State Regulation of Cross-Border Distance Education

Review for the University of Alabama at Birmingham

Final State-by-State Results

July 13, 2012

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Executive Summary

This report presents Eduventures’ review and assessment of the University of Alabama at Birmingham’s current obligations, state by state, regarding compliance with state boards of education regulations. It also examines the University of Alabama at Birmingham’s exposure and risk of enforcement action in the form of financial penalties or cease-and-desist mandates from regulators in these states.

Eduventures has prioritized all of the states, taking into account each state’s regulations in relationship to the University of Alabama at Birmingham’s presence in the state. Based on key factors of each state’s requirements, Eduventures determined that:

- **Thirteen (13) states** should be considered “Highest Priority,” because they have very clear directives that the University of Alabama at Birmingham’s online or other activities in their state require a thorough and full-scale review, approval process, and/or licensure and because this process is lengthy, complex, time-consuming, or expensive.

- **Seven (7) states** are classified as “Very Important” because state approval is required, but the application process is less intensive.

- **Six (6) states** are labeled “Important,” because they require some kind of action—either for receiving exemption status or for receiving a determination for requirements.

- **Twenty-four (24) states** require no action from the University of Alabama at Birmingham under current regulations, based on its current educational activities.

- **Alabama** is not addressed in this report because the University of Alabama at Birmingham is already approved to operate in its home state.

Included in this report, you will find:

- State-by-State Summary of Prioritization
- Background and Review of Project
- Detailed Compliance Requirements for Each State
- Next Steps for Implementation to Achieve Compliance
State-by-State Summary of Prioritization

To identify the best strategy for undertaking compliance, Eduventures evaluated five factors we have determined are most important in deciding the priority of each state for the University of Alabama at Birmingham.

Key Factors Examined in This Analysis:

1. **Compliance**: Is the University of Alabama at Birmingham subject to regulatory oversight in a given state, based on its overall activity in that state?
2. **Burden**: How lengthy, complicated, expensive, or challenging is the application process required to obtain necessary approvals?
3. **Imminence**: What is the perceived risk (assessed by Eduventures) of near-term state enforcement of its particular regulatory requirements?
4. **Enrollment Compliance**: Does this state require out-of-state institutions to obtain authorization when the institutions enroll its students in purely online distance education?
5. **Practicum Compliance**: Does this state consider student engagement in internships, practicums, clinicals, or other “on-ground” experiential learning in the state to be a trigger for compliance requirements?

The following table provides the University of Alabama at Birmingham with Eduventures' assessment of the priority of each state. It is important to note that many states remain focused on regulation of higher education within their state, with some recently clarifying their obligations and responsibilities. New announcements, additional details, and changes are still coming out, although less frequently than even several months ago. All information is subject to change. Eduventures continues to monitor this issue closely.
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<th>UAB Subject to Compliance</th>
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<th>Risk of Enforcement</th>
<th>Enrollment Trigger</th>
<th>Practicum Trigger</th>
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Highest Priority states warrant immediate attention from the University of Alabama at Birmingham to determine the best strategy for achieving compliance or identifying ways to remove the requirement for authorization.

Very Important states deserve timely consideration with respect to the University of Alabama at Birmingham’s decision to pursue compliance in these states or adjust their activities in a way that would achieve compliance.

Important states require attention and consideration at some point, although compliance requirements in these states are straightforward enough that a strategic decision may not be required.

No Action is necessary in states labeled in green.

* The application is considered lengthy/expensive if it requires several pages of detailed information (>5) or involves a number of different steps, or both, in comparison to simply filing an application based on readily available information – or if the fees are extremely high (e.g., in the thousands) compared to most states.

** The triggering activity for states marked with a double asterisk is advertising.

*Italic* indicate states that do not regulate out-of-state public institutions or that consider these institutions exempt from needing approval.

