing its purpose, objective, function, structure, and membership. Minutes of all its meetings shall be on file in the administrative records of the program.

L. **Existing Programs: Approval**

1. The Board shall make its decisions regarding continuing approval based on consideration of the survey report and annual reports;
2. The Board shall advise the governing organization in writing, with a copy to the administrator of the nursing program, of its decision regarding approval, together with its recommendations.
3. The Board shall advise the governing organization and program administrator when action on the approval status of their program is placed on its agenda.
4. The governing organization may, before the expiration of twelve months following written notice of conditional approval, request a hearing, which shall be granted. The Board shall take no further action pending such hearing, notwithstanding Rule IIIC of this subchapter.

VI. REPORTS TO THE Board

- B. All approved nursing education programs in Vermont shall submit an annual report on or before October 1st and covering the period August 1st of the previous year to July 31st.
- B. Copies of the annual report as designated by the Board shall be submitted according to guidelines and forms provided by the Board, describing:
1. changes in philosophy, program objectives, program evaluation, and organizational structure;
 2. curriculum changes made since last report, or currently projected;
 3. all nurse faculty, date of appointment, academic preparation, educational activities, major teaching responsibilities;
 4. faculty-student ratios;
 5. cooperating agencies used for clinical laboratory experience;
 6. student data;
 7. response to prior Board and national accreditation recommendations; and
 8. other information and/or materials as requested by the Board.
- C. The governing organization shall notify the Board in writing of administrative changes relating to and affecting the program.
- D. The program shall notify the Board in writing prior to major changes in the curriculum, including:
1. changes in objectives which alter the curriculum significantly or changes in length of program, and
 2. reorganization of entire curriculum.
- E. The Board on its own motion may at any time request information specifically related to requirements of 26 V.S.A. § 1581 and of these rules.

VII. SURVEYS

- A. The Board, through its delegated representative(s), shall survey on site each approved nursing education program:
1. within one year after graduation of the first class and at least every eight years thereafter; and
 2. prior to a change in approval status.
- B. Prior to the survey visit, a program shall submit three copies of a narrative self evaluation report which provides evidence of compliance with 26 V.S.A. § 1581 and Rule V of this subchapter. The self evaluation report will be submitted to the Board six weeks prior to the survey visit.
- C. Interim site visits may be made to the institution by Board representatives at any time.
- D. The nursing education program shall reimburse the Board for actual and necessary costs incurred for site visits.

VIII. CONSULTATIONS

The Board shall provide consultation upon request of a governing organization or program for assistance with matters related to approval. The Board may require reimbursement to the consultant by the governing organization or the program for actual and necessary personal expenses incurred for meals, lodging and travel.

IX. CLOSING A PROGRAM

The governing organization shall advise the Board when a decision to close a program has been reached and

shall submit a written plan for orderly discontinuation signed by the chief administrative officer.

- A. The closure shall be accomplished by:
 - 1. transfer of students to other approved programs, or
 - 2. discontinuing student admissions and officially closing when the last student is graduated.
- B. All requirements of Board approval shall be maintained until the last student is transferred or graduated.
- C. Students shall have assistance with transfers and efforts shall be made to minimize loss of student time.
- D. The governing organization shall be responsible for securing or providing files of the permanent records of the program and its students and shall notify the Board of the location and method of retrieving information from these files.

X. RE-ENTRY PROGRAM - GUIDELINES

A. PURPOSE:

The purpose of re-entry programs is to prepare registered and licensed practical nurses who do not meet practice requirements for renewal or endorsement to re-enter the nursing field. Re-entry programs may be individually designed or established by a nursing education program or a nursing service facility.

B. TYPES OF APPROVAL:

Re-entry programs are approved at least every five years in accordance with Board established guidelines.

- 1. Approval is based on the ability of the program to:
 - a. educate nurses capable of re-entering the field of nursing through the enhancement and updating of previous learning, and
 - b. meet Board established criteria.
- 2. Conditional approval is granted to the program when there is evidence of a degree of non-compliance with 26 V.S.A. § 1581 and these rules. The conditional approval remains in effect until compliance has been demonstrated. Compliance must be demonstrated prior to the beginning of a succeeding re-entry program.

C. SURVEYS:

The Board may conduct a survey visit and shall be reimbursed for actual and necessary costs incurred for survey visits.

D. CRITERIA

The program shall:

- 1. have a written purpose, program and unit objectives and identified outcomes;
- 2. conduct a program of a minimum of 120 hours of theory and 120 hours of clinical practice for the RN candidate and a minimum of 80 hours of theory and 80 hours of clinical practice for the LPN candidate;
- 3. provide direct supervision for clinical practice; and
- 4. be located within or, if individually designed, under the direction of, a nursing education program or an institutional nursing service education department.

E. FACULTY:

All re-entry programs shall have faculty sufficient in number to meet the purposes and objectives of the programs as well as insure direct supervision of clinical practice. All programs shall have:

- 1. an administrator who is currently licensed as a registered nurse, holds at least a bachelor's degree in nursing, and who has had relevant experience in the provision and teaching of nursing.
- 2. faculty, including preceptors for clinical services, who hold a current Vermont registered nurses' license; teaching faculty shall have at least a bachelor's degree in nursing and relevant experience; all clinical preceptors shall have relevant clinical experience. Faculty and clinical preceptors who provide education and guided clinical experiences under the direction of the program administrator.

F. FACILITIES AND OTHER RESOURCES:

Each re-entry program shall have facilities and other resources compatible with its purpose, objectives and policies.

- 1. Classrooms, conference rooms, laboratories and offices are sufficient to meet the purpose of the program and the needs of the faculty, students, administrator and staff.
- 2. Library space and holdings are sufficient in number and kind for the program and readily accessible to students.
- 3. Services used for clinical experiences are adequate in number and type to meet program

- objectives.
- 4. Financial support is adequate to provide for faculty, other personnel, equipment, supplies and other needs.
- 5. Supportive personnel is sufficient to meet administrative, faculty, and student needs.

G. STUDENTS:

- 1. Each re- entry program shall admit students without discrimination as to age, race, religion, sex, sexual preference, national or ethnic origin and marital status.
- 2. Each student admitted to the program shall be eligible for licensure at the appropriate level of their practice in accordance with requirements of these rules.
- 3. Each re-entry program shall have written and available to students:
 - a. policies for admission, progression, course completion, and dismissal;
 - b. policies for providing academic advisement regarding the educational experience;
 - c. policies regarding student rights; and
 - d. a fee schedule for the program.

H. CURRICULUM:

The administrator and faculty, as appropriate, shall develop, organize, implement, evaluate, and otherwise control the curriculum within the purpose, and objectives of the program and the policies of the nursing education or nursing service department in which it is located.

- 1. Each program shall be designed to prepare nurses to regain eligibility for licensure in accordance with 26 VSA Chapter 28 and these rules. Curriculum shall include:
 - a. nursing theory based on the nursing process;
 - b. ethical and legal issues of practice;
 - c. clinical laboratory content related to theory;
 - d. a review and update of nursing knowledge across the life span is necessary for assisting clients with physical and mental health; and
 - e. nursing skills.
- 2. Evaluation
Evaluation shall include:
 - a. a written plan for the systematic evaluation of the program and each of its components;
 - b. documentation of each student's progress and final evaluation; and
 - c. documentation of an evaluation of the program by each student.
- 3. Records:
 - a. all student records shall be current and include student admission and termination data, written evaluations and notices of temporary licensure permits for each individual in the program;
 - b. files for the administrator, each faculty member, and each clinical preceptor shall be current and include proof of current Vermont licensure, employment terms, curriculum vitae, and performance evaluations; and
 - c. administrative files shall contain all operational policies, minutes of program meetings, and fiscal accounting records.
- 4. Reports to the Board:
Annual reports are in accordance with Chapter 4, Rule VI of this subchapter.
- 5. Program information:
Program information shall describe the course, its length, dates of offerings, and eligibility qualifications.
- 6. Closure of the Program:
 - a. The institution shall advise the Board when the decision to temporarily suspend the program has been reached and shall submit a written plan for orderly discontinuation;
 - b. Closure or temporary suspension shall be accomplished by transferring students to other approved re-entry programs or closing when the last student has completed the program; and
 - c. All requirements of Board approval shall be maintained until the last student has completed the program.

