

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 / 2015)
(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:** Petition for Continued Recognition
3. **Scope of Recognition:** State agency for the approval of nurse education.
4. **Date of Advisory Committee Meeting:** 02/27/2020
5. **Staff Recommendation:** Continue the Maryland Board of Nursing's (or agency) recognition as a state approval agency for nurse education at this time, and require the agency to come into compliance within 12 months with the criteria listed below, and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.
6. **Issues or Problems:** Additional information is requested for the following questions. These issues are summarized below and discussed in detail under the Staff Analysis section.
 - [3a.]--The agency does not meet the requirements of the criteria. The agency must provide the Practice and Education Committee report (described in Criteria 2) for the decision letter provided as evidence to demonstrate the application of its full review of the approval process.

[3d.]--The agency does not meet the requirements of the criteria. The agency must provide evidence of the execution of the provided action plan; application and review of the Maryland Board of Nursing's newly created standard/regulation/policy regarding the enforcement of a schools ethical practices, including recruitment and advertising by providing it as evidence; a completed self-study, pursuant to the newly created COMAR regulations/guidelines; a survey report; Practice and Education Committee report; and the Board decision letter from the same institution to demonstrate this enforcement.
 - [3g.]--The agency does not meet the requirements of the criteria. The agency must provide the corrective action plan formulated to address the delinquencies in completing the required site visits within the required 5-year period to demonstrate compliance with the Code of Maryland Regulations (COMAR) requirements. The agency must also provide evidence of the execution of the action plan. Further, the agency needs to clarify the discrepancies surrounding the number of approved nursing education programs identified by the agency within the petition responses to the Department and the actual number of approved nursing education programs documented by the screen shot of the agency website and site visit schedule provided as evidence. Lastly, the agency must demonstrate initial and periodic on-site inspections of each school of nursing it accredits/approves.

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 Secretary first recognized the Maryland Board of Nursing in 1985. The agency currently approves the following nursing programs in Maryland: Associate Degree in Nursing; Baccalaureate of Science Degree in Nursing; Licensed Practical Nursing; Pre-licensed Master's in Science Nursing; and Registered Nursing Education programs. The agency attests that two approved nursing education programs within the state are not accredited by either of the two US Department of Education recognized programmatic nursing accrediting agencies. Therefore, continued Secretarial recognition is necessary to provide professional and financial resources that would not otherwise be available to students attending non-accredited nursing education programs. Moreover, for purposes of determining eligibility for Federal assistance under Title VIII of the Public Health Services Act, continued recognition is necessary because the Board serves as the only alternative approval agency for new or existing nursing education programs not otherwise accredited in Maryland. The Department received no complaints for this agency during the recognition period and no third-party comments.

Recognition History

The Secretary initially recognized the Maryland Board of Nursing (MDBN) as an agency for the approval of nurse education in 1985 and has renewed the agency's recognition continuously since that time.

The agency's last full review for renewed recognition was conducted in the Fall of 2015. The Senior Department Official's decision letter dated March 2016 renewed the agency's recognition for a period of four years. The agency submitted a petition for renewed recognition in July of 2019 and the agency's renewal petition is the subject of this analysis. Department Staff observed an agency site visit in October 2019 and the open session of a Board meeting in December of 2019.

PART II: SUMMARY OF FINDINGS

3a.