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Background and Review

With the October 29, 2010, announcement of its Program Integrity Rules, the U.S. Department of Education (DOE) shined a spotlight on the issue of state regulation of the delivery of education. Although states have held a longstanding and important role in regulating postsecondary education delivered to their residents, educating has historically been done only by institutions physically located within their states. The advent of online delivery of education across state borders did not raise awareness of state statutes and codes concerning education delivered through non-traditional means, but rather brought with it a collective disregard for the fact that this type of delivery might place a school under the jurisdiction of other states' laws and their specific regulations and requirements. The U.S. DOE announcement made clear that it would hold colleges and universities accountable for complying with the individual regulatory requirements of each state in which they operate, even when a school conducts online education only. Follow-up “Dear Colleague” letters from the DOE relaxed the deadline for compliance to July 1, 2014, but made clear that it reserved the right to disqualify an institution from receiving Title IV funds if the institution could not demonstrate good faith effort and progress toward complying with state regulations by July 1, 2011.

In this climate, the University of Alabama at Birmingham sought assistance from Eduventures, which has followed this issue closely since October 2010 when this requirement emerged from the negotiated rule-making process, to determine the best way to come into compliance. Since that time, a court vacated this state compliance provision (known as C.F.R. § 600.9(c)) based on a process violation, removing (for the time being) the ability for the DOE to restrict access to Title IV funding based on this requirement. The DOE has since appealed this ruling.

In the meantime, interest and support have been building for the development of state reciprocity agreements for the regulation of cross-border online and distance education. The Lumina Foundation has funded an effort by the President's Forum and the Council of State Governments to develop a model state reciprocity agreement that would identify reasonable and necessary standards for states and institutions and suggest a process for states to adopt, leaving the burden of institutional oversight and approval to each institution's home state. The goal of the reciprocity agreement model would be to protect consumers while reducing approval process time, effort, and expense for states and institutions. A draft of the agreement was published in April 2012, and another draft is expected in Fall 2012. States could potentially begin adopting the final reciprocity agreement model in 2013.

While higher education institutions await the result of the DOE's appeal and the development of state reciprocity agreements, Eduventures believes that schools with a significant investment in distance learning, particularly in certain states, should still move diligently to come into compliance in those states where the need for authorization is clear. As we have pointed out in the past, there is the possibility, with DOE enforcement now uncertain, that states might feel obligated to pursue enhanced enforcement on their own, knowing that ignorance among the schools is no longer an excuse for non-compliance, and concerned that lack of enforcement could be perceived by schools as a free pass in their state. “Due diligence” is still, in Eduventures' opinion, the prudent course of action to minimize school liability.
There is a considerable burden on schools, including the University of Alabama at Birmingham, to (1) investigate, research, and fully identify each state’s individual requirements; (2) determine exactly which requirements apply to their institutions; and (3) execute a plan of action to comply by submitting the various applications, documents, and fees. The University of Alabama at Birmingham engaged Eduventures to conduct a review of all state regulations, alongside an analysis of the University of Alabama at Birmingham’s activities and presence in each state, to develop an action plan for becoming fully compliant with all relevant state regulations.

The University of Alabama at Birmingham has an impressive online education footprint that extends into 43 states outside Alabama. These 650+ enrollments are fueled primarily by the School of Nursing’s online programs, but new growth is expected to come from the School of Business’s recently launched and soon-to-be-launched online offerings.

By examining the University of Alabama’s enrollments and activities in each state, Eduventures determined that UAB must seek approval to operate in 20 states. Most of these approvals are triggered by students in those states being required to complete a practicum or clinical experience as part of their degree program. These activities are considered by many states to constitute “physical presence” or “operating” within their borders even when all other in-state activity occurs online. In some states, the University of Alabama at Birmingham’s status as a public institution renders it exempt from authorization or beyond the states’ regulation, but most states do not differentiate between out-of-state public and private institutions in their authorization requirements.

The University of Alabama at Birmingham’s efforts to understand and meet its compliance requirements are important not only for showing good-faith effort toward compliance, thus satisfying the Department of Education’s recommendations, but also for supporting UAB’s planning for the growth of its online programs. Eduventures emphasizes that its action plan for the University of Alabama to achieve state compliance is a work in progress and that the information contained in this report is an assessment of state regulations at this point in time, reflecting both where states are in their development and enforcement of regulations and the University of Alabama at Birmingham’s current online footprint. But the University of Alabama at Birmingham can also use the information from this report to have a better understanding of what approvals and fees will be required in states where UAB wishes to extend or expand its online enrollments. The report should be used whenever strategic discussions about UAB’s online presence take place.