XI. APPROVAL GUIDELINES FOR ADVANCED PRACTICE REGISTERED NURSE EDUCATIONAL PROGRAMS

A. Approval of Advanced Practice Registered Nurse Education programs is based on the ability of the program to meet the following criteria:

- 1. The educational program for the category/specialty of Advanced Practice Registered Nurse shall be offered by a accredited college or university which offers a graduate degree with a major in nursing, related health care specialty or a graduate degree with a concentration in the Advance Practice Registered Nurse category;
- 2. The relationship of the educational program to other units within the governing organization shall

- be clearly defined as to authority, responses and channels of communication.
3. There shall be clearly written statements of mission/ philosophy, purpose and outcomes for the program that shall include a description of the category/ specialty of the advanced practice registered nurse being prepared;
 4. Faculty shall include master's prepared advanced practice registered nurses currently certified and endorsed in the State of Vermont and in the category/specialty being taught and who meet criteria identified in these rules and other credentialed providers who provide content relevant to the advanced practice registered nurse being prepared.
 5. Faculty shall develop, organize, implement, evaluate and otherwise control the curriculum within the framework of the philosophy, purpose and outcomes of the program and policies of the controlling institution.
 6. The curriculum shall include but is not limited to content in:
 - a. biological, behavioral, social sciences and medicine and pharmacotherapeutics relevant to practice as an advanced practice registered nurse and prescriptive authority in the specified category;
 - b. legal, ethical and professional responsibilities of advanced practice registered nurses, and;
 - c. supervised clinical practice relevant to the category/ specialty of advanced practice registered nurse.
 7. Course descriptions and objectives shall be available in writing.
 8. Criteria for students, facilities, resources and evaluations shall be in accordance with these rules.
- B. Each program shall be subject to periodic review by the Board to determine whether criteria for approval are being maintained.
- C. Reports to the Board shall be in accordance with Rule VI of this subchapter.

Chapter 4. Nursing

Subchapter 2 REGISTRATION, LICENSURE AND RELICENSURE

- I. REGISTRATION AND LICENSURE
- II. QUALIFICATIONS
- III. ENDORSEMENT
- IV. LICENSE RENEWAL
- V. RELICENSURE; LAPSED LICENSE; RE-ENTRY
- VI. EDUCATION AND PRACTICE REQUIREMENTS
- VII. LOST, STOLEN, DESTROYED CREDENTIALS
- VIII. CHANGE OF NAME OR ADDRESS
- IX. APPLICATIONS
- X. EMPLOYMENT

I. REGISTRATION and LICENSURE

- A. Registration and licensure as a registered nurse or licensed practical nurse shall be issued only to an applicant who qualifies by examination in accordance with 26 V.S.A. § 1576 and with these rules or to an applicant for licensure by endorsement who is registered or licensed in another state or country having requirements for registration or licensing equal to or exceeding those in Vermont if the applicant has passed an examination for such registration, and if all other requirements set forth in 26 V.S.A. Chapter 28 and these rules are met.
- B. The Board may issue a temporary license not to exceed 90 days to permit the practice of nursing by a registered or licensed practical nurse currently licensed in another jurisdiction of the United States and who has applied for licensure by endorsement in accord with 26 V.S.A. Chapter 28, subchapter 1 and these rules.
- C. The Board may issue a temporary permit for the period of a re-entry educational program.
- D. A registration number designating the date of issuance and the authorized level of practice shall be recorded in the permanent records of the Board and a license to practice shall be issued, valid from the date of issue until the stated date of expiration, except that licenses to practice issued in the renewal application period shall be valid for the ensuing two-year renewal period.
- E. Any person who is practicing nursing may be requested and shall then produce the license as evidence of authorization to practice nursing in Vermont during the time period designated on the license.

- F. Any person registered and licensed in another United States jurisdiction may practice nursing under supervision, as a part of an educational offering. This practice shall not exceed a period of 30 days.

II. QUALIFICATIONS

- A. The Board may require any applicant for registration and licensure or relicensure to authorize, secure, and provide to the Board an assessment from an appropriately qualified professional person or previous employer of current mental, physical, and professional ability to perform safely the duties of a licensed practical nurse or registered nurse.
- B. An applicant for licensure to practice as a registered nurse shall be a graduate of an approved educational program preparing persons for entry into the practice of registered nursing.
- C. An applicant for licensure to practice as a practical nurse shall be a graduate of an approved educational program preparing persons for entry into practice of practical nursing.
- D. An applicant for licensure by endorsement to practice as a practical nurse, including an applicant who was formerly with the armed services, who has not graduated from an approved educational program as described in these rules, but who does hold a current license and has practiced practical nursing in another state or Canadian province during the past five years, may be licensed in Vermont if: the original license was granted by the state Board based on passing the State Board Test Pool Exam (SBTPE) or the National Council Licensure Examination (NCLEX).

III. ENDORSEMENT

- A. In accordance with 26 V.S.A. § 1576(c) and with Chapter 4, subchapter 2, Rule I of these rules, an applicant who is registered or licensed in another state or foreign country shall be registered and licensed at the same level of practice in Vermont by endorsement of the other state or country if all other qualifications and requirements are met and provided that they have successfully completed the State Board Test Pool Examination (SBTPE) or the National Council Licensure Examination (NCLEX).

An applicant seeking licensure through endorsement shall have practiced nursing for at least 120 days (960 hours) in the previous 5 years or 50 days (400 hours) in the previous 2 years.

- B. An applicant whose nursing education and initial license to practice was in a country other than the United States, who does not at the time of application hold a current license, and who is not currently practicing in one of the jurisdictions of the United States, shall not be enrolled in a licensing examination until the following certified information and evidence translated into English is on file in the office of the Board:
 - 1. a completed application for licensure by endorsement and examination;
 - 2. completion of secondary school or its equivalent as determined by a state department of education, except that before June 28, 1961, applicants for practical nurse licensure may have completed only two years of secondary education;
 - 3. graduation from an education program whose program meets the criteria defined in Chapter 4, subchapter 1 of these rules;
 - 4. licensure in the country of graduation or proof of eligibility for such licensure;
 - 5. a credentials review by an external agency that specializes in foreign academic credentials review and can verify the comparability of the foreign nursing education program; and
 - 6. evidence of oral and written English proficiency if the nursing education program was not conducted in English.
- C. An applicant whose nursing education and initial license to practice was in a country other than the United States and whose program was conducted in English shall meet the requirements listed in Rule III B, above, with the exception of 5 and 6.
- D. An applicant whose nursing education and initial licensure for practice was in a country other than the United States, who holds at the time of application a current license from an NCSBN jurisdiction, initially granted by examination, and who is currently practicing in one of the NCSBN jurisdictions may request the state of original licensure to provide the Board with certified copies of documents showing evidence of completion of the required secondary and nursing education, examination, and licensure in the other country. The Board at its discretion may accept these certified copies in lieu of the evidence required from the country of origin.

IV. LICENSE RENEWAL

- A. Licenses are renewed on a fixed biennial schedule:
March 31 of the odd years for RN's and January 1st of the even year for LPN's. A licensee shall renew by the expiration date printed on his or her license. Before the license expiration date, the office will mail a renewal application and notice of renewal fee to the last known address. A license will expire automatically if the renewal application and fee are not returned to the office by the expiration date.
- B. A licensee is responsible for notifying the office promptly of a change in name or mailing address.
- C. No person shall be granted relicensure if renewal requirements are not met or if the license has been revoked or suspended by the Board.
- D. A licensee who is not practicing and does not plan to practice nursing may request in writing that the current license be placed on inactive status from the date of its expiration. No fee shall be required for this service. The license may be reactivated upon application and remittance of the current biennial renewal fee and in compliance with 26 V.S.A. § 1579 and with these rules.
- E. All applicants for renewal of a lapsed license shall comply with the requirements of 26 V.S.A. § 1579(c) and these rules.
- F. Renewals received after the expiration date will incur a late renewal penalty and may be subject to discipline. The Board may waive the penalty in case of hardship.

V. RELICENSURE, LAPSED LICENSE; RE-ENTRY

- A. In order to practice nursing in Vermont, a registrant whose license has lapsed must comply with 26 V.S.A. § 1579 and with these rules and before resuming practice shall:
 - 1. submit a written request to the Board for a renewal application; and
 - 2. return the completed application with the appropriate fee to the Board.
- B. A registrant making application for reinstatement of a lapsed or inactive status license or an applicant for registration and licensure by endorsement who has not practiced nursing for at least 120 days (960 hours) in the previous five years or 50 days (400 hours) in the previous 2 years, and who otherwise is in compliance with 26 V.S.A. § 1576 and with these rules, shall be issued a temporary permit for the established fee and for a stated period of time that may be extended not to exceed one year and for the purpose of permitting limited practice in a clinical setting under the following conditions:
 - 1. The registrant is enrolled in a Board approved re-entry program or submits a written plan designed by the applicant and the administrator of a nursing education program or the administrator of nursing educational services in a clinical setting. The plan shall be in accordance with guidelines for re-entry programs established by the Board. The plan shall provide for review and updating of knowledge, skills, and abilities at the level of current RN or LPN preparations. It shall be based on assessment of the applicant's current needs and include an estimated time period for completion. The plan shall be approved by the Board.
 - 2. All contacts of the applicant with clients shall be directly supervised by a registered nurse.
 - 3. Upon completion of the program the administrator of the educational program or nursing services shall submit to the Board an assessment of the applicant's ability to practice.
 - 4. After successful completion of the re-entry program, and completion of an application for licensure, the applicant shall be issued a current license to practice.
 - 5. Consultation shall be provided by the Board to the applicant, on request and within the limits of the Board's resources.

