

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDED RULES TO THE GEORGIA
BOARD OF NURSING CHAPTER 410-8,
RULES 410-8-.02 AND 410-8-.05 AND NOTICE OF PUBLIC HEARING**

- 1. Rule 410-8-.02 Nursing Education Approval**
- 2. Rule 410-8-.05 Faculty**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Nursing (hereinafter "Board") proposes an amendment to Rules 410-8-.02 and 410-8-.05 (hereinafter "proposed rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed new rule, is being sent to all persons who have requested to be placed on a notification list. A copy of this notice, an exact copy of the proposed new rule, and a synopsis of the proposed amendment to the rule may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Nursing's web page at <https://sos.ga.gov/georgia-board-nursing>. Copies may also be requested by contacting the Georgia Board of Nursing office at (404) 424-9966.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 11 a.m., January 18, 2024, via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 11, 2024. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Interim Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Nursing, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be emailed to nursing@sos.ga.gov.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on September 20-21, 2023. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-25, 43-26-2, 43-26-3, 43-26-5(a)(5), 43-26-32, 43-26-36, 43-1-25,

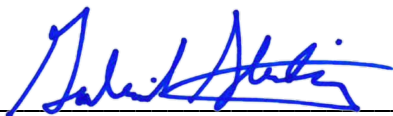
43-26-2, 43-26-5(a)(4)-(6). Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-25, 43-26-2, 43-26-3, 43-26-5(a)(5), 43-26-32, 43-26-36, 43-1-25, 43-26-2, 43-26-5(a)(4)-(6) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Nursing.

According to the Department of Law of the State of Georgia, the Georgia Board of Nursing has the authority to amend proposed rule 410-8-.02 and 410-8-.05 pursuant to authority contained in O.C.G.A. §§ 43-1-25, 43-26-2, 43-26-3, 43-26-5(a)(5), 43-26-32, 43-26-36, 43-1-25, 43-26-2, 43-26-5(a)(4)-(6).

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 6th day of December, 2023.



GABRIEL STERLING
Interim Director
Professional Licensing Boards

Posted: December 6, 2023

**SYNOPSIS OF PROPOSED CHANGES TO THE
NURSING EDUCATION PROGRAM APPROVAL
RULE 410-8-.02**

Purpose: The purpose of this rule amendment is for the Board's NCLEX (licensing test) passage rate requirements to align with the nursing program's accrediting body requirements.

[NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.]

Rule 410-8-.02 Nursing Education Program Approval

(1) Developing Programs.

(a) The Board may grant Developmental Approval to a proposed nursing education program when compliance with Rules 410-8-.12 paragraphs (1) through (3) has been documented.

(b) The Board may grant Initial Approval to a nursing education program with Developmental Approval when compliance with Rule 410-8-.12(4) has been documented. Initial Approval is required prior to the enrollment of at least twenty (20) students in the first nursing courses.

(c) The Board may continue Initial Approval prior to the graduation of the first class when review of materials specified in Rule 410-8-.12(3)(c), the most recent annual report, and most recent site visit report, and program responses to it document compliance with the rules.

(d) The Board may grant Full Approval to a nursing education program with Initial Approval when review of the most recent annual report, the most recent site visit report, and program responses to it document compliance with the rules. ~~At least eighty (80) percent of all graduates must pass the licensing examination as first-time writers within one (1) calendar year of the graduation date.~~ The nursing program's first-time writers of the licensing examination must have a passage rate that is equivalent to the program's accrediting body requirements.

(e) If the program is not eligible for Full Approval after graduation of the first class, Conditional Approval may be imposed according to Rule 410-8-.02(3).

(2) Established Programs.

(a) The Board may continue the Full Approval of a nursing education program for any period up to ten (10) years. Approval is based upon documentation of compliance with rules relating to annual reports, the most recent site visit report and program responses

to it, ~~a passing percentage of at least eighty (80) percent of all first-time writers on the licensing examination over the four (4) most recent calendar years~~ a passage rate of all first-time writers of the licensing examination is equivalent to the program's accrediting body requirements over the four (4) most recent calendar years and documentation of accreditation by a national nursing accrediting body recognized by the Board.

(b) A nursing education program, with Full Approval, must submit a written assessment and plan of action for review by the Board if ~~the passing percentage of all first-time writers on the licensing examination is less than eighty (80) percent in a calendar year.~~ the passage rate of all first-time writers of the licensing examination is less than the passage rate requirement from the program's accrediting body in a calendar year.