Because of the number of online nursing enrollments and due to the School of Nursing’s growing concerns, Eduventures has also investigated program approval requirements in each state for nursing education and licensure. Although, as a general rule, state Boards of Nursing recognize applicants who are graduates of accredited out-of-state nursing education and degree programs (or of programs approved in their home state), there has been some movement by Boards of Nursing to more carefully regulate online nursing programs and their required clinical experiences. Eduventures has contacted each state’s Board of Nursing on this issue and found that, as with higher education regulation in general, policies vary greatly. Whenever possible, Eduventures has included specific information from the Boards of Nursing. However, because this issue is just beginning to emerge for most state boards,
Eduventures recommends that the University of Alabama at Birmingham’s School of Nursing reach out to state Boards of Nursing whenever enrolling or seeking to enroll students in new states. This recommendation was confirmed by the National Council of State Boards of Nursing, which encourages Schools of Nursing to contact the State Boards before enrolling students because, many times, the Board of Nursing learns about an online/distance program through complaints from other in-state programs. Eduventures has provided Board of Nursing contact information for each state to support the University of Alabama at Birmingham's efforts in this area.

The National Council of State Boards of Nursing is actually beginning to work on state regulation of distance nursing education as of this writing. The Council has formed a Distance Learning Committee, which aims to identify regulatory issues related to distance learning and to develop model rules for distance learning programs. The Committee will be working with the state Boards of Nursing and nursing educators and will be publishing its recommendations in a report to Council members in August 2013. That report will also be made public. Educators interested in the Committee’s work are encouraged to contact the National Council of State Boards of Nursing so they can be kept informed of upcoming conference calls.

**Project Overview**

Eduventures based its analysis of state regulatory requirements on a careful reading of the statutes and Administrative Codes of each state, as well as several authoritative industry sources. Much of this work is based on input provided from state regulators themselves, either directly to Eduventures or through other authoritative industry sources, particularly the State Higher Education Executive Officers (SHEEO) state authorization survey of state agencies. Eduventures will continue to monitor all new information and provide the University of Alabama at Birmingham with regular updates as changes in state requirements are published.

Information on the University of Alabama at Birmingham’s educational activities and presence (“footprint”) in each state was determined based on information provided directly by the institution – either electronically or via phone discussions with each UAB school offering online programs. Every effort was made to seek relevant input from the University of Alabama at Birmingham, although no warranty can be made by Eduventures that we obtained an accurate and complete footprint for the University of Alabama at Birmingham.

Starting with our understanding of the different states’ requirements, we looked at the University of Alabama at Birmingham’s specific footprint in each state, to assign a level of priority to each state.
Considerations

Exemptions: Throughout this report, Eduventures has taken into account the various exemptions granted by each state. Most states extend a number of boilerplate exemptions that include military base installations, as well as religious, corporate-sponsored, and union- or trade-sponsored offerings. A few states accept DOE-recognized accreditation, home-state authorization, or other broad qualifiers as an exemption from their jurisdiction. A select few also extend exemption to out-of-state public institutions. These are all noted where applicable.

Economic Feasibility: Where relevant and feasible, explicit economic considerations and requirements have been included, namely application fees, licensing fees, renewal fees, and any surety or bond required by the state. While it is beyond the scope of this analysis to fully evaluate the economic feasibility of coming into compliance (vs. ceasing operations in a particular state), data are provided that will assist the University of Alabama at Birmingham in this effort.

Future Planning: Whenever possible, Eduventures has provided information about approval processes and fees in states where the University of Alabama at Birmingham currently does not need approval or has no enrollments or physical presence. This information should assist UAB and its schools as they plan for the future and growth of their online programs.

Strategic Implications

In each state in which it faces compliance burdens, the University of Alabama at Birmingham has a strategic decision to make as to whether to comply with state regulations or to curtail or adjust its educational activities in that state. Eduventures has identified a few states for which the University might find this decision to be more straightforward:

