

U.S. Department of Education

**Staff Report
to the
Senior Department Official
on
Recognition Compliance Issues**

RECOMMENDATION PAGE

1. **Agency:** Maryland Board Of Nursing (1985/2011)
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Compliance Report
3. **Scope of Recognition:** State agency for the approval of nurse education.
4. **Date of Advisory Committee Meeting:** June, 2013
5. **Staff Recommendation:** Grant the agency an extension of its recognition, for good cause, for a period of six months and require the agency to submit a compliance report demonstrating its compliance with the cited criteria within 30 days of expiration of the six-month period, with reconsideration of recognition status thereafter, including review of the compliance report and appearance by the agency at a NACIQI meeting to be designated by the Department.
6. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section.
 - The agency needs to provide evidence that it requires nursing programs to include in their annual reports course descriptions and information regarding contractual arrangements, and to provide documentation of its review and assessment of this information. [§3e.]
 - The agency needs to provide documentation that would evidence its collection and assessment of audited fiscal reports, that include income statements and expenditures, at least every 2 years. [§3f.]

EXECUTIVE SUMMARY

PART I: GENERAL INFORMATION ABOUT THE AGENCY

The Maryland Board of Nursing is a State agency for the approval of nurse education. The agency currently has approved 23 registered nursing programs (15 Associates Degree in Nursing (ADN) programs and 8 Baccalaureate Degree in Nursing (BSN) programs) and 14 licensed practical nursing (LPN) programs, totaling 37 approved programs in Maryland. Of the total number of approved nursing education programs, 16 (3 ADN, 2 BSN and 11 LPN) programs are not accredited by either of the two recognized national nursing accrediting agencies. Therefore, Secretarial recognition of the MBN is necessary to provide professional and financial resources not otherwise available to some students who pursue professional training in Maryland schools of nursing.

Recognition History

The Secretary initially recognized the Maryland Board of Nursing (MBN or Board) as an agency for the approval of nurse education in 1985, and has renewed the agency's recognition continuously since that time. The National Advisory Committee for Institutional Quality and Integrity (NACIQI) reviewed the MBN at its December 2011 meeting. The NACIQI and staff both recommended, and the Senior Department Official concurred, that the agency's recognition be continued, and that it be required to come into compliance with the cited criteria within 12 months, and submit a compliance report addressing the compliance concerns. That compliance report is the subject of this review.

PART II: SUMMARY OF FINDINGS

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

When the agency was last reviewed it was found out of compliance with this criterion because the agency failed to describe adequately how the MBN's 70 member staff promotes an effective and professional operation for the approval of professional nurse education programs. It was unclear what proportion of the staff are involved in the approval of nurse education programs and how the MBN organizational structure functions to ensure it conducts all critical activities, such as the ones listed under this criterion (for the approval of nurse education programs). The agency was required to provide additional information and evidence of the role and functions of its staff and the operating procedures of the agency.

In response to the compliance issues, the agency states in its narrative, that its staff consists of 74 budgeted positions, 70 of which are filled. However, it is clear based on the information provided in the narrative that all 70 staff members are not directly involved in the review of nurse education programs. The agency has sufficiently explained in its narrative the role and functions of the Maryland Board of Nursing. The Board and staff members that are directly involved in the review and approval of nurse education programs include the following: Director of Education and Licensure; Director of Education Examination and Research; Deputy Director; and Director of Nursing Practice. The job duties and responsibilities provided by the agency provide some insight concerning the operational procedures of the agency. The agency has uploaded some additional documentation (see appendices N1-N4) regarding the agency's operating policies and procedures. It appears that policy information is also contained in the Code of Maryland Regulations (COMAR). The agency has attached several appendices from these regulations throughout the compliance report. The uploaded policy documents also indicate that the agency has individual written policy and procedure documents specific to a particular function or situation. The documentation provided by the agency combined with its explanation of the roll and functions of the Maryland Board of Nursing adequately addresses the compliance issues .

