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<p>BVNPT RESPONSE TO THE LEGISLATURE’S SUNSET REVIEW BACKGROUND PAPER</p>

ISSUE #13: PROGRAM APPROVAL BACKLOG. The BVNPT currently has a large backlog of VN programs awaiting approval. What changes are needed to clear the backlog and prevent future backlogs?

Staff Recommendation: The BVNPT should continue to work with the Committees to develop and implement a plan to improve its school approval processes and clear the backlog.

BVNPT RESPONSE:

The BVNPT believes that the following concepts would create a more efficient system, allowing for more schools to operate, and produce more qualified nurses for the workforce. The obstacle is the amount of time these changes would require for legislation and rulemaking. The BVNPT respectfully suggests that the Legislature consider authorizing a three-year pilot program that takes effect immediately.

CURRENT PROCESS

When an organization wants to open a new program, it files a rudimentary letter of intent with the Board. Little detail is required other than the name of the program and the proposed location. Upon receipt, staff acknowledges receipt of the letter, notifies the proposer of their position on the waiting list, an estimated waiting time, forwards the Practice Act, and encourages them to review the laws and regulations to understand the overall process.

Prior to the 2017 Sunset Review, the BVNPT management imposed a moratorium on accepting new proposals; this policy was broadly criticized, and essentially restricted opportunities for programs to apply for approval.

The existing waiting list policy was intended to ensure fairness and equity, allowing big and small, public and private programs to compete on a first-in-first-out basis. The BVNPT welcomes a collaborative discussion on a re-structured policy that maintains fairness and equity.

The amount of time involved in approving programs varies widely from proposal to proposal. For example, if a program does not have the required documents,

i.e., curriculum, and resources in place when it is their turn, there is a back-and-forth communication between the program and the NEC that can take months and even up to 18 months before the program is approved. If the program has the documents and resources, the approval time may take as little as eight months.

POSSIBLE IMMEDIATE CHANGES:

- Consider public and private programs separately.
 - The public programs tend to have strong results in terms of graduation and NCLEX-PN passage, often located in areas of higher need (rural) and charge considerably lower fees.
 - Private schools generally have greater resources and charge students between \$32,000 and \$38,000 in tuition for their programs. This means that a program with four cohorts of 20 students each year charging \$34,000 makes more than \$2.7 million in gross revenues. Unlike the public programs, private for-profits have the ability to increase their tuition at any time.
 - The amount of work involved does not vary greatly between public and private programs, or even large or small programs. This change would move the public programs (i.e., those at Community Colleges or through County Offices of Education) to a separate list, decreasing their wait time. The NECs would be assigned at least one public school at a time until that list is resolved. In other words, when the SNEC assigns three new programs to NECs, they would each receive one public and two private programs to work on until there were no pending public programs.
 - This change could be implemented immediately, via Board action.
 - Time frame: Approve final policy at November 2021 Board Meeting.
- If the BVNPT is authorized to charge the programs a fee, establish a filing fee of 25% of the total approval fee.
 - The BVNPT believes that an active school fee structure, like the one the Board of Registered Nursing (BRN) implemented in 2014, would ensure that proposers have the necessary documentation and resources in place to be successful. The BRN requires the entire school approval fee with the letter of intent. It is likely that the current lack of fees and awareness that such are anticipated, may prompt programs to apply before the fees go into effect.
 - This change would require statutory action, and subsequent rulemaking.
 - Time frame: If the fee is approved via the BVNPT Sunset bill, and chaptered in October 2021, this could be implemented as early as January 2022.
- The BVNPT must be more transparent with list status and process information.

- Twice a year, staff reaches out to the programs on the list to provide status updates and ascertain whether they wish to continue to wait. If the Board cannot contact the proposers within 60 days, the proposal is dropped from the list.
- Once the proposal reaches #10, staff reaches out to inform the applicant that they should start to prepare the curriculum, develop policies and hire a qualified Program Director. Proposers are free to contact the BVNPT any time to inquire about their status.
- The Approval process starts when an NEC is assigned a program. This approval process moves quickly if the program demonstrates they have the necessary resources and all required documentation is submitted completely, correctly, and in a timely manner. Staff estimates that the best-case scenario at this phase is approximately seven months. The worst-case scenario to date exceeded 18 months. The process slows or comes to a halt when programs do not respond to the NEC with the required information.
- The Board should upload the waiting list on its website with a comprehensive list of required documents/resources, the region of the proposed programs, and a brief description of the approval process.
- Time frame: Within 30 days.
- The BVNPT should engage with DCA's Organizational Improvement Office to analyze all processes and create new efficiencies.
 - The BVNPT starts this process in June 2021.

