

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 725

*An Act to amend and reenact §§ 2.2-2679 and 23-9.6:1 of the Code of Virginia, relating to the supply and demand for nurses in the Commonwealth.*

[H 2818]

Approved March 19, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2679 and 23-9.6:1 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-2679. (Effective until July 1, 2006) Advisory Council on the Future of Nursing in Virginia created; membership; compensation; chairman and vice chairman.

A. The Advisory Council on the Future of Nursing in Virginia, hereinafter referred to as the "Advisory Council," is hereby established to ~~assist the Secretaries of Education and Health and Human Resources in developing~~ develop recommendations to resolve issues pertaining to nurse education, recruitment, and retention. *The Advisory Council on the Future of Nursing in Virginia shall report such recommendations to and cooperate with the State Council of Higher Education for Virginia and the Board of Nursing in the development of a strategic statewide plan to ensure an adequate supply of nurses.*

B. The Advisory Council shall consist of no more than ~~twenty-four~~ 24 members as follows: the Secretary of Education or his designee, the Secretary of Health and Human Resources or his designee, the chairman of the Board of Nursing or his designee, and the chairman of the Board of Health Professions or his designee; and ~~twenty~~ 20 members to be appointed by the Governor as follows: one representative of the Virginia Nurses Association; one representative of the Virginia Council of Nurse Practitioners; one representative of the Virginia Organization of Nurse Executives; one representative of the Directors of Long Term Care Nurses; one representative of Emergency Nurses Association of Virginia, Virginia Council of Operating Room Nurses or the Virginia Chapter of the American Association of Critical Care Nurses; one representative of the Virginia Partnership for Nursing; one representative of the Virginia Licensed Practical Nurse Association; one representative of the Association of Certified Nurse Aides; four nurse educators, including one representative of the Virginia Health Occupations Education Association, one representative of an academic health center, one representative of the Virginia Association of Colleges of Nursing, and one representative of the Virginia Council of Associate Degree Nurse Educators; and one representative of the Medical Society of Virginia; one representative of the Old Dominion Medical Society; two representatives of the Virginia Hospital and Healthcare Association; two representatives of the Virginia Health Care Association; and two citizen members.

C. Initial appointments by the Governor shall be as follows: ~~ten~~ 10 members for two-year terms and ~~ten~~ 10 members for one-year terms. Thereafter, all appointments shall be for terms of two years, except that appointments to fill vacancies shall be for the unexpired terms. No appointed members shall be eligible to serve for or during more than four successive two-year terms; however, after the expiration of a term of one year or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, four additional two-year terms may be served by such member if appointed thereto.

D. The Governor shall select a chairman and a vice chairman from among the Advisory Council's members.

E. All members appointed by the Governor shall be reimbursed for their necessary expenses incurred in the performance of their duties.

**§ 23-9.6:1. Duties of Council generally.**

In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall have the duty, responsibility and authority:

1. To prepare plans under which the several state-supported institutions of higher education of Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every four years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. To review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until ~~thirty~~ 30 days after

adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. To study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. To review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors.

5. To review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. To review and require the discontinuance of any academic program which is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth. As used herein, "academic programs" includes both undergraduate and graduate programs. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any academic program. No such discontinuance shall become effective until ~~thirty~~ 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. To review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education which such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions, whether located on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution which has been created and established by the General Assembly.

8. To develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate.

9. To develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program which complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

10. To develop in cooperation with the appropriate state financial and accounting officials and to establish uniform standards and systems of accounting, record keeping and statistical reporting for the public institutions of higher education.

11. To review biennially and approve or disapprove all changes in the inventory of educational and general space which any public institution of higher education may propose, and to make a report to the Governor and the General Assembly with respect thereto. No such change shall be made until ~~thirty~~ 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

12. To visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

13. To provide advisory services to private, accredited and nonprofit institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, on academic, administrative, financial and space utilization matters.

The Council may also review and advise on joint activities, including contracts for services between such public and private institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

14. To adopt such rules and regulations as the Council believes necessary to implement all of the Council's duties and responsibilities as set forth in this Code. The various public institutions of higher education shall comply with such rules and regulations.

15. To issue guidelines consistent with the provisions of the federal Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

16. To develop and revise, as it deems necessary, in consultation with the Coordinator of Emergency Management, a model institutional crisis and emergency management plan for the purpose of assisting public and private two-year and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities.

17. To require that each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An institution may provide for the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event an institution closes, or has its approval to operate in the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student to his own transcripts; nor shall this section authorize disclosure of student records except as may otherwise be authorized by law.

*18. To develop, in cooperation with the institutions of higher education, the Board of Nursing, and the Advisory Council on the Future of Nursing in Virginia, a strategic statewide plan to ensure an adequate supply of nurses. The Council shall recommend to the Governor and the General Assembly such changes in public policy as may be necessary to meet the state's current and future need for essential nursing services.*

In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties and responsibilities.