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

When the agency was last reviewed, it was out of compliance with this criterion. The agency was required to demonstrate that it requires programs to include tuition and refund policies for nurse education programs in renewal surveys and in the monitoring mechanisms it uses. The agency was also required to demonstrate that it reviews these policies.

In its response to the compliance issues, the agency informs department staff that it addresses the compliance issues with its annual report. The agency states in its narrative that nurse education programs must submit annual reports, appendix hh and w of the Code of Maryland Regulations (COMAR) contain this requirement. While none of the policy documents provided by the agency specifies that annual reports must contain or discuss nursing program's refund or tuition reimbursement policies, the policy regarding annual reports includes a general statement on required data reporting that could encompass reporting of a program's tuition and refund policy. Combined with the annual report form, which specifically requests such information under program operations, page (3), the agency has demonstrated that its policies/procedures address this requirement. In addition, the agency provided sample tuition and refund policies submitted by its programs. However, the agency still needs to demonstrate its review and evaluation of such information. The site visit report (see exhibit ee) contains no information that demonstrates the site visit team reviewed and evaluated the program's refund and tuition reimbursement policies.

Analyst Remarks to Response:

In the draft staff analysis, Department staff required that the Maryland Board of Nursing provide documentation demonstrating that it collects, reviews, and evaluates nursing programs' tuition and refund policies.

In its response to the compliance issues, the agency has provided a site visit report that demonstrates it reviews and evaluates nurse education programs tuition and refund policies. The agency's written assessment of the program is on page three of the site visit report. The site surveyors indicate in the report that when questioned, students were able to respond that they were aware of the tuition and refund policies' existence and where to access the information. The surveyors also identify in the report that they were able to review the institution's policies and validate the information given by the students in regards to tuition reimbursement and refunds. The agency has provided the necessary documentation to demonstrate its compliance with this criterion.

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e. Requires each school of nursing accredited to submit a comprehensive annual report, including current data on:

- (1) Progress toward achievement of its stated objectives in nursing education:**
 - (2) Qualifications and major responsibilities of the dean or director and of each faculty member:**
 - (3) Policies used for selection, promotion, and graduation of students:**
 - (4) Practices followed in safeguarding the health and well-being of students:**
 - (5) Current enrollment by class and student-teacher ratios:**
 - (6) Number of admission to school per year for past 5 years:**
 - (7) Number of graduations from school per year for past 5 years:**
 - (8) Performance of students on State board examinations for past 5 years:**
 - (9) Curriculum plan:**
 - (10) Brief course description:**
 - (11) Descriptions of resources and facilities, clinical areas and contractual arrangements which reflect upon the academic program.**
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When the agency was last reviewed, it was out of compliance with this criterion. The agency was required to enhance its annual report to require the inclusion of current brief course descriptions for each nurse education program in accordance with subsection (10) of this section. The agency was also required to include descriptions of contractual agreements between the program and the entities providing clinical training in accordance with subsection (11) of this section. The agency was also required to demonstrate its assessment of this information.

The agency references appendix bb to demonstrate that annual reports require nurse education programs to provide brief course descriptions, and include information regarding contractual agreements between nursing programs and the entity providing clinical training. However, as noted previously by Department staff, the agency still has not provided a sample of completed annual reports to demonstrate that nursing programs report this information in their annual reports. The agency has not provided any documentation to demonstrate its assessment of this information.

The sample annual report (see appendix bb) requires the submission of course catalogs and bulletins on page seven of the report. The report on page seven also requires programs to include information regarding the availability of clinical placements, but the annual report does not specifically require programs to provide and expound on contractual agreements. The Code of Maryland Regulations (COMAR) appendices provided as attachments, also require nurse

education programs to include this information in annual reports demonstrating the agency has written policy addressing these issues.

Analyst Remarks to Response:

In the draft staff analysis, the agency was required to provide a sample of annual reports from approved nurse education programs containing brief course descriptions, and information regarding contractual agreements between nursing programs and the entity providing clinical training.