- Even with 150 online enrollments in Georgia, the University of Alabama at Birmingham must apply for authorization due solely to its advertising in the state for the School of Public Health. The Georgia application process is one of the most involved and expensive of all the states. There is also a high risk of enforcement. The University of Alabama at Birmingham may want to reconsider its advertising plans to avoid the need for authorization.
- In two of the most "notorious" states for approval effort and high fees – Minnesota and Massachusetts – the University of Alabama at Birmingham has only three online students (although UAB also has a faculty member in Massachusetts). Action is necessary in these states due simply to UAB’s enrollments. The University of Alabama at Birmingham should determine what it wants its future in these states to be, particularly in Minnesota, and plan accordingly.
- In West Virginia, the University of Alabama at Birmingham has only one student (enrolled in the Low Vision program). Because that program requires a practicum, UAB must seek full approval in the state. Although not considered one of the most difficult states, West Virginia’s approval process is not straightforward. UAB and the School of Health Professions should consider
whether the effort toward compliance is worth the value it receives from one student – and perhaps avoid enrolling West Virginia residents in programs requiring a clinical/practicum or work to expand the online presence in West Virginia to make the compliance effort more valuable.

- The same holds true for the state of Iowa, where the University of Alabama at Birmingham has enrolled three students. The need for approval in Iowa, which involves a $4,000 fee to secure approval for four years, is triggered by the clinical/practicum requirement for those students.

Eduventures stresses that the University of Alabama at Birmingham should always be thinking about and planning for the effort and expense of maintaining its approvals in the states where compliance is required.

**Next Steps**

Eduventures recommends that the University of Alabama at Birmingham:

1. Review this report to understand the scope, nature, and costs of the requirements it faces to come into compliance with state regulations based on its current activities.
2. Engage in additional scrutiny and evaluation of those states where internships, clinicals, and practicums trigger compliance requirements and the University of Alabama at Birmingham’s students engage in these activities.
3. Consider the benefits, drawbacks, and overall implications of making specific changes, either in individual states (such as hiring/termination of faculty) or program-wide (such as practicum requirements or details), on the University of Alabama at Birmingham’s immediate as well as future and ongoing compliance requirements.
4. Decide on a course of action for each state that will either bring the University of Alabama at Birmingham into full compliance with state regulations or minimize its exposure to enforcement action and/or penalty assessment from the state.
5. Continue to aggregate the data that will be required to apply for approval/licensure/registration in those states requiring this (the core of this information is similar although some states require a level of information comparable to an accreditation review) and save the data in the secure FTP site that Eduventures has created for UAB.
6. Develop a state-by-state action plan and assign the resources for completing and submitting the required applications/questionnaires/letters or other information to each state – *Eduventures can help the University of Alabama at Birmingham with this.*
For More Information

You may contact Gerry DiGiusto, Vice President and Practice Leader, if you would like to discuss options for engaging Eduventures to assist in the University of Alabama at Birmingham’s efforts to come into compliance, or any other aspect of this report.

**Gerry DiGiusto, Vice President and Practice Leader**  
**Eduventures, Inc.**  
gdigiusto@eduventures.com or 857.221.9064
### Detailed Requirements for Each State

The following pages provide details on certain state’s requirements. Included on each page is the following information.

<table>
<thead>
<tr>
<th><strong>STATE REQUIREMENT:</strong> [ACTION REQUIRED]</th>
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</thead>
<tbody>
<tr>
<td>A description of the action required by the state, and commentary on how final and reliable the current directives are.</td>
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<table>
<thead>
<tr>
<th><strong>TRIGGERS FOR REQUIREMENTS:</strong></th>
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<tbody>
<tr>
<td>Specific characteristics, activities, and behaviors that determine regulatory requirement.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>REGULATED INSTITUTIONS:</strong></th>
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<tbody>
<tr>
<td>An overview of the state agency’s jurisdiction.</td>
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<table>
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<tr>
<th><strong>EXEMPTIONS:</strong></th>
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<tbody>
<tr>
<td>Where relevant, an overview of institutions that are exempt from regulations.</td>
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<tr>
<th><strong>PROCESS DETAILS:</strong></th>
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<tbody>
<tr>
<td>A detailed description of the steps necessary to come into compliance.</td>
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<thead>
<tr>
<th><strong>FEES: NON-REFUNDABLE</strong></th>
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<tbody>
<tr>
<td>The schedule of fees assessed by the state for applications and licensing/approvals.</td>
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<tr>
<th><strong>BOND REQUIREMENTS:</strong></th>
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<tbody>
<tr>
<td>Requirements, if any, for the posting of bond or surety as a condition for operating.</td>
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<thead>
<tr>
<th>HIGHEST PRIORITY</th>
<th>VERY IMPORTANT</th>
<th>IMPORTANT</th>
<th>NO ACTION NECESSARY</th>
</tr>
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</table>
University of Alabama at Birmingham

