Significant Legislative Rule Analysis

WAC 246-840-533
Rules Concerning Preceptors and Proctors in Nursing Education

November 14, 2018
SECTION 1:
Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The Washington State Nursing Care Quality Assurance Commission (commission) received a petition on January 11, 2018 to defer decision making on the commission’s draft Advisory Opinion Preceptor Experience in Nursing Education Programs (No.ED.01.01) and to repeal WAC 246-840-533. In response to the petition, the commission voted to open WAC 246-840-533 for continued stakeholder discussion and consideration of rule amendments to enhance student learning opportunities.

According to WAC 246-840-533, preceptors may be used to enhance clinical or practice-learning experiences after a student has received instruction and orientation from program faculty who assure the student is adequately prepared for the clinical or practice experience. The proposed amendments to WAC 246-840-533 establish and enforce minimum qualifications for preceptors and proctors when utilized in nursing education programs.

The proposed amendments to WAC 246-840-533 would improve nursing student access to qualified preceptors for the purpose of gaining clinical nursing experience and reduce barriers for qualified individuals to act as a preceptor. Reducing barriers and improving access to clinical experiences, prior to graduating from a nursing education program, contributes to better prepared nurses upon licensure and the protection of the public. A nursing shortage within the healthcare system has been occurring at the state and national levels over the last several years. The proposed amendments to the rule would assist in addressing the nursing shortage by more rapidly increasing the pool of qualified nurses in the state.

Apart from the requirement changes included in the proposed rule, the commission is also proposing definitions and reorganization of rule structure for improved clarity. The addition of definitions, strengthened language, and reorganization of rule structure is intended to reduce confusion regarding preceptor and proctor qualifications in nursing education programs.

SECTION 2:
Is a Significant Analysis required for this rule?

Yes. The proposed rule requires significant analysis as described in RCW 34.05.328(5)(c)(iii)(C) because it makes significant amendments to a policy, or regulatory program.

SECTION 3:
Clearly state in detail the general goals and specific objectives of the statute that the rule implements.
RCW 18.79.010 provides the overarching goal that the commission must regulate the competency and quality of professional healthcare providers under the commission’s jurisdiction by establishing, monitoring, and enforcing qualifications for licensure, nursing practice, continuing competency, and discipline. RCW 18.79.110 grants the commission authority to develop, adopt, and implement rules that promote the delivery of healthcare by licensed practical nurses, registered nurses, and advanced registered nurse practitioners to all residents of Washington State. The proposed amendments to WAC 246-840-533 meet the intent of the statutory goals by establishing and enforcing minimum qualifications for preceptors and proctors when utilized in nursing education programs. Providing the state of Washington with an increased training pool of nurses, while concurrently maintaining minimum requirements, serves to protect the delivery and safety of healthcare in the state.

The proposed rule implements the goals and objectives of the statutes referenced above by:

- Establishing a framework, structure and guidance for preceptors and proctors to be utilized in nursing education programs to enhance student learning objectives and provide clinical experience.
- Establishing minimum standards and qualifications for preceptors and proctors in nursing education.
- Establishing a framework and minimum standards for nursing education programs to follow when utilizing preceptors and proctors, to ensure student learning objectives are met.
- Meeting the commission’s overarching goal of protecting the public’s health and safety by providing the state of Washington with a qualified and competent nursing workforce.

SECTION 4:

Explain how the commission determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

The commission is required by RCW 18.79.110(2) to establish minimum standards for nursing education programs preparing individuals for licensure as licensed practical nurses, registered nurses, and advanced registered nurse practitioners. Although the commission does not require the use of preceptors or proctors in nursing education programs, many programs utilize preceptors and proctors as a method of providing students with some of the clinical nursing experience required in WAC 246-840-531. The goals and objectives of the statute are met by providing clearly written and appropriate rules, relating to the minimum standards for nursing education programs to follow when utilizing preceptors and proctors to enhance nursing student clinical experience. Since preceptors are not educationally and experientially prepared as faculty, minimum qualification standards help protect the public.

The current nursing shortage has contributed to a reduction in available clinical practice experiences for nursing students. The proposed amendments to the rule reduce barriers for
students in accessing qualified preceptors, while adequately preparing future nurses and addressing the nursing shortage. Minimum standards for preceptors and proctors in nursing education programs are necessary to protect the public and the nursing students throughout their clinical experiences.

An alternative to rulemaking would include denying the rules petition received by the commission and not engaging in the consequential rulemaking process. Denying the petition would not have addressed the stakeholder concerns with current rule requirements and the commission would not have had the opportunity to explore concerns and examine the barriers within the current rule. The consequences of not adopting the rule could contribute to ongoing challenges in finding adequately prepared preceptors for nursing student clinical experience opportunities.