(c) A nursing education program, with Full Approval, must submit a written evaluation of the plan of action for review by the Board if ~~the passing percentage of all first-time writers on the licensing examination is less than eighty (80) percent for a second consecutive calendar year.~~ the passage rate of all first-time writers of the licensing examination is less than the passage rate requirement from the program's accrediting body for a second consecutive calendar year. A site visit by Board representatives will be scheduled.

(3) Conditional Approval.

At any point during the initial approval period for developing programs or within the four-year approval cycle for established programs, the Board may impose Conditional Approval on a nursing education program for reasons, including but not limited to, the following conditions: review of any annual report reveals noncompliance with the rules; review(s) of the most recent site visit report(s) and program response(s) to it reveal continued, documented noncompliance with the rules; and/or ~~the passing percentage of first-time writers on the licensing examination was less than eighty (80) percent for two (2) consecutive graduation cohorts and/or the four-year average was less than eighty (80) percent.~~ the passage rate of all first-time writers of the licensing examination is less than the passage rate requirement from the program's accrediting body for two (2) consecutive graduation cohorts and/or the four-year average was less than the passage rate requirement from the program's accrediting body.

(4) Granting of Full Approval for a Nursing Education Program on Conditional Approval.

(a) The granting of Full Approval will require documentation of outcome measures, including but not limited to NCLEX-RN results, on an annual basis until compliance with conditions identified in Rule 410-8-.02(3) is documented.

(b) The granting of Full Approval may be for any period of time up to ten (10) years as determined by the board. If Conditional Approval has been imposed for noncompliance with the identified four-year ~~passing percentage~~ passing rate on the licensing examination, the Board at its discretion may grant Full Approval for one (1) year. The one

~~(1) year approval is based upon the program having documented evidence of at least two (2) most recent consecutive graduation cohorts of a passing percentage of at least eighty (80) percent of its first-time writers in each calendar year even though the four-year average is not eighty (80) percent.~~ of at least two (2) most recent consecutive graduation cohorts passage rates to be equivalent to the program's accrediting body requirements of first-time writers in each calendar year even though the four year average is not equivalent to the accrediting body's requirements.

(5) Withdrawal of Approval.

The Board may withdraw the approval of a nursing education program on Conditional Approval when continued, documented noncompliance with the rules fails to be corrected within a time period specified by the Board. In order for students, who are currently enrolled in at least one nursing course when approval is withdrawn, to be eligible for licensure upon graduation, the nursing education program must submit a written plan for their completion of the program or for their transfer to another approved nursing education program. Prior to the actual date of withdrawal of approval, the nursing program will continue to have time-limited Conditional Approval so that students will be identified as having graduated from an approved program and be eligible for licensure by examination.

(6) Reinstatement of Withdrawn Approval.

(a) Representatives of the parent institution and/or the nursing education program may appeal in writing to the Board for reconsideration of withdrawn approval within ninety (90) days of written notification.

(b) Upon written request, representatives of the parent institution and/or the nursing education program may appear before the Board to review its findings regarding program deficiencies and/or the adequacy of the program's plan of action.

(c) After documentation of compliance with rules, as determined by the Board, a nursing education program may petition the Board in writing for reinstatement of approval status and permission to enroll students.

(d) If approval is not reinstated, the parent institution must comply with all rules for the development and implementation of a new nursing education program.

(7) Reconstitution of a Nursing Education Program.

(a) If a program, which has had its approval withdrawn, decides to develop and implement a reconstituted (new) nursing education program, it must document compliance with Rule 410-8-.12. At its discretion, the Board may not require the fee for new programs and the feasibility study if Conditional Approval has previously been imposed on the program.

(b) ~~The average passing percentage of the first class must be at least eighty (80) percent.~~
The average passing rate of the first class must be equivalent to the program's accrediting body requirements. If compliance with this rule is not documented, approval will be withdrawn.

Authority: O.C.G.A. §§ 43-1-25, 43-26-3(1.2), and 43-26-5(a)(4)-(6).

SYNOPSIS OF PROPOSED CHANGES TO THE FACULTY RULE 410-8-.05

Purpose: The purpose of this rule amendment is to allow part-time/adjunct clinical faculty to be employed without the educational requirement of a master's degree in nursing or progress toward master's degree.

[NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.]