Detailed State Pages
**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments</td>
<td>2</td>
</tr>
<tr>
<td>Faculty</td>
<td>No</td>
</tr>
<tr>
<td>Practicums</td>
<td>Yes</td>
</tr>
<tr>
<td>Recruiting</td>
<td>No</td>
</tr>
<tr>
<td>Advertising</td>
<td>No</td>
</tr>
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</table>

**STATE REQUIREMENT: APPLY FOR EXEMPTION**

The University of Alabama at Birmingham does not need to obtain authorization for distance education offerings because, as a public out-of-state institution, it is considered to be exempt from authorization. However, the University of Alabama at Birmingham must formally apply for an exemption. Applicants for exemption must be accredited by an agency recognized by the United States Secretary of Education.

Alaska requires that all distance education or online programs exempt from authorization requirements include a conspicuous statement on all advertising in Alaska media, or specifically targeting Alaska students, indicating that the program is exempt from authorization as an online or distance delivered institution and does not have a physical presence in the state.

**TRIGGERS FOR REQUIREMENTS:**

If an institution has a physical presence in Alaska, it is subject to jurisdiction. “Physical presence” within the state is defined by:

- Facility (including hosting short-term face-to-face student seminars/conferences)
- Equipment (including servers)
- Faculty/staff (including recruiting agents and one-on-one tutors or mentors)

**REGULATED INSTITUTIONS:**

All postsecondary educational providers in Alaska

**EXEMPTIONS:**

Alaska provides exemptions for some educational providers offering:

- Only short programs no more than 80 hours in duration
- Programs that do not require a fee and do not result in any type of educational credential
- Programs offered solely for the provider's constituents that are unavailable to the general public

The state indicates in its SHEEO survey response that out-of-state public institutions are also eligible for exempt status.
**PROCESS DETAILS:**

Exemption status is determined by review, and only after submission of a complete application file. Only completed applications will be considered. The exemption application form is available here: [http://akadvantage.alaska.gov/Portals/0/00ExemptApp.pdf](http://akadvantage.alaska.gov/Portals/0/00ExemptApp.pdf)

Alaska Commission on Postsecondary Education (ACPE) staff will review the application to determine whether the University of Alabama at Birmingham’s programs meet the criteria for exemption or approval. Upon determination of status, UAB will receive a letter stating any findings within 10 business days. Exemption status must be renewed bi-annually.

Additional ACPE institutional authorization information can be found here: [http://akadvantage.alaska.gov/About_Us/Programs_and_Services/Authorization.aspx](http://akadvantage.alaska.gov/About_Us/Programs_and_Services/Authorization.aspx)

**FEES:  NON-REFUNDABLE**

An application fee of $100 is required for review of the application and verification of exempt status. There is no fee for bi-annual renewal of exemption status.

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham enrolls Alaska residents in its online nursing courses and programs, the University should contact the Alaska Board of Nursing for separate approval or to confirm that its programs meet the state’s standards:

- Alaska Board of Nursing
  - 550 West Seventh Avenue Suite 1500
  - Anchorage, AK 99501-3567
  - Phone: 907-269-8161 / Fax: 907-269-8196
  - [http://www.dced.state.ak.us/occ/pnur.htm](http://www.dced.state.ak.us/occ/pnur.htm)
## ARIZONA
State Board for Private Postsecondary Education
Teri Stanfill, Executive Director, 602-542-2399, Teri.stanfill@azppse.gov