SECTION 5:
Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

Description of current rule: WAC 246-840-533 currently outlines the minimum requirements for nursing preceptors, interdisciplinary mentors, and proctors in nursing education programs. Current rule requires a nursing preceptor to have at least two years of experience in the specialty area for which the student is preparing and a nursing preceptor used in advanced registered nursing education programs is able to precept only one student at a time.

Description of proposed rule: The proposed amendments to WAC 246-840-533 incorporate reorganization of the rule based upon stakeholder feedback. Throughout the rulemaking workshops, several stakeholders expressed confusion related to the interpreted meaning of a “nursing preceptor”, an “interdisciplinary mentor”, and a “proctor”, due to the lack of definitions found in chapter 246-840 WAC. Since the terms apply explicitly to WAC 246-840-533, the commission determined it would be appropriate to add definitions for the purpose of adding clarity to the rule.

Stakeholders identified concerns with the applied use of “interdisciplinary mentors” and the interpretation of WAC 246-840-533(5)(a) within nursing education programs. Stakeholders expressed the importance of interdisciplinary clinical education experiences within nursing education and how the term “preceptor” is more appropriate than “mentor” for the type of clinical experience being offered. To address this concern and inconsistency within the current WAC, the commission proposed amending the nursing educational experiences to include only “nursing preceptors”, “interdisciplinary preceptors”, and “proctors”. This proposed reorganization of the rule allows for simplification and a reduction in uncertainty among nursing education programs.
Apart from the proposed reorganization of the rule, the commission is proposing the following amendments:

- Reducing the minimum requirement for preceptor experience in the specialty area from two years to at least one year.
- Increasing the preceptor to student ratio to no more than two students assigned to one preceptor for all levels of education.

**Cost/Benefit of the proposed rule:** There are no costs associated for nurses to comply with the proposed rule. The proposed rule amendments would reduce barriers, improve access to student nursing clinical experience, and contribute to patient safety by better preparing nursing students with clinical experience. The proposed rule amendments would contribute to an increase in a proficient and safe nursing population, ultimately meeting the commission’s goal of providing a competent nursing workforce to address the healthcare needs of the Washington State population. Improving the efficiency of nursing education programs to produce clinically prepared future nurses meets the overarching intent of the commission described in RCW 18.79.010.

The commission does not require nursing education programs to utilize preceptor and proctor clinical experiences for nursing students, but many nursing education programs find these experiences to be invaluable. The current nursing shortage has negatively affected the nursing education program staffing levels and the availability of clinical nurse educators. Preceptor and proctor clinical experiences help fill the gap and provide students with an opportunity to learn from individuals currently working in the healthcare field. Since preceptors and proctors are not educationally and experientially prepared as faculty, minimum qualification standards determined by the commission help protect the public.

**SECTION 6:**

Identify alternative versions of the rule that were considered, and explain how the commission determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

WAC 246-840-533 was opened by the commission in response to a rules petition received from stakeholders in which concerns were outlined regarding burdensome requirements within the rule. Reducing the burdens imposed on the nursing education programs responsible for producing the future nursing workforce aligns with the commission’s goal to increase the nursing pool population in the state. The commission worked closely with stakeholders to minimize the burden of these rules, beginning with rulemaking workshops to review the content of the rule in its entirety.

To encourage public participation, comment, and engagement in the rule process, four stakeholder meetings were held around the state. Each meeting had a webinar option for individuals to attend remotely to improve ease of access. The commission listened to stakeholder concerns and proposed amendments to address each barrier identified in rule. The proposed
amended requirements for preceptors and proctors in nursing education programs strike a balance between reducing burdensome requirements, while still protecting the public.

Alternatives Considered

Alternative A – No change in rule.

Alternative A would not have taken into consideration the concerns felt by stakeholders, students, nursing programs, and the individuals who petitioned the rule to be open to reduce burdens and improve clarity of rule.

Alternative B – Change the required years of experience needed for a qualified preceptor from two years to one year, but not change the preceptor to student ratio (1:1).

Alternative B would have addressed the burden of required experience being too high, but would not have addressed the concern that a preceptor is capable of supervising more than one student at a time. Both requirements were expressed as the largest two burdens on finding qualified preceptors in nursing education programs. Not amending the preceptor to student ratio would result in a continuation of lacking access to qualified and willing preceptors for nursing students.

SECTION 7:

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take action that violates the requirements of federal or state law.

SECTION 8:

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

SECTION 9:

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

SECTION 10:
Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

There are no other applicable laws.