VI. EDUCATION AND PRACTICE REQUIREMENTS

- A. An applicant for registration and initial licensure by examination or endorsement, or for renewal of a current license to practice, or for reinstatement of an inactive or lapsed license shall show evidence of completion of a nursing education program as defined in 1 below within the past five years, or of practice of nursing as defined in 2 and 3 below within the past five years.
 - 1. Completion of a nursing education program means completion of a state Board-approved program preparing for entry or re-entry into nursing practice or preparation in compliance with Rule II of this subchapter.
 - 2. Practice of nursing refers to a full-time or part-time position either for hire or as a volunteer, where the qualifications for the position requires a registered or licensed practical nurse in the job description and meets the requirements for the registered or practical nurse as defined in 26 V.S.A. § 1572, definitions.

3. Practice of nursing at the level of licensure within the past five years means practice as described in 2 above for at least 120 days, 960 hours, in the five years prior to the expiration date or 50 days, 400 hours, within the two years prior to the expiration date. Eight hours are equivalent to one day of nursing practice.
- B. If there is a question about the applicant's education or practice of nursing as described in VI. A., the Board may require the applicant to provide a job description or other evidence of the required qualifications and expected job responsibilities. The job description shall be certified as true by employers or other appropriate persons.
- C. Applicants for renewal of a current license to practice who do not meet the requirements in VI. A. above will be placed on the Board's list of inactive registrants to await future application by the registrant for reinstatement. The applicant shall signify inactive status on the renewal form.
- D. Registration of nurses is permanent and continues in effect in the permanent records and files of the office of the Board. This rule refers only to a current license to practice nursing in Vermont.

VII. LOST, STOLEN, DESTROYED CREDENTIALS

A registrant whose certificate of registration or current license to practice is lost, stolen or destroyed shall report and explain the occurrence to the Board in writing. A replacement license, stamped "duplicate", shall then be issued for a fee.

VIII. CHANGE OF NAME OR ADDRESS

- A. A licensee whose name is legally changed shall be issued a replacement license card indicating this change following submission of:
 1. the name change on a form provided by the Board and legal documentation of name change;
 2. the current original license card; and
 3. the required fee.
- B. A licensee whose address changes from the address appearing on the current license card shall notify the Board of this change. The Board shall not renew license card, but shall make such changes in its current licensing and mailing files.

IX. APPLICATIONS

- A. All applications for registration and licensure, relicensure, reinstatement of licensure, and temporary permits shall be made on forms provided by the Board.
- B. Applications shall include all information requested, and shall be accompanied by the appropriate fee.
- C. Requirements for application must be completed within one year.

X. EMPLOYMENT

- A. Applicants for registration and licensure by endorsement who hold a current license to practice in another jurisdiction of the United States may begin and continue for 90 days the practice of nursing in Vermont. A temporary license is issued acknowledging that proper application has been filed in the Office of the Board to include:
 1. Completion of application document;
 2. Provision of evidence of current licensure in a National Council State Board of Nursing jurisdiction, and;
 3. Documentation of practice requirements cited in 26 V.S.A. § 1576 and Rule V and VI of this subchapter.
- B. The Board shall process and act on the application for licensure and respond to the applicant within this 90 day period. References and verifications of licensure from the NCSBN jurisdiction and other requested materials shall be submitted to the Board during the 90 day period. Temporary licenses are not extended beyond the statutory period.

Chapter 4. Nursing

Subchapter 3 EXAMINATION

- I. ADMINISTRATION
- II. APPLICATION
- III. DISABILITIES
- IV. RETAKING EXAMINATIONS
- V. EMPLOYMENT
- VI. FEES

I. ADMINISTRATION

- A. The Board shall authorize the administration of the examination to applicants for licensure as Registered Nurses or Licensed Practical Nurses.
- B. The Board may contract and cooperate with any organization in the preparation and assessment of an appropriate nationally uniform examination, but shall retain sole discretion and responsibility for determining the standard of successful completion of such an examination. When such a national examination is utilized, access to questions and answers shall be restricted by the Board.
- C. The Board of Nursing shall:
 - 1. notify and update all nursing education programs of the application process, location and frequency of the NCLEX exam;
 - 2. upon acceptable application for licensure in Vermont by examination, the Board will confirm the candidates eligibility for examination, verify authorization and date for testing:
 - a. graduates of nursing education programs approved by appropriate statutory agencies in Vermont and in other jurisdictions, or;
 - b. graduates of nursing education programs from foreign countries who have met the criteria in Chapter 4, subchapter 2, Rule III. B.
 - 3. release results to the examinee;
 - 4. provide data on examination results to nursing educational programs; and
 - 5. upon reapplication reinitiate the procedure identified in 2 above and in accordance with National Council State Boards of Nursing guidelines.
- D. The Board shall verify licensure status of any examinee to anyone who so requests after the results have been released.
- E. An examinee shall report a failure of examination to an employer immediately on receiving notice thereof and shall cease employment as an RN or LPN applicant for licensure.
- F. An examinee may challenge the results of an examination by filing a complaint in writing with the NCSBN within thirty days (30) of receipt of the test results.
- G. Review of the exam may be done via the procedures set by NCSBN with all costs borne by the examinee.
- H. The Board will periodically monitor the examination process and ensure implementation of security measures which are approved by the NCSBN.

II. APPLICATION

- A. An applicant shall submit a fully completed application form with all supporting documentation requested and the fee to the office. An applicant issued an initial license within 90 days of the renewal date will not be required to renew or pay the renewal fee. The license will be issued through the next full licensure period. An applicant issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.
- B. The applicant must submit an application to the testing service.
- C. The application shall include certification by the administrator of the candidate's nursing education program that the applicant has completed educational requirements and is eligible for graduation.
- D. Prior to Board approval for testing, the Administrator of the applicant's nursing education program must validate that the applicant has successfully completed all educational requirements necessary for graduation.

III. DISABILITIES:

A candidate for examination who has a disability, but is otherwise qualified, shall not be deprived of the opportunity

to take the licensing examination solely by reason of that disability.

- A. Special accommodations may be provided to disabled candidates when the following materials have been reviewed and approved by the Board:
 - 1. a letter of request from the student;
 - 2. a letter from the administrator of the candidate's nursing education program. This letter should describe accommodations and modifications which have been made for the candidate during their education program; and
 - 3. documentation of the disability by an appropriate specialist with detailed information of special accommodations needed. In the case of a learning disability, the report must be submitted by a person educated in the area of learning disabilities.

IV. RETAKING EXAMINATIONS

- A. In order to retake the exam the candidate must complete the application process as described in these rules.
- B. Candidates may retake the exam after a 45 day interim period.
- C. Candidates who fail the examination two times shall, before being accepted for a third examination, complete a formal review. The candidate shall provide the Board with a copy of the following:
 - 1. the curriculum plan;
 - 2. the evaluation process; and
 - 3. upon completion, documentation of results.
- D. Candidates who fail three or more times must petition the Board for permission to retake the examination.
- E. Candidates who do not retake the examination within two years of the initial examination may retake the examination only after an approved comprehensive review.
- F. Candidates who do not retake the examination within two years but less than five years of the initial examination may retake the examination only after completing an entire approved nursing program.
- G. Candidates duly enrolled for an examination but who are unable to take the exam shall notify the Board, in writing, and submit a new application for examination together with the appropriate fee.

V. EMPLOYMENT

- A. Candidates for registration and licensure by examination who are newly graduated from approved schools of nursing in NCSBN jurisdictions may practice nursing at the level of their preparation pending the results of the examination, provided:
 - 1. a completed and acceptable application to take the NCLEX examination is received by the Board within 30 days of program completion;
 - 2. the Board will issue a permit which shall remain valid pending receipt of examination results or 90 days, whichever occurs first;
 - 3. the practice is supervised by a currently licensed registered nurse who is on the premises of the employing institution and is specifically assigned the responsibility of supervising the performance of the registered nurse or practical nurse applicant;
 - 4. the graduate is identified by and as RN Applicant or RN App., or by and as LPN Applicant or LPN App.; and
 - 5. a letter acknowledging proper application and fee for NCLEX is issued to the applicant. The letter is used to inform the employer of eligibility for employment pending exam results.
- B. Candidates for registration and licensure by examination who are not newly graduated from approved schools of nursing in the United States and its jurisdictions shall not practice nursing in Vermont until examined, registered and licensed.

