
 TEXAS TECH UNIVERSITY  
HEALTH SCIENCES CENTER  
School of Nursing

**Buyer Beware: Interstate Issues  
Impacting Nurse Practitioner  
Education**

April 25<sup>th</sup> 2015



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**Purpose**

- Purpose: Provide the background leading up to the issues with state authorization and provide essential information that your program needs to know prior to accepting out of state students into hybrid or distance education nurse practitioner programs.



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**Overview**

- Background
- Levels of Regulation
- State Authorization Overview
- State Authorization Requirements
- Obtaining State Authorization
- Database Management



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**Background**

- Department of Education State Authorization Rule
  - 2010– Rule 34CFR 600.9(c): Distance education institutions must meet state requirements and document to Secretary of State
  - All types of distance education: Public, private profit and non-profit
  - 2011– US District Court vacated part of rule 600.9(c)
  - DOE could not enforce state authorization rules
  - Good faith effort until 2014.... Still waiting further clarification



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**Background**

- 600.9(a)– States must have adequate approval and complaint process
  - School has burden of proof of compliance
- 668.43(b)– Student disclosure rule
  - All state approval documents available to DOE and students
- 668.71– Ban any “substantial misrepresentation”
  - Status of state authorization, 100% correct, sanctions from warning up to losing Title IV funding



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**Levels of Regulation**

- Federal
- Accrediting bodies– School plus program
- State Department of Education
- State professional licensing boards



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**Unique Requirement of Physical Presence**

- Physical address/site within the state
- Faculty living within state
- Clinical activities/residencies/internships
- Local advertising
- Recruiting activities



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**What About State Authorization Then?**

- Education from the start was not treated as interstate commerce (which falls under federal domain)
- States rights
- Licensure largely a state issue
- Distance Education has opened the envelope on this issues
- States have the right to develop standards for programs operating within their borders– widely vary from state to state



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**Common State Requirements**

- Faculty Vetting/Credentialing
- Faculty State Licensure
- Workers Compensation/Malpractice for students
- Bonds
- Education board approval
- Nursing board approval
- Any other requirement the state wants!
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**Obtaining State Authorization**

- What states do you need authorization in based on program needs?
- Read rules/guidance first
- Initial contact– email, application, one person in charge of contacting state
- Length of time to obtain initial approval
- Method to update as legislation changes



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**Obtaining State Authorization**

- Website correctly/prominently displays current state authorizations
- Process in place if students move during the program
- Designated faculty for out-of-state
- May be cost prohibitive/time intensive to obtain authorization in all states



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### Database Management

- Requirements, approval, pending status, renewal dates/requirements
- Best if listed by state and program
- Either single person or very small group in charge of database management and access
- Can manage in-house or use available professional state authorization management service



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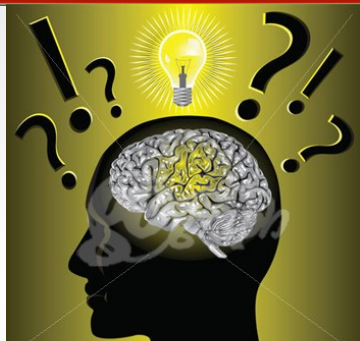
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### Questions



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