NEW APPROVAL PROCESS: SCENARIO FOR DISCUSSION

- Step 1: Initial application: Filing Fee=\$5,000
 - To propose a new program, a school/organization must submit letter of intent and completed questionnaire with fee. The fee reflects the NECs work in assessing the application.
- Step 2: Application Assessment
 - Within 30 days of receipt, the BVNPT will assess and score questionnaire based on an established scale, including but not limited to regional supply and demand, equity considerations, and program readiness.
 - The questionnaire(s) and ranking will be discussed and approved at the next regularly-scheduled Education and Practice Committee meeting.
 - Targeted time from receipt of application to assignment: four to six months
- Step 3: Assignment to an NEC: Fee=\$5,000
 - Assigned NEC provides a list of deliverables with suggested parameters and provides orientation on Practice Act. This list includes the following elements:

- A qualified Program Director (PD), who is the principal point of contact with the BVNPT.
- PD completes BVNPT's Orientation.
- Complete curriculum.
- Complete set of policies (e.g., admissions, attendance, student tuition, grievances, graduation).
- When PD training is completed and fee is received, application moves to last phase.
- Targeted time: six to twelve months
- Step 4: Final Approval: Final fee= \$10,000
 - Assigned NEC works with the Program Director to complete all required information, and confirm finalization of all resources, staffing, facilities and information. Upon confirmation and receipt of fee, program is forwarded to Executive Officer (EO) for approval of an initial cohort admission.
 - Targeted time: Up to three months

MANDATORY COMMUNICATION POLICY

Programs must respond to NECs within two weeks of each inquiry or request during all phases. At a minimum, this response must confirm receipt of request and provide an estimate of time needed to complete the request. A program should respond within the week to the NEC and provide complete and correct information

SUGGESTED STEPS:

- NEC emails specific request with a deadline.
- If the Program Director does not respond within two weeks, the NEC follows up with a phone call.
- If the Program Director does not respond to the phone call within two weeks, they are placed on an Inactive list, and the NEC ceases work on this proposal until all requested information is received and approved.
- If a Program remains on the Inactive list for 90 days, they are taken out of consideration for a new program and may only reapply after six months.
- This must be approved by the Board and established in regulations.
- Targeted time to implement regulations: At least one year.

INTERNAL ISSUES TO EXPLORE:

- Create a Universal Curriculum.
- Focus some NECs solely on Program Approval work, rotating this responsibility allowing for consistency.
- Create a new policy for existing programs to create expansion campuses.
- Set a temporary (two-year) moratorium on accepting new applications.

- Establish a policy aimed at equalizing the system i.e. public programs vs. private programs.
- Create a public service incentive program.
- Explore alternatives such as third-party services to process and approve schools.
- Examine labor-intensive work processes, i.e., programs on provisional status.
- Increase and/or diversify staff involved in the approval process.
- Work with DCA Budgets to establish a system of need-based fee reductions or waivers.

OTHER FACTORS REQUIRING STATUTE AND RULEMAKING:

- Maximum proportion of simulation hours allowed for Clinical Experience.
- Policy on admissions and time limits for schools on Provisional Approval.
- School and Program Fees.
- Cite and Fine authority over educational programs.

EXTERNAL FACTORS OF INTEREST:

- Work with Legislature and stakeholders to discuss:
 - Budget offset for public program fees.
 - Ceiling on student tuition for private institutions.
 - Increased/enhanced Cal Grants for Career Technical program students.
 - Possible partnerships with nonprofits serving emancipated foster youth or other disadvantaged individuals to encourage career choices.
 - Partnerships with all health care licensing entities, workforce investment board and career technical education providers.

QUESTION OF ACCREDITATION:

When the BVNPT approves a program, it evaluates new material and information. When an accreditor evaluates a program or school, they receive finished and approved information, and base their decisions on the regulatory board's approval. Schools and programs pay for accreditation, and since the BVNPT has already approved their program, there is a quicker approval process for accreditation.

- Recommendation: Work with BRN and BPPE to establish consistent policies for information sharing, and possible fee waivers for national accreditation.
- Targeted Time frame: No later than September 30, 2021.