VI. FEES

- A. The fees for examination, registration, and the first current license must accompany the application.
- B. Fees are not refunded.
- C. Fee schedules for examination are available from the Board of Nursing office upon request.

Chapter 4. Nursing

Subchapter 4 DISCIPLINE

- I. DISCIPLINARY ACTIONS
- II. DEFINITIONS
- III. DISCIPLINARY PROCEEDINGS
- IV. REINSTATEMENT AND REMOVAL OF CONDITIONS

I. DISCIPLINARY ACTIONS

Pursuant to 26 V.S.A. § 1582 and 3 V.S.A. § 129a and these rules and in accordance with 3 V.S.A. Chapter 25 the Board may warn, reprimand, condition, suspend or revoke any license to practice registered or practical nursing in Vermont, or otherwise discipline a licensee upon proof that the licensee has committed unprofessional conduct as defined by law.

II. DEFINITIONS

For purposes of proceedings under 26 V.S.A., § 1582 the following definitions apply to matters of discipline:

- A. A false, fraudulent or forged statement or representation includes procuring or attempting to procure a license to practice nursing by filing false credentials, falsifying or misrepresenting facts on any application for registration, examination, licensure, relicensure, or reactivation of licensure; disclosing the contents of licensure examination to anyone, or soliciting, accepting, or compiling information about the contents of the examination either before, during, or after its administration.
- B. “Inability to practice nursing competently” includes:
 - 1. performance of unsafe or unacceptable patient care;
 - 2. failure to conform to the essential standards of acceptable and prevailing nursing practice.
- C. “Any cause” includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials.
- D. “Conduct likely to deceive, defraud, or harm the public” means any instance of unprofessional conduct, including:
 - 1. performing acts beyond the limits of the statutory definitions of the practice of nursing in 26 V.S.A. §1572 (2), (3) and (4);
 - 2. performing duties and assuming responsibilities within the scope of the definitions of nursing practice, 26 V.S.A. § 1572 (2) and (3), when competence has not been achieved or maintained;
 - 3. falsifying or altering clinical records or making inaccurate or misleading entries;
 - 4. diverting supplies, equipment, or drugs for personal or other unauthorized use;
 - 5. failing to take appropriate action to safeguard a patient from incompetent health care;
 - 6. leaving a nursing assignment without properly advising appropriate personnel;
 - 7. violating confidentiality by inappropriately revealing information or knowledge about a patient or client;
 - 8. assigning functions of nursing practice beyond the scope of competence of the individual to whom they are assigned;
 - 9. practicing professional or practical nursing in Vermont without a current Vermont license to practice, unless the practice is specifically excepted by 26 V.S.A. § 1583 or § 1601; or
 - 10. aiding, abetting or assisting any person in any act in violation of this chapter or acts against the best interest of the public.

III. DISCIPLINARY PROCEEDINGS

The Office of Professional Regulation maintains a compilation of procedures which affect the public. The Board follows that compilation which details the disciplinary process including filing complaints; methods of disposition of complaints; hearing and hearing notices; findings, conclusions and orders in accord with 26 V.S.A. Chapter 28 and 3 V.S.A. Chapter 5.

IV. REINSTATEMENT OF A LICENSE AND REMOVAL OF CONDITIONS FROM A LICENSE

- A. Reinstatement following suspension for time certain:

When a suspension is for a specific period of time, and no other conditions are imposed, the Board's executive director reinstates the license upon expiration of the suspension period and payment of the reinstatement fee, and any other renewal requirements.

- B. Reinstatement following suspension until conditions are met:
1. When a suspension order sets conditions or requirements to be met before reinstatement, the respondent must first meet the conditions and then request reinstatement in writing. The request is referred to an investigating team for review.
 2. Following its review, which may include additional investigation, the investigating team may:
 - a. consent to, or not oppose, reinstatement;
 - b. negotiate a stipulation for reinstatement; or
 - c. file an opposition to reinstatement.
 3. Once the investigating team has notified the Board, in writing, of its action, the Board holds a hearing. The team's written opposition will contain a short and plain statement of the matters at issue, as required by 3 V.S.A. § 809. Denials of reinstatement must be based on the original order. Any new misconduct found by the investigating team should be the subject of new charges. If the Board orders reinstatement, the executive director reinstates the license upon payment of the reinstatement fee, and any other renewal requirements.
- C. Reinstatement following revocation:
1. A respondent whose license has been revoked may nonetheless petition for reinstatement following rehabilitation. The petition must show:
 - a. present possession of entry level qualifications;
 - b. specific rehabilitation;
 - c. methods of assuring public safety; and
 - d. that reinstatement will not be detrimental to the integrity of the profession or subversive of the public interest.
 2. The petition is referred to an investigating team for review. The Board will provide specific examples, upon the petitioner's request, of the types of evidence which would be helpful in showing the factors above.
 3. Following its review, which may include additional investigation, the investigating team may:
 - a. consent to, or not oppose, reinstatement;
 - b. negotiate a stipulation for reinstatement; or
 - c. file an opposition to reinstatement.
 4. Once the investigating team has notified the Board, in writing, of its action, the Board holds a hearing. The team's written opposition will contain a short and plain statement of the matters at issue, as required by 3 V.S.A. § 809. The burden is on the respondent on all issues. Denial may be based on a failure to satisfactorily establish any element. If the Board orders reinstatement, the executive director reinstates the license upon payment of the reinstatement fee, and any other renewal requirements.
- D. Removal of conditions for a time certain:
When a condition is imposed for a specific period of time, and no other conditions are imposed, the Board's executive director removes the restriction or condition upon expiration of the period of time.
- E. Removal of restrictions imposed until conditions are met:
When an order restricts a respondent's practice until the respondent meets specified conditions, the same procedure as in B, above, is followed; that is, the request is referred to an investigating team, and a hearing is held after receipt of the team's response.

Chapter 4. Nursing

Subchapter 5 APPEALS

- I. If the Board intends to deny an application for a license, the Board shall send the applicant written notice of the decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition with the Board for review of its preliminary decision within 30 days of the date on which the notice is mailed. After the hearing, the Board shall affirm or reverse the preliminary denial, explaining the reason therefor in writing.
- II. A party aggrieved by a final decision of the Board may appeal that decision by filing a notice of appeal with the Director who shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the Board. Persons wishing to appeal shall give written notice of their decision to appeal within 30 days of receipt of the Board's final decision to:
 1. Director, Office of Professional Regulation
 2. Office of the Secretary of State
 3. 109 State Street
 4. Montpelier, VT 05609-1106

The appellate officer's decision may be appealed to Washington Superior Court.

Chapter 4. Nursing

Subchapter 6 RESPONSIBILITY OF EMPLOYERS

- I. In accordance with 26 V.S.A. § 1584(a)7, it is unlawful for any person or agency or institution to employ a person to function as a professional or practical nurse in any position in Vermont unless this person is duly registered and currently licensed to so practice in Vermont.
- II. Employers must comply with reporting requirements for unprofessional conduct as cited in 3 V.S.A. §128.

Chapter 4. Nursing

Subchapter 7 COMPETENCE

- I. Continuing Education: The Board expects each licensee to assume individual responsibility for maintaining and improving competencies in current knowledge, skills, and abilities relevant to the individual's area of practice.
- II. Practice Requirements: Practice of nursing at the level of licensure as stated in subchapter 2, Rule V of this chapter.

Chapter 4 Nursing

Subchapter 8 ADVANCED NURSING PRACTICE

- I. NURSE PRACTITIONER AND ADVANCED NURSING PRACTICE
- II. QUALIFICATIONS
- III. SCOPE OF PRACTICE
- IV. ADMINISTRATIVE RULES

GLOSSARY of definitions used in this article. (See Chapter 2 of these rules).

I. NURSE PRACTITIONER AND ADVANCED NURSING PRACTICE

A. Titles:

The term Advanced Practice Registered Nurse will be used to describe all the categories of registered nurses in advanced nursing practice. These categories shall include but not be limited to:

1. Adult Nurse Practitioner
2. Certified Nurse Midwife.
3. Certified Registered Nurse Anesthetists.
4. Clinical Specialist in Psychiatric and Mental Health Nursing.
5. Clinical Specialists who meet criteria established by the Board.

II. QUALIFICATIONS

A. Educational Requirements: A registered nurse, holding a current license in Vermont, who:

1. Has successfully completed a formal education program, approved by the Board of Nursing as identified in these rules or approved by a state or a national accrediting agency, which prepares nurses to function in advanced nursing practice; and who is
2. Certified by a national certifying organization which is recognized by the Vermont State Board of Nursing.

B. Certifying Organizations and Certification Programs: A certifying organization recognized by the Board of Nursing shall:

1. Be a national organization open to all qualified registered nurses.
2. Have only registered nurses as full members.
3. Have developed standards and Scope of Practice statements for the nurse in advanced practice.
4. Require evidence of completion of a program of study acceptable to the Board, including clinical practice in the specialty area.

