

This is an amendment to 16.12.3 NMAC, Sections 7, and 8 effective 12/13/2022.

16.12.3.7 DEFINITIONS:

A. Definitions beginning with “A”:

(1) **“application”**, form provided by the board of nursing (BON) to any potential nursing program to be used as the first process in opening a new program;

(2) **“approval”**, official or formal consent, confirmation or sanction;

(3) **“associate degree program”**, a formalized program of study, usually organized for completion within a two-year academic period, which prepares graduates for an associate degree in nursing and eligibility to take the national examination for registered nurses. The program is conducted as an integral department or division within a college or university.

B. Definitions beginning with “B”:

(1) **“baccalaureate degree program”**, a formalized program of study, usually organized for completion within a four-year academic period, which prepares graduates for a degree in nursing and eligibility to take the national licensing examination for registered nursing. The program is conducted as an integral department or division within a university or college;

(2) **“board”**, New Mexico board of nursing.

C. Definitions beginning with “C”:

(1) **“clinical facilities”**, institutions which are established for the delivery of nursing care services (hospital, extended care facilities, nursing homes, medical clinics, public health facilities, physician’s offices, out-patient clinics, etc.);

(2) **“clinical preceptors”**, nurses who have been a nurse for at least two years and have demonstrated competencies related to the area of assigned clinical teaching responsibilities and will serve as a role model and educator to the student;

(3) **“clock/contact hour”**, unit of measurement used by educational institutions to determine work load;

(4) **“curriculum”**, a course of study which is offered within a particular program.

D. Definitions beginning with “D”: **“director”**, the nurse educator (regardless of the official title assigned by any specific institution who is delegated the administrative responsibility and authority for the direction of the basic educational program in nursing. An “administrator” shall be considered synonymous with “director” unless the institution has divided up authority between a program “director” and an administrator.

E. Definitions beginning with “E”: **“educational institution”**, an institution within the educational system which is organized and accredited for teaching and study (university, high school, post-secondary, approved area vocational institution).

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: **High-fidelity**, provides the highest levels of realism.

Scenarios may incorporate the above low- and medium-fidelity plus the use of computer-based equipment with automatic cues and responses.

I. Definitions beginning with “I”: **“Involuntary closure”**, mandatory closure by the board for failure of a program to meet the minimum requirements as established by the board.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: **“Low-fidelity”**, the least realistic of available options.

Scenarios may include but not limited to the use of static manikins, written case studies, simulated medication administration and other nursing tasks.

M. Definitions beginning with “M”:

(1) **“medium-fidelity”**, scenarios may include use of low-fidelity resources noted above plus standardized (live) patients incorporation with increased realism. Automatic cues and responses (aside from simulation faculty & staff) remain absent;

(2) **“must”**, a requirement.

N. Definitions beginning with “N”:

(1) **“national licensing examination”**, examination for licensure as provided by the national council of state boards of nursing;

(2) **“national nursing accreditation”**, recognition of an institution of learning by a board recognized national nursing organization as maintaining prescribed standards requisite for its graduates to gain admission to other reputable institutions of higher learning or achieve credentials for professional practice.

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”:

(1) **“parent institution”**, an institution within the educational system which is organized and accredited for teaching and study (university, college, high school);

(2) **“practical nurse program”**, a formalized program, which prepares a graduate for a diploma or certificate and eligibility to take the national licensing examination for practical nursing. The program is conducted as an integral part of an educational institution;

(3) **“pre-licensure program”**, nursing education program that prepares an individual for the national licensing examination for registered nursing or practical nursing;

(4) **“program”**, the curriculum and all of the activities/functions that take place which are necessary to fulfill the purpose of nursing education;

(5) **“public health emergency”**, an executive order pursuant to the Public Health Emergency Response Act or an executive order invoked by gubernatorial powers under the All Hazards Emergency Management Act.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: [RESERVED]

(1) **“recommendations”**, statements which should guide programs of nursing in the development and direction of the program but which are not mandatory;

(2) **“regulation and policies”**, statements governing practice of the board of nursing in the approval of a program of nursing;

(3) **“requirements”**, conditions which any program of nursing shall meet to obtain approval.

S. Definitions beginning with “S”:

(1) **“shall”**, mandatory; a requirement;

(2) **“should”**, a suggestion or recommendation; not a requirement;

(3) **“simulation”**, an experience that imitates the real environment, requiring individuals to demonstrate the procedural techniques, decision-making, and critical thinking needed to provide safe and competent patient care;

(4) **“supervision of part-time faculty without ~~msn~~ a graduate degree in nursing”**, initial verification of instructor’s knowledge and skills in supervision of students in clinical settings, followed by periodic observation, direction and evaluation of instructor’s knowledge and skills related to supervision of students in clinical settings.

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[16.12.3.7 NMAC - Rp, 16.12.3.7 NMAC, 10/1/2016; A, 4/8/2021; A, 12/13/2022]

16.12.3.8 TYPES OF APPROVAL:

A. Initial approval:

(1) Initial approval shall be granted as outlined in numbers 16.12.3.11 NMAC “requirements for the establishment of new programs and 16.12.3.12 NMAC “minimum standards for nursing programs” of these rules. Initial approval is valid from the time granted through the graduation of the first nursing class.