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

The Director of Education and a Consultant comprise the site evaluation team of the agency, in which both evaluators possess doctoral degrees and appropriate levels of higher education and nursing program experience to conduct the review of the nursing programs. The agency notes that the Executive Director has also been included in some of the evaluation visits. The agency has provided the resumes of the evaluation team as evidence (exhibits 15-17). However, the agency has not addressed the entire criteria. Specifically, the agency has not discussed or provided a full cycle of review (a self-study, pursuant to the COMAR guidelines, along with the coinciding survey report and decision letter) of documentation demonstrating prepared written reports and recommendations for the use of the reviewing body nor demonstrated that the reviews are conducted under conditions that assure an impartial and objective judgment.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional documentation, however, not all of the documentation requested in the previous draft staff analysis was provided within the agency response. Specifically, the agency provided the Code of Maryland Regulations (COMAR) provisions for the review of a nursing education program; and the review of a nursing education program, which included the self-study from the program, written report from the agency evaluators, the Board decision letter and meeting transcript (exhibits 7 and 10-13). However, the Practice and Education Committee's report requested in the draft staff analysis has not been provided for analysis. The original agency narrative for criterion 2 attests to the requirement of a report from the Practice and Education Committee, which consists of agency staff, Board members, and the attorneys of the Board, who are responsible for the review and reporting of the evaluation survey reports and submission of recommendations to the full Board for a nursing education program. In addition, the agency attests that the onsite evaluators are qualified, experienced and skilled in nursing education, which is evidenced in the resumes and position descriptions provided as evidence (exhibit 17). Lastly, the agency provided the COMAR provision for Board member Ethics regulations, which outlines conflict of interest and recusals of Board members to ensure the nursing education programs receive an impartial and objective review by the Board (exhibit 3).

3d.

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

The agency attests that the Code of Maryland Regulations (COMAR) requires the inclusion of ethical practices within nursing curriculum. The agency further states in the narrative that colleges and universities incorporate ethical standard policies on their websites, in their academic catalogs, in self-study reports, course syllabi, and in faculty and student handbooks, which are reviewed by on-site evaluators to verify this inclusion. However, the agency cannot rely on the standards and practices employed by other entities to demonstrate compliance. The agency must provide the Maryland Board of Nursing's standard/policy regarding ethics which includes recruitment and advertising.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency reiterated the claim that the Code of Maryland Regulations (COMAR) requires the Board to verify the inclusion of ethics within the curriculum of nurse education programs within the State of Maryland. However, the criteria for the approval of state agencies for nurse education, criterion 3d., requires the agency to enforce a well defined set of standards regarding a school's ethical practices, including recruitment and advertising, to which the COMAR and the nursing education curriculum referenced by the agency do not provide. It should be noted that the 2015 review of the agency's petition for renewal of recognition reflects a non-compliance determination of this criterion in the draft staff analysis. The agency's response to the 2015 draft staff analysis detailed the agency's action of requesting the information for this criterion through an email from the agency to the nursing education programs, which was collected and reflected in the annual reporting evidence provided in the 2015 agency response to demonstrate compliance. However, this email requirement was not demonstrated in the agency's 2019 petition for this criterion and not reflected or incorporated as standard practice for annual reporting for nursing education programs. Thus, the agency acknowledges the exclusion of this requirement within its agency standards and regulations; and provided an

action plan for the development of a standard/regulation which details the process for developing and implementing a well-defined set of standards regarding a school's ethical practices, including recruitment and advertising for the agency to enforce (exhibit 25).

3g.

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

The agency attests that every school is visited at least every five years in accordance with national accrediting agency visits. However, the agency has not provided the sited requirement for this attestation. The agency has also not provided a list of accredited programs showing the length of accreditation determined by Board action nor the site visit schedules demonstrating compliance with the agency requirement.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional documentation and clarification. Specifically, the agency provided the Code of Maryland Regulations (COMAR) that requires the Board to make a survey visit to a program not less than every 5 years, to which the agency coordinates with the national accrediting agency site visits. However, the site visit schedule provided as evidence does not demonstrate adherence to the State of Maryland COMAR requirements (to make a survey visit to programs every five years). The agency acknowledges this non-compliance and attests to the formulation of a corrective action plan to bring delinquent site visits into compliance with the COMAR requirements. In addition, the agency narrative for criterion 1 attests that a total of 41 nursing education programs are approved by the agency. However, the agency provides a screen shot of the list of approved nursing education programs from the agency website totaling 46 approved programs; and provides the site visit schedule for nursing education programs totaling 32 (exhibit 27 found in question 2 and exhibit 3G and 22).

PART III: THIRD PARTY COMMENTS

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