5. Require passage of a valid and reliable national certification examination for nurses in advanced practice.
- C. Practice Requirements Prior To Endorsement:
1. Nurses who are in the process of fulfilling educational requirements may practice under the supervision of a preceptor.
 2. Nurses who are fulfilling practice requirements for national certification may engage in advanced nursing practice under the supervision of a preceptor until the results of the national certifying exam are known.
 3. Nurses who have met educational and practice requirements may engage in advanced nursing practice under supervision of a preceptor until the results of a national certifying exam are known.
 4. Nurses awaiting the results of the national certifying exam will be identified as Advanced Practice Registered Nurses applicants.
 5. An applicant shall request the certifying organization to submit exam results to the Board. If the applicant for examination fails the certifying examination, authorization to practice lapses when the certifying organization discloses the results.

III. SCOPE OF PRACTICE

- A. Standard of Care: The advanced practice registered nurse practices professional nursing as a registered nurse pursuant to 26 VSA. § 1572(2). The advanced practice registered nurse accepts the responsibility, accountability, and obligation to practice in accordance with current standards and functions as defined by the Scope of Practice statements for each specialty area and as developed by national professional nursing organizations.
- B. Purpose:
1. To establish standards essential for safe practice by the advanced practice registered nurse.
 2. To serve as a guide for evaluation of advanced nursing practice to determine if it is safe and effective.
- C. Core Standards For All Categories of Advanced Practice Registered Nurses (APRN):
1. The APRN performs medical acts independently within a collaborative practice with a licensed physician under practice guidelines which are mutually agreed upon between the APRN and collaborating physician and which are jointly acceptable to the medical and nursing professions. Practice guidelines will be reviewed and approved by the Board of Nursing and kept on file in the workplace and be made available to the Board of Nursing at any time upon request.
 2. Practice guidelines shall include:
 - a. a description of clinical practice, including practice site(s), focus of care, and general category of clients;
 - b. an indexed copy of standards for clinical practice including method of data collection, assessment, plan of care, and criteria for collaboration, consultation and referral, including emergency referral;
 - c. the name of at least one physician who holds an unencumbered license in Vermont who practices in the same specialty area who will be routinely utilized for collaboration, consultation and referral; and
 - d. methods of quality assurance.
 3. Practice guidelines for Certified Registered Nurse Anesthetists shall include:
 - a. a description of clinical practice, including practice site(s), focus of care, and general category of clients;
 - b. an indexed copy of standards for clinical practice including method of data collection, assessment, plan of care, and criteria for collaboration, consultation and referral, including emergency referral or delineation of clinical privileges;
 - c. the name of at least one anesthesiologist or surgeon licensed in Vermont who will be routinely utilized for collaboration, consultation and referral; and
 - d. methods of quality assurance.
 4. Practice guidelines for Clinical Specialist in Psychiatric and Mental Health Nursing without prescriptive authority shall include:
 - a. a description of clinical practice, including practice site(s), focus of care, and general category of clients;
 - b. an indexed copy of standards for clinical practice including method of data collection, assessment, plan of care, and description of a process for consultation and referral; and
 - c. methods of quality assurance.
 5. The Board will be notified in writing, and will review and approve any major changes in practice guidelines, requested by both parties, including mechanisms for consultation, collaboration and

- referral.
6. Practice guidelines will be reviewed, mutually agreed upon, and signed annually by the advanced practice registered nurse and the collaborating physician and placed on file in the workplace.
 7. Practice guidelines must reflect current standards of medical and nursing practice.
 8. Prescriptions may be written and signed by the APRN for those medications covered in practice guidelines and in compliance with all other state laws and regulations. A list of endorsed APRNs will be made available to the Vermont Board of Pharmacy.
 9. Advanced practice registered nurses may initiate written or oral orders in accordance with practice guidelines which may be carried out by other health care providers. The APRNs shall retain professional accountability for advanced practice nursing care when delegating interventions.
 10. Nothing herein is to be deemed to limit the scope of practice or prohibit a nurse from engaging in those activities which normally constitute the practice of nursing.

IV. ADMINISTRATIVE RULES FOR THE ADVANCED PRACTICE REGISTERED NURSE

A. Application:

1. Application for endorsement shall be made on the appropriate form accompanied by the fee.

B. Endorsement:

1. Practice guidelines shall be reviewed and accepted by the Board prior to endorsement as an APRN.
2. When the Board has determined that the applicant meets the qualifications, the Board will authorize practice as an APRN in the appropriate category by endorsement.
3. The nursing license shall show the specific title or specialty area in which the licensee is certified.
4. No other person shall practice or advertise as an APRN or use any other words, letters, signs, or figures to indicate that the person is certified to practice in an advanced nursing practice category.

C. Renewal:

1. Registration and endorsement as an advanced practice registered nurse shall be renewed during the same period as the nurse's license to practice in Vermont.
2. The applicant shall show evidence of:
 - a. Current certification by the national certifying organization; or if waived, evidence of continued competency as required for recertification by the appropriate national certifying organization.;
 - b. Employment status; and
 - c. DEA number as applicable.

D. Renewal of Lapsed License:

All applicants for renewal of a lapsed license shall comply with the requirements of 26 V.S.A. § 1579(c) and these rules.

E. Revocation, Suspension, or Refusal to Renew Endorsement:

The Board may revoke, suspend, or refuse to renew the endorsement of any nurse in advanced practice if the Board finds that the person fails to meet requirements as set forth in these rules.

F. Authority:

The Board of Nursing has the authority to administer the Rules and Regulations for advanced practice registered nurses under 26 V.S.A. §§ 1572 and 1574.

G. Advisory Committee:

The Board of Nursing may establish an advisory committee of advanced practice registered nurses to assist in the implementation of these rules.

Chapter 5 Nursing Assistants

Subchapter 1 INTRODUCTION / EDUCATION

- I. REGULATION AND AUTHORITY
- II. PURPOSE OF RULES
- III. DEFINITIONS

IV. NURSING ASSISTANT EDUCATION

I. REGULATION AND AUTHORITY

The Vermont State Board of Nursing is the regulatory agency created by statute to act with legal authority on matters related to the practice of nursing assistants in Vermont as described in 26.V.S.A. Chapter 28, Subchapter 2, NURSING ASSISTANTS, and these Rules.

II. PURPOSE OF RULES

The purpose of these rules is to assist in administering and implementing the spirit and intent of 26 V.S.A. Chapter 28, Subchapter 2, enacted to safeguard the life and health of the people of Vermont by empowering the Board to:

- A. approve all nursing assistant education programs, which prepare persons to practice as a nursing assistant;
- B. examine graduates of state-approved educational programs which prepare persons to enter practice as a nursing assistant;
- C. register and license successful examinees;
- D. register and license qualified applicants from other states;
- E. relicense qualified registrants;
- F. regulate the practice of nursing assistants;
- G. publish interpretive statements; and
- H. discipline registrants for cause.

III. DEFINITIONS

In addition to 26 V.S.A. §§1572 and 1592, DEFINITIONS, and applicable terms listed in Administrative Rules Chapter 2, the following definitions apply to these rules.

- A. **Supervision** - oversight provided by a licensed nurse employed by a health care organization or agency.
- B. **Competency evaluation** - a standardized written or oral didactic and clinical skill examination administered by a testing service approved by the Board. The term "examination" is used interchangeable with competency evaluation and competency evaluation program

IV. NURSING ASSISTANT EDUCATION

A. APPROVAL

1. Approval of nursing assistant education programs is based on compliance with 26 V.S.A. § 1596 and these rules and the ability of these programs to produce nursing assistants capable of functioning safely within the minimum competencies of the standards of nursing assistant practice. The faculty and curriculum will be examined to ensure the ability of graduate nursing assistants to meet this goal.
2. Conditional approval is granted to a program when there is evidence of a degree of non-compliance with these rules. The conditional approval remains in effect until compliance has been demonstrated, except it shall be no longer than twelve months following written notice to the governing organization, at which time Board approval will be withdrawn by written notice to the governing organization.
3. Program approval is not transferable. If the governing organization of an approved program changes ownership, the program shall be removed from the Board's list of approved programs until such time as the new governing body gives the Board written assurance that all requirements of approval will be maintained.

B. STANDARDS OF EDUCATION

Purpose of Standards:

1. To promote the safe and effective practice of nursing assistants who have completed a nursing assistant education program.
2. To serve as a guide for the development of new nursing assistant education programs.
3. To foster the continued improvement of established nursing assistant education programs.

