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SENATE BILL NO. 517

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions on February 21, 2012)

(Patron Prior to Substitute—Senator Wagner)

A BILL to amend and reenact § 54.1-3014 of the Code of Virginia, relating to nursing education programs; due process.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3014 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3014. Survey of nursing education programs; discontinuance of program; due process requirements.

A. The Board shall, through its administrative officer or other authorized representative, survey all nursing education programs in the Commonwealth as necessary. Written reports of such surveys shall be submitted to the Board. If the Board determines that any approved nursing education program is not maintaining the required standards, notice in writing specifying the deficiencies shall be immediately given to the institution conducting the program.

B. Following an informal fact-finding proceeding held pursuant to § 2.2-4019, at which the Board places a program on conditional approval with terms and conditions that include a restriction on enrollment in a nursing education program:

1. The Board shall state in its order or decision letter the specific violations of law or regulation and the factual basis for each violation with sufficient specificity to inform the program of the basis for the decision so that the nursing education program may take corrective steps to address any identified violations.

2. A program subject to any term or condition set forth in an order or decision letter entered by the Board that constitutes a restriction on enrollment for a nursing education program shall have 30 days from the entry of the Board's order or decision letter to request a formal hearing pursuant to § 2.2-4020, and any term or condition restricting enrollment shall be stayed upon receipt of such request within 30 days from the Board's entry of its order or the decision letter. If a nursing education program does not request a formal hearing as provided in this section within 30 days of the entry of the Board's order or decision letter, the term or condition that constitutes a restriction on enrollment in a nursing education program shall be effective immediately.

3. Following a formal hearing held pursuant to § 2.2-4020, the order or decision letter of the Board shall identify the factual basis of any finding that the nursing education program's information presented at the formal hearing was insufficient to demonstrate compliance with the law or regulations of the Board.

4. If an order of the Board entered following a formal hearing held pursuant to § 2.2-4020 provides that the program is to continue on conditional approval with terms or conditions involving a restriction on enrollment, the program shall be advised of the right to appeal the order or decision letter to the appropriate circuit court in accordance with § 2.2-4026 and Part 2A of the Rules of the Supreme Court of Virginia.

5. Any restriction on enrollment shall be limited to one year.

Following the expiration of the restriction on enrollment, if the Board determines that the specific violations that led to the restriction on enrollment have not been remedied, it shall provide the nursing education program with written notice pursuant to § 2.2-4019 to appear for an informal fact-finding proceeding with an opportunity to present evidence of compliance before the Board.

C. A program which that fails to correct these deficiencies to the satisfaction of the Board within a reasonable time shall be discontinued after a hearing in which such facts are established.

D. The Board shall provide to a nursing education program any written complaint or written summary of a verbal complaint related to the program when any administrative request for information is initiated or subpoena issued.

E. In addition to the program director, a nursing education program may designate one or more persons with whom the Board shall communicate for purposes of providing official notices, obtaining information, and responding to requests for information regarding the nursing education program; such persons need not be licensed nurses and need not maintain their primary place of business at the same address as the nursing education program.

HOUSE SUBSTITUTE

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