<table>
<thead>
<tr>
<th><strong>THE UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 9</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Practicums: Yes</td>
</tr>
<tr>
<td>Admissions/Recruiting: No</td>
</tr>
<tr>
<td>Advertising: No</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>STATE REQUIREMENT: NONE, EXCEPT FOR BOARD OF NURSING</strong></th>
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<tbody>
<tr>
<td>The University of Alabama at Birmingham is not required to obtain approval or licensure in the state of Arizona because the state does not authorize or license public institutions.</td>
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<table>
<thead>
<tr>
<th><strong>TRIGGERS FOR REQUIREMENTS:</strong></th>
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<tr>
<td>“Operate” is defined by the Arizona state code as: “To establish, keep, maintain or utilize a physical facility, location or mailing address in this state where, from which or through which students are procured for private vocational or private degree programs, private vocational or private degree programs are offered or private vocational credentials or private degrees are offered or granted and includes contracting for the performance of any of these acts.” The state has indicated that having servers located in Arizona is a trigger for operating within the state.</td>
</tr>
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<table>
<thead>
<tr>
<th><strong>REGULATED INSTITUTIONS:</strong></th>
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<tbody>
<tr>
<td>All private (profit/non-profit) postsecondary educational institutions. Arizona does not regulate public institutions.</td>
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<tr>
<th><strong>EXEMPTIONS:</strong></th>
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<tbody>
<tr>
<td>Arizona exempts all religious degree-granting postsecondary institutions.</td>
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<tr>
<th><strong>PROCESS DETAILS:</strong></th>
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<tbody>
<tr>
<td>Not Applicable</td>
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<tr>
<th><strong>FEES: NON-REFUNDABLE</strong></th>
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<tr>
<td>Not Applicable</td>
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<tr>
<th><strong>BOND REQUIREMENTS:</strong></th>
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<tbody>
<tr>
<td>Not Applicable</td>
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</tbody>
</table>
ADDITIONAL INFORMATION:

Because the University of Alabama at Birmingham enrolls Arizona residents in its online nursing courses and programs, the University must contact the Arizona State Board of Nursing for separate approval, particularly of its clinical placements.

From a September 22, 2011, letter from the Arizona State Board of Nursing to out-of-state and distance nursing programs: "Generally pre-licensure programs must be approved by the AZ Board to offer clinical sessions in Arizona; advanced practice programs must be approved by the nursing regulatory body in the state of origin and students participating in clinical training in Arizona must be licensed or privileged to practice registered nursing in AZ."

R4-19-215. Distance Learning Nursing Programs; Out-of-State Nursing Programs
C. A nursing program, located in another state or territory of the United States, that wishes to provide clinical experiences in Arizona under A.R.S. § 32-1631(3), shall obtain Board approval before offering or conducting a clinical session. To obtain approval, the program shall submit a proposal package that contains:
1. A self study, describing the program's compliance with R4-19-201 through R4-19-206; and
2. A statement regarding the anticipated effect on clinical placements for students currently enrolled in an Arizona-approved nursing program.

Please contact:
Debra McGinty, Education Program Administrator
Arizona State Board of Nursing
4747 North 7th Street, Suite 200
Phoenix, AZ 85014-3655
Phone: 602-771-7800
Fax: 602-771-7888
http://www.azbn.gov
ARKANSAS
Arkansas Department of Higher Education
Zanette Douglas, Coordinator of Institutional Certification, 501-371-2012, zanette.douglas@adhe.edu

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 11
Faculty: No
Clinicals/Practicums: Yes
Recruiting: No
Advertising: No

STATE REQUIREMENT: APPLY FOR APPROVAL
As an out-of-state institution offering courses/degree programs customarily offered in colleges and universities to Arkansas students, the University of Alabama at Birmingham triggers the requirement to obtain certification from the Arkansas Higher Education Coordinating Board prior to offering such courses or degree programs.

Arkansas gives a very clear directive to out-of-state schools offering online education in their state, and clarified this position on April 1, 2011. Penalties for non-compliance could exceed $500 per day of violation.

TRIGGERS FOR REQUIREMENTS:
Offering any course or degree to residents of Arkansas.

REGULATED INSTITUTIONS:
All out-of-state and/or non-public institutions offering degree or certificate/diploma programs are required to be certified by the Arkansas Higher Education Coordinating Board (AHECB).

EXEMPTIONS:
Arkansas provides exemption of the usual “restricted” types of schools, such as those on military bases, with strictly religious, employer-affiliated, or trade-related affiliations. Also exempt are Arkansas public colleges and universities, and independent Arkansas institutions incorporated in Arkansas on or prior to April 7, 1975. Colleges and universities subject to coordination by the Arkansas Higher Education Coordinating Board may be exempt for licensing by the Arkansas State Board of Private Career Education.