4. To provide criteria for the evaluation of new and established nursing assistant education programs.

C. APPROVAL PROCESS

New Program Application Process:

1. A state approved educational institution or health care agency or a private agency affiliated with a health care agency shall be eligible for approval and shall submit an application in writing to the Board.
2. The application shall be submitted at least three months prior to the anticipated date of operation.
3. The application shall include the following information:
 - a. Philosophy and purpose of the program;
 - b. Organizational and administrative relationships of the governing organization and the program;
 - c. Curriculum vitae for instructors;
 - d. Availability of adequate classroom and clinical facilities for the program;
 - e. Projected number of students per class; and
 - f. Schedule(s) for planning and initiating the program.
4. A program shall not enroll students prior to receiving program approval.

D. REVIEW PROCESS

The Board shall review the application and:

1. May request submission of additional information. Application does not ensure that approval will be granted.
2. After acceptance of application materials a site visit of proposed program and facilities may be conducted.

E. EXISTING PROGRAM APPROVAL

1. To ensure continuing compliance with the standards for nursing assistant education, all programs shall be surveyed and reevaluated for continuing approval one year post initial approval and every two years thereafter.
2. The survey visit shall be conducted by a representative of the Board.
3. Nursing assistant education and competency evaluation program representatives will be asked to assist in survey visit activities.
4. A copy of the survey visit report shall be made available to the nursing assistant education program administrator for review and response to recommendations, if appropriate.
5. The Board shall advise the governing organization in writing, with a copy to the administrator of the nursing program, of its decision regarding approval, together with its recommendations.
6. Interim visits may be made to the nursing assistant education program by Board representatives at any time.
7. The Board will grant approval of a nursing assistant education program for a period of two years.
8. A program shall notify the Board when there are changes in philosophy, curriculum, outcomes, text, instructor and number of hours in classroom and/or clinical settings. The Board shall review the program within the two year period.

F. WITHDRAWALS AND REINSTATEMENTS

1. The Board may withdraw approval when it determines that a nursing assistant education program has not provided sufficient evidence that the standards for nursing assistant education programs are being met.
2. Approval may be withdrawn if the program does not permit unannounced survey visits or if the educational institution loses state approval or the health care agency loses state licensure or is found to have substandard quality of care.
3. No withdrawal of approval shall take effect until the Board has sent the nursing assistant education program a written statement specifying the deficiencies which would warrant withdrawal of approval, the program has been given 30 days after notice to request a hearing before the Board, and, if requested, the Board has held a hearing and issued findings of fact sufficient to support withdrawal of approval.
4. The Board of Nursing may consider reinstatement of approval of a nursing assistant education program upon submission of satisfactory evidence that the program meets the standards for nursing assistant education programs.

G. CLOSING OF AN APPROVED PROGRAM

1. Voluntary Closing: When the educational institution or health care agency or private agency considers the closing of a nursing assistant education program, it shall:

- a. notify the Board in writing, stating the reason, plan and date of intended closing at least two weeks prior to the final closing date;
 - b. continue the program until the committed class schedule for currently enrolled students is completed;
 - c. assume the responsibility for the records of the students and the graduates; and
 - d. advise the Board of the arrangements made to safeguard the records.
2. Other closings:
When the Board denies or withdraws approval of a nursing assistant education program, the educational institution or health care agency or private agency shall:
- a. close the program after assisting in the transfer of students to other approved nursing assistant education programs;
 - b. submit to the Board of Nursing a list of the names of students who have transferred to approved programs, including the date on which the last student was transferred;
 - c. consider the date on which the last student was transferred as the closing date of the program; and
 - d. notify the Board that the requirements have been fulfilled and give notice of final closing.
3. Inactive programs:
A program shall be deemed to be inactive when no students have been admitted for a period of 24 months. The program administrator shall notify the Board of this change in status. In order to reactivate a program's approval, it will be necessary for the program administrator to submit an application for reactivation. Such application, provided by the Board, shall include:
- a. names and qualifications of instructors if changed since the program became inactive;
 - b. curriculum changes to be implemented, if any;
 - c. clinical resources to be utilized; and
 - d. date of student admission.

H. STANDARDS FOR PROGRAM APPROVAL

1. Philosophy and objectives:
 - a. The nursing assistant education program shall have statements of purpose and philosophy which are consistent with those of the governing organization and with the nursing law and rules.
 - b. The program shall have current and clearly stated program objectives that shall describe the competencies of the nursing assistant.
 - c. The instructors shall use the philosophy and objectives to develop, plan, implement, and evaluate the total program.
2. Organization and Administration:
 - a. The relationship of the nursing assistant education program to other units within the governing organization shall be clearly defined as to authority, responsibility and channels of communication.
 - b. All nursing assistant education programs shall include clinical experience in health care facilities or agencies licensed by a states regulatory body.
 - c. Nursing assistant education programs shall have a written and current contract with any cooperating agency used by the program as a clinical laboratory for its students.
3. Instructors:
 - a. There shall be a sufficient number of qualified instructors to meet the purposes and outcomes of the nursing assistant education and competency evaluation program.
 - b. The instructors shall provide documented evidence of preparation for teaching adults.
 - c. Instructors shall be recruited, appointed and promoted without discrimination as to age, race, religion, sex, sexual preference, disability, national origin or marital status.
 - d. Qualifications, job description and evaluations of instructors shall be available in writing.
 - e. The administrator of a nursing assistant education program shall:
 - (1) have overall responsibility for the program
 - (2) hold a current, unencumbered license as a registered nurse;
 - (3) have at least two years experience as a registered nurse in a health care agency; and
 - (4) have at least one year of clinical experience relevant to area(s) of responsibility.
 - f. Individuals who provide classroom and clinical instruction shall:
 - (1) hold a current, unencumbered license as a nurse;
 - (2) have at least two years experience as a nurse in a health care agency; and
 - (3) have at least one year of clinical experience relevant to area(s) of responsibility.
 - g. All instructors shall continue to improve expertise in nursing and teaching through one or more of the following:
 - (1) academic study;

- (2) clinical practice;
 - (3) workshops, conferences; or
 - (4) other appropriate activities.
4. Facilities and Other Resources:
Each nursing assistant education program shall have facilities and other resources compatible with the objectives, of the program and its governing organization. These include, but are not limited to:
- a. classrooms, laboratories and offices equipment and supplies available to meet the purpose(s) of the nursing assistant program and the needs of the students, instructors, administration and staff;
 - b. agencies and services utilized for learning experiences adequate in number and kinds to meet curriculum objectives.
5. Students:
- a. Nursing assistant education programs shall admit students without discrimination as to age, race, religion, sex, sexual preference, national origin and marital status.
 - b. Admission progression, completion and dismissal procedures shall be available to the students in written form.
 - c. Each student shall be under the supervision of a licensed nurse at all times when providing client care as part of the student's clinical experience.
 - d. Students rights and responsibilities shall be available in written form.
6. Curriculum:
The curriculum shall reflect the philosophy, purpose and outcomes of the nursing assistant education program, and shall be consistent with the law governing the practice of nursing and the delegation of care to the nursing assistant.
- a. The curriculum shall identify student outcomes.
 - b. The curriculum shall be implemented by:
 - (1) developing outlines that identify all aspects of the course;
 - (2) utilizing a variety of teaching methods; and
 - (3) providing for individual differences among students.
 - c. Learning experiences and methods of instruction shall be selected to fulfill curriculum objectives.
 - d. Curriculum shall be evaluated by the instructor with provisions for student participation.
 - e. Curriculum for programs shall include a minimum of 80 hours of education with at least 30 hours of clinical practice in a health care facility in:
 - (1) Basic Nursing Skills;
 - (2) Personal Care Skills;
 - (3) Basic restorative Skills;
 - (4) Mental Health and Psychosocial Skills;
 - (5) Communication Skills; and
 - (6) Nursing Team Member Skills.
7. Evaluation: Instructors shall engage in both continuing overall evaluation of the program related to its objectives and planned periodic evaluation of all its various components. There shall be:
- a. documentation of periodic evaluations of each student's achievement at planned intervals and evidence that the student participated in the process; and
 - b. a written plan for systematically evaluating the program related to its purpose or objective, and documented evidence that the plan is implemented.
8. Records:
- a. Student files shall be current and include admission data, written periodic evaluations, standards skills list and transfer records as appropriate. The permanent file shall include a final evaluation.
 - b. Instructor file records shall be current with proof of licensure, curriculum vitae, terms of employment and evidence of participation in academic study, clinical practice, workshops, conferences or other appropriate activities.
9. Annual Report:
- a. The program administrator shall submit an annual report, on forms provided by the Board, by April 1st regarding the program's compliance with Chapter 4, subchapter 1 of these rules.
10. Consultations:
The Board shall provide consultation upon request of a controlling institution or program for assistance with matters related to approval. The Board may require reimbursement to the consultant by the governing organization or the program for actual and necessary personal expenses incurred for meals, lodging and travel in the State of Vermont.