(2) The program shall have initial approval prior to recruiting and enrolling students into the nursing program.

(3) Immediately preceding graduation of the first nursing class, an approval site visit shall be made by representatives of the board to determine compliance with “minimum standards for nursing programs” and for consideration of continued approval.

B. Initial approval with warning:

- (1) When a program fails to meet the minimum standard requirements with the initial graduating class then initial approval with warning will be granted.
- (2) The program must correct all the identified deficiencies of the minimum standards not met.
- (3) Initial approval with warning shall not exceed two years.
- (4) When a program fails to meet the minimum standards for nursing programs within two years, the program will be placed in conditional approval.

C. Full approval:

- (1) Full approval status shall be granted after the board verifies that the “minimum standards for nursing programs” have been met.
- (2) Full approval for a continuing period not to exceed ten years, shall be granted to nursing education programs if, in the opinion of the board, the program continues to demonstrate compliance with minimum standards for nursing programs.
- (3) National nursing accreditation.
 - (a) All currently board approved nursing programs shall achieve national nursing accreditation by January 1, 2018.
 - (b) New programs shall be required to achieve national nursing accreditation by two years after the graduation of the first cohort.
 - (c) Programs which have received accreditation from a board-recognized national nursing accreditation agency shall file evidence of initial accreditation with the board, and thereafter shall file notice of any change in program accreditation status and report from accrediting agency’s board of review; the board shall grant approval based upon evidence of such accreditation.
 - (d) Programs holding approval based upon national accreditation are also responsible for complying with “minimum standards for nursing programs”.
 - (e) Full approval for a continuing period not to exceed 10 years, shall be granted to nursing programs with full national nursing accreditation.
 - (f) Programs that do not meet or maintain this requirement will be placed on full approval with warning.
- (4) Ongoing approval status is assessed annually by the board and is based on information reported or provided in the program’s annual report, NCLEX exam pass rates, and information related to the minimum standards.
 - (a) An annual report which includes information regarding compliance with 16.12.3.12 NMAC minimum standards for nursing programs shall be submitted to the board by the nursing education program.
 - (b) The annual NCLEX pass rate for each nursing education program is determined by the percentage of first-time test ~~takers~~ takers who have graduated within three years and who pass the examination during the exam year, from January 1st through December 31st of the calendar year.
 - (i) Eighty percent of the first-time NCLEX candidates are required to achieve a passing score on the NCLEX examination during the exam year.
 - (ii) A program must submit corrections to any errors on the candidates reports within 90 days of the receipt of a report from the agency.
 - ~~[(ii)]~~ (iii) When a program fails to maintain a passing rate of eight percent of first-time candidates for one year, the program will receive notification from the board of nursing.
 - ~~[(iii)]~~ (iv) The program is required to submit a self-study report with corrective action to the board of nursing by June 1st of the calendar year.
 - ~~[(iv)]~~ (v) When a program fails to maintain a passing rate of eighty percent of first-time candidates for two consecutive calendar years the nursing education program will be granted full approval with warning.

D. Full approval with warning:

- (1) the program must correct all the identified deficiencies of the minimum standards not met;
- (2) nursing programs shall provide a corrective action plan (CAP);
- (3) full approval with warning shall not exceed two years;
- (4) any other discretion or conditions deemed necessary by the board may be imposed.

E. Conditional approval:

(1) The nursing education program shall be placed on conditional approval not to exceed two years when there is evidence of substantial non-compliance with the “minimum standards for nursing programs” as specified in these rules.

(2) When on conditional approval status, the nursing program shall cease admissions.

(3) The following situations are cause for review or a site visit by the board to determine if the minimum standards for nursing programs are being met:

(a) complaints relating to violations of the “minimum standards for nursing programs”;

(b) denial, withdrawal or change of program accreditation status by a board-recognized national nursing accreditation agency or general academic accreditation agency;

(c) failure to obtain board approval of changes that require approval of the board under “program changes”;

(d) providing false or misleading information to students or the public concerning the nursing program;

(e) violation of the rules 16.12.3 NMAC;

(f) continuous disruptions in retaining a qualified director or faculty, resulting in disorganization and breakdown of supervision and teaching of students;

(g) non-compliance with the program’s stated philosophy, objectives, policies, and curriculum resulting in unsatisfactory faculty/student achievement;

(h) failure to provide clinical experiences necessary to meet the objectives of the nursing program;

(i) less than a passing rate of eighty percent of first time writers of the national licensing examination for more than three consecutive calendar years or is on full approval with warning for two years and has not met the “minimum standards of a nursing programs” including maintaining an adequate pass rate;

(4) Conditional approval is not renewable. Failure to correct deficiencies within the designated time period will result in withdrawal of approval and involuntary closure of the program by the board. Full approval status shall be granted after the board verifies through a site visit that correction of deficiencies have occurred within the designated time period.

(5) The board may deny approval or withdraw approval of a nursing education program that does not meet the “minimum standards for nursing programs.”

[16.12.3.8 NMAC - Rp, 16.12.3.8 NMAC, 10/1/2016; A, 4/8/2021; A, 12/13/2022]