

**Playing Nice:
Building Interagency
Relationships in the
Regulatory Arena**

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OVERVIEW



Virginia Postsecondary Education

- State Council of Higher Education (SCHEV) is the Commonwealth's coordinating body for higher education.
- Private and Out-of-State Postsecondary Education (POPE) is a division of SCHEV

The POPE Division

- Responsible for the certification of private and out-of-state postsecondary educational institutions operating in Virginia.
- Certifies and regulates 165 degree-granting institutions and 131 career-technical schools. (March 7, 2016)
- Statutory Authority: § 23-276.1 - 23-276.12 of the *Code of Virginia*
- Regulations: 8 VAC 40-31 et seq. of the *Virginia Administrative Code*

POPE Staff Responsibilities

- Approvals for new institutions
- Program approvals for existing institutions
- Conducting Compliance Audits



Carved Out Exemptions

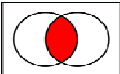


8VAC 40-31-60 (A)(3)

- Any nursing education program offered by a school to the extent that the program is regulated by the Virginia Board of Nursing.
 - Non-degree Practical Nurse Programs
 - The Virginia Board of Nursing approves nursing programs
 - regarding the adequacy of curricula and resources for preparing students to take the licensing examination.
- In order to offer a degree in nursing, a school must obtain SCHEV certification.

8VAC 40-31-60 (A)(4)

- Any program offered by a school that is subject to approval by a Virginia regulatory board or subject to approval by any other state or federal agency is exempt *unless the school is seeking degree-granting status.*



- Institutions that offer exempt and non-exempt programs must become certified
 - Esthetics school adds Massage Therapy program
 - Nurse Aide school adds Phlebotomy program

In addition to SCHEV...

- There are **more than 30** different boards or agencies
- Regulating licensed professions or have special requirements for training in **over 140 different occupations/professions.**



Examples of Virginia Regulatory Agencies

- Boards for Licensed, Certified, or Registered professions
 - Board of Nursing:
 - Practical Nurse, Registered Nurse, Massage Therapist
 - Board of Pharmacy:
 - Pharmacists, Pharmacy Technician
 - Board of Medicine:
 - Acupuncturist, Behavior Analyst, Surgical Assistant, Athletic Trainer
 - Board of Barbers and Cosmetology:
 - Cosmetologist, Esthetician, Nail Technician

Still More Regulation

- The US Department of Education
- Accrediting Agencies
- Veterans State Approving Agency
- Homeland Security, ICE, and SEVIS



Challenges of Multi-Agency Regulation



Challenges

Conflicting Regulations

- Board of Nursing (new) vs. SCHEV regulations (current)
 - Institutions wishing to offer Practical nursing (non-degree) required to obtain SCHEV certification prior to program approval by Board of Nursing
 - Board of Nursing subsequently added more stringent qualifications for administrators of nursing programs
- SCHEV requires a record of student academic or course progress, including programs of study, dates of enrollment, courses taken and completed, grades, and indication of the student's current status (graduated, probation, etc.) to be **retained permanently**.
- Virginia Board of Barbers and Cosmetology requires records of hours and performances showing what instruction a student has received for a **period of five years**...All records must be kept on the premises of each school

Challenges

Advisement

- Whose job is it to inform the schools of the many different regulatory requirements?
 - SCHEV's role as certifying agency
 - SCHEV's role in program approval

Challenges

Student Protections

- Regulatory Boards in Virginia do not have provisions for student protections.
 - Board of Pharmacy (Pharmacy Technicians)
 - Board of Nursing (Nurse Aides)
- Certified Institutions with combination of *exempt* and *non-exempt* programs:
 - Student protections must apply to all students regardless of program of enrollment. (refund policies)

Challenges

Realistic Expectations

- Impossible to know regulatory requirements for all other agencies.
- Institutions in Virginia must be in compliance with all federal and state requirements.
 - FYI <http://www.higheredcompliance.org/matrix/>



Two Stories

- Department of Health Professions:
 - The Board of Long-Term Care Administrators and SCHEV
- The Board of Dentistry, Board of Health, and SCHEV

Challenges

Who's In Charge?

- Accrediting agencies, Veterans State Approving Agency or SCHEV
- Accrediting agencies may have different requirements for faculty. (SCHEV is sometimes stricter)
- Accrediting agencies and the Veterans State Approving Agency may have different refund policies. (Sorting it all out can be difficult)

A Special Challenge in Virginia

Homeland Security



It is impossible to know what constitutes non-compliance with Homeland Security

Playing Nice When You Have No Choice

- The story of the US Department of Education, the Virginia Cosmetology & Barbering Schools, and SCHEV

Solutions



Solution

Changes in SCHEV Approvals

- Clearly provide explanation of expectations
- More detailed evaluations prior to approvals
 - Research
 - Collaboration

Solution: Sharing Information

- Accrediting agencies:
 - *Audit Reports, Correspondence*
- US Department of Education:
 - *Database of Accredited Postsecondary Institutions and Programs*
 - *Respond to inquiries from department*
- Veteran's Approving agency:
 - *Sharing feedback regarding particular schools*
 - *Audit reports, correspondence*
- Homeland Security
 - *Audit reports (only if applicable)*

Solution:

Heavy Lifting

- When SCHEV regulatory authority falls short, another regulatory agency may have helpful enforcement mechanisms that better protect the students
- DPOR and the Basic/Master esthetics programs
- When other agencies feel their regulations fall short, they depend on SCHEV
 - The Board of Nursing changed their regulations so all practical nursing schools need certification by SCHEV prior to being approved for nursing programs
 - Veterans State Approving Agency

Solution:

Building Relationships

- Regulatory Boards
 - Board of Nursing
 - Department of Professional and Occupational Regulation

Solution:

Quality Control

- SCHEV can vet institutions and programs for compliance with minimum standards.
 - Other agencies or boards might vet an individual program's curriculum.

Solution:

Establishing Sequence of Events

- NACCAS now relies on SCHEV certification prior to granting accreditation.
- Workforce investment boards require all institutions to have proof of SCHEV certification before being placed on the provider list.
- In most cases, institutions providing Veteran benefits must first obtain SCHEV certification.

Solution:

Training

- Homeland Security
 - SCHEV Request

Open Discussion

- What are the challenges in other states?
- How have other states met with these challenges?