Chapter 5. Nursing Assistants

Subchapter 2 LICENSURE AND ENDORSEMENT

- I. LICENSURE
- II. QUALIFICATIONS
- III. ENDORSEMENT
- IV. LICENSE RENEWAL
- V. EDUCATION & PRACTICE REQUIREMENTS
- VI. LOST, STOLEN, DESTROYED CREDENTIALS
- VII. CHANGE OF NAME OR ADDRESS
- VIII. APPLICATIONS

I. LICENSURE

- A. The Board shall issue a license carrying a permanent license number, designating the date of issuance and the authorized level of practice, to all applicants who qualify for initial licensure.
- B. The license shall be recorded in the permanent records of the Board and a license to practice shall be issued, valid from the date of issue until the stated date of expiration.
- C. Any person who is practicing as a nursing assistant may be requested and shall then produce the license as evidence of authorization to practice in Vermont during the time period designated on the license.
- D. The Board may issue a temporary license, not to exceed 90 days, to permit the practice of nursing by a nursing assistant currently licensed or certified in another jurisdiction of the United States and who has applied for licensure by endorsement in accord with 26 V.S.A., Chapter 28, Subchapter 2 and these rules.
- E. The Board may issue a temporary permit not to exceed 90 days or until results of the exam, to permit the practice of nursing by a nursing assistant who has successfully completed a State approved nursing assistant training program or a RN or LPN nursing student who has been approved by the Board and is awaiting competency evaluation testing.

II. QUALIFICATIONS

- A. Licensure as a nursing assistant shall be issued only to a qualified applicant in accordance with 26 V.S.A. § 1593 and with these rules or to an applicant for licensure who is licensed in another state having requirements for licensure equal to or exceeding those in Vermont and if all other requirements set forth in 26 V.S.A., Chapter 28 and these rules are met.
- B. The Board may require any applicant for licensure or relicensure to authorize, secure, and provide to the Board an assessment from an appropriately qualified professional person or previous employer of current mental and physical ability to perform safely the duties of a nursing assistant.
- C. The candidate, for initial licensure, must provide evidence of completion of a state approved nursing assistant education program preparing for entry into nursing assistant practice. The program must have been completed during the previous two years.
- D. Successful completion from an approved nursing assistant educational program does not imply state licensure. A person completing the program may be identified as a nursing assistant only upon:
 - 1. successful completion of the Board approved competency evaluation;
 - 2. submission of an application request and designated fee to the Board; and
 - 3. entry in the nursing assistant registry and receipt of confirmation of licensure from the Board.
- E. Students enrolled in RN or LPN programs prior to employment as nursing assistants, must:
 - 1. demonstrate to the satisfaction of the Board, that they have successfully completed a course of study equivalent to that required for nursing assistants; and
 - 2. successfully complete the competency evaluation.

III. ENDORSEMENT

- A. In accordance with 26 V.S.A. § 1593 and these rules, an applicant who is licensed or certified in another state shall be licensed at the same level of practice in Vermont by endorsement from the other state if all other qualifications and requirements are met.
- B. An applicant for endorsement shall submit to the Board

of Nursing:

1. a completed application;
 2. written documentation indicating successful completion of a state approved nursing assistant competency evaluation program;
 3. verification of initial placement on a nursing assistant registry;
 4. verification of placement on a nursing assistant registry from jurisdiction of most recent employment;
 5. the required fee; and
 6. evidence of having practiced a minimum of 50 days (400 hours) in the last 2 years for paid compensation. Eight hours are equivalent to one day of nursing practice.
- C. Health care professionals from outside of the United States shall be eligible to take the competency examination in English if they produce evidence of education equal in content to the basic nursing assistant education program.

IV. LICENSE RENEWAL

- A. Licensees are renewed on a fixed biennial schedule:
1. Licenses must be renewed before they expire. The expiration date is stated on the license.
 2. A licensee shall renew by the expiration date printed on his or her license.
 3. Before the license expiration date, the office will mail a renewal application and notice of renewal fee to the last known address.
 4. A license will expire automatically if the renewal application and fee are not returned to the office by the expiration date.
- B. A licensee is responsible for notifying the office promptly of a change in name or mailing address.
- C. No person shall be granted relicensure if renewal requirements are not met or if the license has been revoked or suspended by the Board.
- D. All applicants for renewal of a lapsed license shall comply with the requirements of 26 V.S.A. § 1594 and these rules.
- E. Renewals received after the expiration date will incur a late renewal penalty and may be subject to discipline. The Board may waive the penalty in case of hardship.
- F. The Office of Professional Regulation shall mail to every nursing assistant, to the last-known address, an application for renewal of license to practice as a nursing assistant at least 60 days prior to the expiration date. An individual licensed in the renewal application period shall be licensed through the next two year renewal period.
- G. The nursing assistant shall complete the application by providing all information requested, and returning it to the Board. A biennial fee is required. Supporting documentation must be included if applicable.
- H. No person shall be granted relicensure if renewal requirements are not met or if the license has been revoked or suspended by the Board.
- I. The nursing assistant shall provide evidence of having practiced a minimum of 50 days (400 hours) in the last two years for paid compensation. Eight hours are equivalent to one day of nursing practice.
- J. A licensee who does not meet the renewal requirement may be required to repeat the nursing assistant education program and/or competence evaluation.

V. EDUCATION AND PRACTICE REQUIREMENTS

If there is a question about the applicant's education or practice as a nursing assistant the Board may require the applicant to provide a job description or other evidence of the required qualifications and expected job responsibilities. The job description shall be certified as true by employers or other appropriate persons.

VI. LOST, STOLEN, DESTROYED CREDENTIALS

A nursing assistant whose license to practice is lost, stolen or destroyed shall report and explain the occurrence to the Board in writing. A replacement license, stamped "duplicate", shall then be issued for a fee.

VII. CHANGE OF NAME OR ADDRESS

- A. A nursing assistant whose name is legally changed shall be issued a replacement indicating this change following submission of:
 - 1. the name change on a form provided by the Board and legal documentation of name change; and
 - 2. the required fee.
- B. A nursing assistant whose address changes from the address appearing on the current license shall notify the Board in writing of this change. The Board does not issue a new license but makes such changes in the registry and mailing files.

VIII. APPLICATIONS

- A. All applications for licensure, relicensure, and replacement licenses shall be made on forms provided by the Board.
- B. Applications shall include all information requested, and shall be accompanied by the appropriate fee.
- C. Supporting documents must be submitted within six months from filing the application form.

Chapter 5. Nursing Assistants

Subchapter 3 EXAMINATION

- I. ADMINISTRATION
- II. APPLICATION
- III. DISABILITIES
- IV. RETAKING EXAMINATIONS
- V. FEES

I. ADMINISTRATION

- A. The Board shall approve and oversee the administration, scoring and reporting of exams by an approved testing agency.
- B. The Board shall verify licensure status of any examinee to anyone who so requests after the results have been released.
- C. An examinee shall report a failure of examination to an employer immediately on receiving notice thereof and shall cease employment as an LNA applicant.
- D. The term "examination" is used interchangeably with competency evaluation and competency evaluation program.

II. APPLICATION

- A. An applicant shall submit a fully completed application form with all supporting documentation requested and the fee to the office. An applicant issued an initial license within 90 days of the renewal date will not be required to renew or pay the renewal fee. The license will be issued through the next full licensure period. An applicant issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.
- B. The applicant must submit an application to the testing service.
- C. The applications will include certification by the primary instructor of the candidate's nursing assistant education program that the applicant has successfully completed, at a minimum, 80 hours and is eligible for graduation prior to the scheduled examination. The Board or the Executive Director may request additional information from an applicant or an interview with the applicant.

III. DISABILITIES:

A candidate for examination who has a disability, but is otherwise qualified, shall not be deprived of the opportunity

to take the licensing examination solely by reason of that disability.

- A. Special accommodations may be provided to disabled candidates when the following materials have been reviewed and approved by the Board:
 - 1. a letter of request from the student;
 - 2. a letter from the program administrator of the candidate's nursing assistant education program. This letter should describe accommodations and modifications which have been made for the candidate during their education program; and
 - 3. documentation of the disability by an appropriate specialist with detailed information of special accommodations needed.

IV. RETAKING EXAMINATIONS

- A. Candidates who fail to achieve the passing standard score for an examination may retake it up to three times.
- B. Candidates who do not retake the examination within four months of the initial examination may retake the examination only after re-submission of an application for examination.
- C. Nursing assistant candidates who fail the examination three times shall, before being accepted for another examination, complete another state approved nursing assistant education program.

V. FEES

- A. Fees are not refunded.
- B. Fee schedules for examination are available from the Board of Nursing office upon request.

