

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, 6905, 6906, 6910, 6911 of the Education Law and Chapter 134 of the Laws of 2023

1. Section 52.12 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 52.12. Nursing.

(a) Definitions. As used in this section:

(1) *Clinical education or clinical training* shall mean planned practice-based learning experiences designed for the purpose of developing proficiency in the provision of safe and effective patient care, specific to the role and level of licensure or certification that the program leads to and shall adhere to the standards of this section. Simulated experience which meet the requirements of this section is a form of clinical education or clinical training.

(2) *Simulation experience* shall mean planned learning experiences that represent actual or potential situations in clinical nursing practice and shall adhere to the standards of this section. Such learning experiences allow participants to develop or enhance clinical nursing competencies and provide an opportunity to analyze and respond to realistic situations in a simulated environment.

(b) *Programs* [which prepare for admission to licensing examinations] *that meet the education requirements for licensure as a registered professional nurse or licensed practical nurse.*

(1) The curriculum for a program [preparing for admission to the licensing examination for] that meets the education requirements for licensure as a registered professional nurse shall meet the following standards:

(i)

(ii)

(iii)

(2) The curriculum for a program [preparing for admission to the licensing examination for] that meets the education requirements for licensure as a licensed practical nurse shall meet the following standards:

(i) The curriculum offered by an agency or institution other than a college shall be a minimum [or] of nine months in length.

(ii) The curriculum offered by a college shall be a minimum [or] of two semesters or the equivalent in length.

(3) Clinical [facilities] education.

(i) All programs registered under this subdivision shall include clinical education or clinical training that meet the conditions set forth in subdivision (d) of this section and shall include patient care experiences and/or exposures to patients/populations across the lifespan and continuum of care. This shall include, but not be limited to, experience with:

(a) adult patients in an acute care setting;

(b) pediatric patients;

(c) patients receiving treatment for acute and chronic psychiatric, behavioral, and/or cognitive conditions; and

(d) maternal/newborn, postpartum and/or pregnant patients.

(ii) subject to the approval of the department, a percentage of a program's total number of hours of clinical education may be met through simulation experience within the limits set forth in paragraph (2) of subdivision (d) of this section provided, however, that no patient/population experience required under subparagraph (i) of this paragraph may be met solely through simulation experience.

[A written contract or agreement shall be executed between the institution conducting the nursing program and the cooperating clinical facility or agency, shall be signed by the responsible officer or each party, and shall set forth the responsibilities of each party.]

[(b)] (c) Programs and courses in nursing other than those that prepare for [admission to a licensing examination] licensure.

(1) Nurse practitioner programs.

(i)

(ii)

(iii)

(iv) Curriculum. The curriculum shall include, in addition to the requirements of subdivision (c) of section 52.2 [(c)] of this [Title] Part:

(a) classroom and [supervised] clinical education designed to prepare nurse practitioners in the areas of diagnosis of illness and physical conditions and the performance of therapeutic and corrective measures within a specialty area of practice;

(b) ...

(c) a preceptorship experience, supervised by a nurse practitioner, certified nurse midwife, or physician practicing in the specialty area of the program, of at least one semester in length or its equivalent.

(v)

(2)

(3) Clinical nurse specialist education programs.

(i)

(ii)

(iii) Curriculum. The curriculum shall include, in addition to the requirements of subdivision (c) of section 52.2[(c)] of this [Title] Part, clinical [practice] education of at least five hundred hours which is supervised by a clinical nurse specialist, nurse practitioner or physician practicing in the specialty area of the clinical nurse specialist program.

(iv)

(d) Clinical Education.

(1) All programs registered under subdivisions (b) and (c) of this section for purposes of meeting the education requirements set forth in Article 139 of the Education Law shall include dedicated hours of clinical education or clinical training, or the equivalent, satisfactory to the department. Clinical education or clinical training shall:

(i) be planned and guided by program faculty sufficiently qualified to guide clinical education;

(ii) include experiential learning opportunities that require students to apply knowledge, skills, and judgment to the practice of nursing;

(iii) ensure each student has regular and substantive patient care experiences which shall include direct patient care and may also include indirect patient care experiences;

(iv) be of sufficient depth, breadth, and duration to ensure students have a reasonable opportunity to develop identified practice competencies necessary for safe and effective practice at the level of licensure or certification for which the program leads;

(v) ensure that each student, as a requirement for program completion, demonstrates proficiency in identified competencies through performance-based assessments assessed by program faculty;

(vi) be adequately supervised by program faculty and/or preceptors; and

(vii) include a written contract or agreement executed between the institution conducting the nursing program and any cooperating clinical facility or agency, which shall be signed by the responsible officer of each party and shall set forth the responsibilities of each party.

(2) Subject to the approval of the department, registered programs may deliver one-third of such clinical education or clinical training through simulation experience in accordance with the requirements of this subparagraph, provided however, nothing in this subparagraph shall reduce the minimum in-person or direct care requirements established by programmatic accreditors and certifying bodies. Simulation experience acceptable to the department for the purposes clinical education or clinical training shall:

(i) be designed, guided and supervised by program faculty and program staff with appropriate and relevant training, certification or accreditation, who may be assisted or

supported by experts in simulation, in a nursing skills or clinical simulation laboratory setting;

(ii) include continued professional development opportunities for program faculty and program staff in simulation methods and best practices;

(iii) utilize theory-based, evidence-based, and standards-driven pedagogy;

(iv) require active student engagement in guided skills practice with instructional feedback;

(v) include formative and summative assessments of well-articulated competencies appropriate to the role and responsibilities of the learner;

(vi) use various types of fidelity through equipment and practice to replicate substantial aspects of clinical nursing practice and utilize relevant equipment and technologies as appropriate to the desired learning outcomes;

(vii) maintain continued compliance with the standards of program registration;

and

(viii) respond to innovations or emerging educational needs, pursuant to regulation.

(3) Expedited process for requesting approval to implement simulation experience pursuant to subparagraph (2) of this section.

(i) Registered programs seeking to implement simulation experience as described in paragraph (2) of this subdivision shall submit a request for a curriculum change to the department.

(a) The curriculum change form used for this purpose shall be prescribed by the department and shall include the following information:

(1) a clear identification of the current number of clinical education or training hours by course and a brief description of how these hours are delivered; and

(2) the number of proposed hours of clinical education that will be met through simulation by course and a brief description of how those hours meet each of the requirements set forth in this section.

(b) For programs that are not in substantial compliance with department program requirements, the department may request additional information and materials.

(ii) The department shall act upon a program's submission to implement simulation experiences within twenty business days of receipt of a complete and properly submitted form.

(4) Notwithstanding paragraph (2) of this subdivision, to meet a particular educational need as determined by the commissioner, the commissioner may approve that more than one-third of such clinical training or clinical education may be met through simulation experience.

(e) (1) All programs registered on or before November 11, 2023:

(i) shall have until November 11, 2024 to conform their existing clinical education to the requirements set forth in subparagraph (i) of paragraph (3) of subdivision (b) and paragraph (1) of subdivision (d) of this section; and

(ii) shall be eligible, beginning November 11, 2023, for approval to offer one-third of their currently approved clinical education hours through simulation experience pursuant to paragraphs (2) and (3) of subdivision (d) of this section.

(2) All new programs registered after November 11, 2023 shall meet all of the requirements for clinical education set forth in this section as a condition of registration.