Rule 410-8-.05 Faculty

- (1) A nursing faculty member includes any registered nurse, appointed by the parent institution, regardless of the institutional designation, who is engaged in teaching/evaluation in classes, simulated settings, and practice settings.
- (2) The nurse administrator and nurse faculty members of any nursing education program must be currently licensed as registered nurses in Georgia and authorized as advanced practice registered nurses (if applicable) from the initial date of appointment.
- (3) Faculty who are assigned to practice settings in another state or country shall comply with the relevant nurse practice act in that jurisdiction.
- (4) The nurse administrator, who is appointed with the authority and responsibility for the development, administration, and evaluation of the nursing program(s) within the nursing unit, must have at least one (1) earned graduate degree in nursing and at least three (3) years of teaching experience in a nursing education program leading to initial registered nurse licensure or completion of a higher degree in nursing.
- (5) Any registered nurse, appointed by the parent institution, who is engaged in teaching/evaluation in classes, simulated settings and practice settings, must hold at least a baccalaureate or higher degree in nursing.
- (6) For any given academic term, the nursing education program must be able to provide evidence that at least the majority of faculty members are full time in didactic settings with an exemption for clinical settings and that at least three-fourths of individual full-time ~~and part-time~~ faculty members hold one (1) or more earned graduate degrees in nursing.
- (7) A full-time faculty member with only a baccalaureate degree in nursing must be able to provide documentation of progress toward an earned graduate degree in nursing, have experience in the area of responsibility, and be directed by a faculty member with at least one (1) earned graduate degree in nursing.
- (8) Faculty members shall have the graduate nursing education, expertise, and professional development necessary to enable the goals/outcomes of the curriculum.
- (9) For any course with a nursing title and number, a qualified registered nurse faculty member must be the coordinator.

- (10) Faculty members must be available to direct, coach, mentor, and critique students engaged in learning activities in classes, simulated settings, and practice settings.
- (11) A faculty/student ratio of at least one (1) registered nurse faculty member providing direct supervision for no more than ten (10) students engaged in direct patient care in inpatient practice settings must be maintained to provide for the safety of patients/clients, students, and faculty members.
- (12) Faculty members shall participate in and document the development, implementation, and evaluation of the nursing education program.
- (13) Policies in effect for nursing faculty, including workload, shall be consistent with those in effect for all faculty appointed by the parent institution.
- (14) The process of selection, approval, and role development, and delineation of responsibilities of full-time and part-time faculty members shall be documented.
- (15) Out of state nursing education programs that have faculty and students engaged in learning activities in Georgia practice settings must comply with the Georgia Registered Professional Nurse Practice Act.
- (16) An international nursing educator, who is not licensed as a registered professional nurse in Georgia and who is participating as an exchange visitor in a nursing education program, may direct, coach, mentor, and critique students engaged in learning activities in classes and simulated settings under the following conditions:
 - (a) Responsibility for any course, in which the international nursing educator participates, must be assumed by a faculty member appointed by the parent institution;
 - (b) Monetary compensation to the international nursing educator must not be provided by the parent institution;
 - (c) Until licensure by examination has been granted, the international nursing educator must not be involved in actual, interactive learning activities with students and patients/clients in practice settings; and
 - (d) In advance of the exchange period, the Board of Nursing must be notified of the academic and regulatory credentials of the international nursing educator for a one-time period not to exceed all or part of a quarter or semester.

Authority: §§ 43-1-25, 43-26-2, 43-26-3(1.2), and 43-26-5(a)(4)-(6).

RULES OF GEORGIA BOARD OF NURSING
CHAPTER 410-8
REGISTERED NURSING EDUCATION PROGRAMS
TABLE OF CONTENTS

410-8-.02 Nursing Education Program Approval

410-8-.05 Faculty

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- (3) Faculty who are assigned to practice settings in another state or country shall comply with the relevant nurse practice act in that jurisdiction.
- (4) The nurse administrator, who is appointed with the authority and responsibility for the development, administration, and evaluation of the nursing program(s) within the nursing unit, must have at least one (1) earned graduate degree in nursing and at least three (3) years of teaching experience in a nursing education program leading to initial registered nurse licensure or completion of a higher degree in nursing.
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- (8) Faculty members shall have the graduate nursing education, expertise, and professional development necessary to enable the goals/outcomes of the curriculum.
- (9) For any course with a nursing title and number, a qualified registered nurse faculty member must be the coordinator.
- (10) Faculty members must be available to direct, coach, mentor, and critique students engaged in learning activities in classes, simulated settings, and practice settings.
- (11) A faculty/student ratio of at least one (1) registered nurse faculty member providing direct supervision for no more than ten (10) students engaged in direct patient care in inpatient practice settings must be maintained to provide for the safety of patients/clients, students, and faculty members.

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