Chapter 5. Nursing Assistants

Subchapter 4 DISCIPLINE

- I. DISCIPLINARY ACTIONS
- II. DEFINITIONS
- III. DISCIPLINARY PROCEEDINGS
- IV. REINSTATEMENT AND REMOVAL OF CONDITIONS

I. DISCIPLINARY ACTIONS

Pursuant to 26 V.S.A. § 1595 and these rules and in accordance with 3 V.S.A., Chapter 25 the Board may warn, reprimand, condition, suspend, or revoke any license to practice as a nursing assistant in Vermont, or otherwise discipline a licensee upon proof that the licensee has committed unprofessional conduct as defined by law.

II. DEFINITIONS

For purposes of proceedings under 26 V.S.A., § 1595(5) the following definition applies:

- A. Being "unfit or incompetent to function as a nursing assistant by reason of any cause" includes, but is not limited to:
 - 1. performing unsafe or unacceptable patient care;
 - 2. failing to conform to the essential standards of acceptable and prevailing nursing assistant practice;
 - 3. engaging in conduct of a character likely to deceive, defraud, or harm the public;
 - 4. falsifying or altering clinical records or making inaccurate or misleading entries;
 - 5. failing to take appropriate action to safeguard a client from incompetent health care;
 - 6. leaving a nursing assistant assignment without properly advising appropriate personnel;
 - 7. violating confidentiality by inappropriately revealing information or knowledge about a client; and
 - 8. practicing as a nursing assistant in Vermont without a current Vermont license to practice.

III. DISCIPLINARY PROCEEDINGS

The Office of Professional Regulation maintains a compilation of procedures which affect the public. The Board follows that compilation which details the disciplinary process including filing complaints; methods of disposition

of complaints; hearing and hearing notices; findings, conclusions and orders in accord with 26 V.S.A., Chapter 28 and 3 V.S.A., Chapter 5.

IV. REINSTATEMENT OF A LICENSE AND REMOVAL OF CONDITIONS FROM A LICENSE

A. Reinstatement following suspension for time certain:

When a suspension is for a specific period of time, and no other conditions are imposed, the Board's executive director reinstates the license upon expiration of the suspension period and payment of the reinstatement fee, and any other renewal requirements.

B. Reinstatement following suspension until conditions are met:

1. When a suspension order sets conditions or requirements to be met before reinstatement, the respondent must first meet the conditions and then request reinstatement in writing. The request is referred to an investigating team for review.
2. Following its review, which may include additional investigation, the investigating team may:
 - a. consent to, or not oppose, reinstatement;
 - b. negotiate a stipulation for reinstatement; or
 - c. file an opposition to reinstatement.
3. Once the investigating team has notified the Board, in writing, of its action, the Board holds a hearing. The team's written opposition will contain a short and plain statement of the matters at issue, as required by 3 VSA, § 809. Denials of reinstatement must be based on the original order. Any new misconduct found by the investigating team should be the subject of new charges. If the Board orders reinstatement, the executive director reinstates the license upon payment of the reinstatement fee, and any other renewal requirements.

C. Reinstatement following revocation:

1. A respondent whose license has been revoked may nonetheless petition for reinstatement following rehabilitation. The petition must show:
 - a. present possession of entry level qualifications;
 - b. specific rehabilitation;
 - c. methods of assuring public safety; and
 - d. that reinstatement will not be detrimental to the integrity of the profession or subversive of the public interest.
2. The petition is referred to an investigating team for review. The Board will provide specific examples, upon the petitioner's request, of the types of evidence which would be helpful in showing the factors above.
3. Following its review, which may include additional investigation, the investigating team may:
 - a. consent to, or not oppose, reinstatement;
 - b. negotiate a stipulation for reinstatement; or
 - c. file an opposition to reinstatement.
4. Once the investigating team has notified the Board, in writing, of its action, the Board holds a hearing. The team's written opposition will contain a short and plain statement of the matters at issue, as required by 3 VSA, § 809. The burden is on the respondent on all issues. Denial may be based on a failure to satisfactorily establish any element. If the Board orders reinstatement, the executive director reinstates the license upon payment of the reinstatement fee, and any other renewal requirements.

D. Removal of a restriction for a time certain:

When a restriction or condition is imposed for a specific period of time, and no other conditions are imposed, the Board's executive director removes the restriction or condition upon expiration of the period of time.

E. Removal of restrictions imposed until conditions are met:

When an order restricts a respondent's practice until the respondent meets specified conditions, the same procedure as in IV.B. above is followed; that is, the request is referred to an investigating team, and a hearing is held after receipt of the team's response.

Chapter 5. Nursing Assistants

Subchapter 5 APPEALS

- I. If the Board intends to deny an application for a license, the Board shall send the applicant written notice of the

decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition with the Board for review of its preliminary decision within 30 days of the date on which the notice is mailed. After the hearing, the Board shall affirm or reverse the preliminary denial, explaining the reason therefor in writing.

- II. A party aggrieved by a final decision of the Board may appeal that decision by filing a notice of appeal with the Director who shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the Board. Persons wishing to appeal shall give written notice of their decision to appeal within 30 days of receipt of the Board's final decision to:

Director, Office of Professional Regulation
Office of the Secretary of State
109 State Street
Montpelier, VT 05609-1106

The appellate officer's decision may be appealed to Washington Superior Court.

Chapter 5. Nursing Assistants
Subchapter 6 RESPONSIBILITY OF EMPLOYERS

- I. In Accordance with 26 V.S.A. § 1584(a)(7), it is unlawful for any person or agency or institution to employ a person to function as nursing assistant in Vermont unless this person is duly registered and currently licensed to so practice in Vermont.
- II. Employers must comply with reporting requirements for unprofessional conduct as cited in 3 V.S.A. § 128.

Chapter 5. Nursing Assistants
Subchapter 7 COMPETENCE

- I. Continuing Education
 - A. The Board expects each nursing assistant to assume individual responsibility for maintaining and improving competencies in current knowledge, skills, and abilities relevant to the individual's area of practice.
 - B. Practice Requirements: Practice of nursing at the level of licensure as stated in Rule V, Subchapter 2.

Chapter 6. ALTERNATIVE PROGRAM FOR CHEMICAL DEPENDENCY FOR NURSES AND NURSING ASSISTANTS

- I. Alternative Program - The Board of Nursing may provide for a nondisciplinary alternative in situations involving chemical dependency; provided, that the nurse agrees to voluntarily participate in a program of treatment and rehabilitation. All records pertaining to a nurse's participation in the nondisciplinary program are confidential and not subject to discovery, subpoena or public disclosure. That information related to the nondisciplinary program is provided to the nurse's employer to ensure adequate work site monitoring and compliance.
- II. Definitions:
 - A. Chemical Dependency - physical or psychological reliance upon one or more substances including drugs or alcohol.
 - B. Alternative Committee - committee appointed by the Board to administer the alternative program. The committee shall review applications, pertinent reports and information, and shall impose conditions as appropriate.
- III. Criteria for Eligibility:

In order to be eligible for this program, the nurse must:

 - A. hold a license or be eligible for licensure in Vermont;
 - B. voluntarily request admission to the program;
 - C. agree to undergo a comprehensive assessment, at the nurse's expense, from an approved alcohol and drug

abuse counselor based on criteria established by the committee; and

- D. agree in writing to comply with the contract prepared by the committee.

IV. Criteria which Disqualifies a Nurse from Eligibility:

The Board reserves the right to discipline any chemically dependent individual subject to its jurisdiction. Factors which may disqualify the nurse from participation in the Alternative Program include:

- A. conviction of a felony or pending felony charges related to chemical dependency;
- B. having a restricted license in the last five years by a licensing Board or commission for an offense that would constitute unprofessional conduct in this state, other than for being chemically dependent;
- C. diversion of controlled substances;
- D. having caused actual or potential risk of patient harm;
- E. imminent danger to the public;
- F. recent history of chemical dependency and failed treatment;
- G. having been determined not fit for this program by the independent comprehensive assessment required for entry into the program.

V. Agreement Between the Licensee and the Alternative Committee:

Each candidate for the alternative program shall enter into a written agreement with the Board. Under the terms of the agreement, the nurse's participation in the program shall remain confidential and disciplinary action will not be initiated as long as the nurse complies with the terms of the consent order. The nurse must agree to the conditions, costs, and restrictions the committee have deemed appropriate for the circumstances.

VI. Causes for termination from the program:

- A. Satisfactory completion of the program as designated by the Committee.
- B. Failure to comply with the conditions designated by the Committee.
- C. Disciplinary action. Termination from the program for failing to comply with its terms will subject the licensee to the traditional disciplinary proceedings, including referral to an investigative team, the filing of charges, a hearing, and discipline by the Board.

Chapter 7. APPLICABILITY OF RULES

If any of these rules, or the application of any rule to any person or circumstance, shall be held invalid, the remainder of these rules and the application of that rule to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Effective: March 1, 2004