The agency states in its response that its revised 2012 annual report document (a copy of which it provided as appendix bb) has not been approved by the executive director and the Board for distribution and use; therefore the agency states that it has no completed annual reports to provide as documentation.

In reviewing the revised 2012 annual report document, Department staff noted that the revised form continues to require submission of course catalogs, but does not explicitly require submission of brief course descriptions. As noted in the Fall 2011 review of the agency, while the Board believes program catalogs contain brief course descriptions, Department staff review of on-line catalogs for two programs revealed that only one of the two program's catalogs contained this information. The agency was required to enhance its reporting requirements in the annual report to ensure that each program lists brief course descriptions in published materials. In addition, the annual report form continues to require reporting of information about changes in clinical facilities or agencies used, but without reference to contractual agreements. The agency had been required to evaluate whether the contractual agreements between the program and the entity providing clinical training reflects the expected quality of the accredited academic program.

It should be noted, that the agency has not uploaded any documentation to support its efforts to bring itself into compliance with this criterion such as a meeting agenda displaying the revised annual report as an item to be considered for approval by the (MBN). Furthermore, the agency has not provided any information explaining when the revised annual report will be fully deployed and when it can provide documentation of its use.

In addition, the agency made a correction to Department Staff's interpretation, in the draft staff report, that the Code of Maryland Regulations (COMAR) requires nurse education programs to include brief course description and information regarding contractual agreements in annual reports, demonstrating the agency has written policy. However, in its response, the agency informs Department staff that that the (COMARs) do not require the annual report to contain brief course descriptions or information regarding contractual agreements. According to the agency this information is provided, examined and reviewed during the site survey visits. Based on the agency's interpretation of its policies, it appears that it does not have written policy requiring that brief course descriptions and information regarding contractual agreement that affect the academic program be included in annual reports. The agency was informed in the Fall 2011

analysis, and again in the draft staff analysis that this criterion specifically requires nurse education programs approved by the (MBN) to include in their annual reports course descriptions and information regarding contractual arrangements, and to provide documentation of its review and assessment of this information. However, it still has not provided evidence that it has done so.

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

- (1) A copy of its audited fiscal report, including a statement of income and expenditures:**
 - (2) A current catalog.**
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When the agency was last reviewed, it was required to demonstrate that it reviews audited fiscal reports that include income statements and expenditures at least every 2 years. The agency also needed to provide documentation demonstrating its assessment of whether programs are fiscally stable and have the assets to conduct quality nurse education. The agency has provided no information or uploaded any supporting documentation to demonstrate its compliance with this criterion.

The site visit report (see appendix ee) provided in criterion (3e) does not contain an assessment of the program's fiscal situation. The annual report provided in criterion (3e) (see appendix bb) does require programs to provide audited fiscal reports and budgetary information (see items 7, 8 and 9). However, as noted previously this is only a blank annual report template and contains no data.

Analyst Remarks to Response:

In the draft staff analysis the agency was required to provide documentation demonstrating that it reviews audited fiscal reports that include income statements and expenditures at least every 2 years. The agency also was required to demonstrate that it assesses whether nurse education programs are fiscally stable and have the assets to conduct quality nurse education.

In its response, the agency discusses the issues surrounding the approval of its revised annual report document that it discussed in the previous criterion as the reason for its inability to meet the requirements of this criterion. The revised report does require submission of a copy of the audited fiscal budget and, if adopted, would meet the reporting portion of this criterion.

The agency states in its narrative that audited fiscal budgets are reviewed during survey site visits. However, site visits do not take place every two years, and the agency has not uploaded any documentation to demonstrate is effective review of audited fiscal budgets, either during site visits nor as part of its review of

annual report information. Therefore, the agency continues to be out of compliance.

PART III: THIRD PARTY COMMENTS

The Department did not receive any written third-party comments regarding this agency.