PROCESS DETAILS:
To obtain certification, the University of Alabama at Birmingham must:
1. Submit a Letter of Notification/(Intent to submit proposals) signed by the chief academic officer of the institution (Form 1) to ADHE prior to submitting a formal application.
2. Submit a formal application that includes the following:
   a. Institution Information and Course/Degree Program Title

EDUVENTURES, INC. | 101 FEDERAL STREET | 12TH FLOOR | BOSTON, MA 02110 | 617.426.5622 | 617.204.9552 FAX | WWW.EDUVENTURES.COM
b. Description of College-Level Courses/Degree Programs

c. General Education Requirements for Associate and Baccalaureate Degree Programs
   (requirement is for institutions to follow the AHECB’s established general education core curriculum before awarding a degree at the associate or baccalaureate level.)

d. Target Population to be Served

e. Demographics-Composition of Students

f. External Advisory Groups

g. Institutional Readiness and Commitment

h. Administrator Credentials

i. Faculty and Instructional Support Staff

j. Student Support Services

k. Evaluation and Assessment

l. Financial Information

m. Accreditation

n. Licensure and Approval by Other Agencies

o. Consumer Disclosure

p. Student Grievances

The approval process can take from six months to one year. Certification lasts for two years. Full instructions and details are available here:

http://www.adhe.edu/divisions/academicaffairs/Pages/aa_certification.aspx

**FEES: NON-REFUNDABLE**

A notification fee ($250) is to be submitted with each Letter of Notification.

The processing fees are assessed for a two-year period and are based on the number of college-level course or degree programs as follows:

- Initial Planning and Development Fee: $3,000
- Initial Degree Program Certification Fee: $500 per degree
- Initial Course Certification Fee for 1-3 courses: $100

**BOND REQUIREMENTS:**

A Bond in the amount of total annual tuition collected from Arkansas residents in the prior year (but not less than $20,000) is required.

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham enrolls Arkansas residents in its online nursing courses and programs, UAB must contact the Arkansas State Board of Nursing (ASBN) for separate approval. Prior approval is required before programs operate and before clinicals are conducted in Arkansas healthcare facilities.

There is a full approval process required for RN programs, but only AHECB approval is needed for RN to BSN programs. The approval process can be quite lengthy because the ASBN Education Committee only meets three times per year.
The process for RN program approval can be found in the ASBN Rules, Chapter Six (see page 3: Requirements for Distance Learning Sites):

RN Program Approval Process:
1. Submit a Letter of Intent to operate a program.
2. Submit a feasibility study, as detailed in the Rules under the pre-requisite requirement.
3. The ASBN Education Committee reviews the study to assure that UAB’s School of Nursing is eligible and able to operate.
4. If the pre-requisite request is approved, UAB must submit documentation for initial approval.
5. This again goes to the Education Committee for approval.
6. Once initial approval is received, UAB can begin admitting students.

Please contact:
Tammy Claussen, M.S.N., R.N., C.N.E.
Program Coordinator
Arkansas State Board of Nursing
University Tower Building
1123 S. University, Suite 800
Little Rock, AR 72204-1619
Phone: 501-686-2700 / Fax: 501-686-2714
http://www.arsbn.arkansas.gov/Pages/default.aspx
CALIFORNIA
Department of Consumer Affairs, Bureau for Private Postsecondary Education
Joanne Wenzel, Deputy Bureau Chief, 916-431-6905, Joanne.Wenzel@dca.ca.gov

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
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</thead>
<tbody>
<tr>
<td>Online enrollments: 15</td>
</tr>
<tr>
<td>Faculty: Yes (if School of Business finalized its adjunct hire)</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting: No</td>
</tr>
<tr>
<td>Advertising: No</td>
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<thead>
<tr>
<th>STATE REQUIREMENT: NONE</th>
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<tbody>
<tr>
<td>The University of Alabama at Birmingham is not required to obtain authorization to operate in California because the Bureau for Private Postsecondary Education does not have jurisdiction over public institutions.</td>
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<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<tr>
<td>Not Applicable</td>
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<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
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<tbody>
<tr>
<td>All private non-profit and for-profit postsecondary education institutions.</td>
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<tr>
<th>EXEMPTIONS:</th>
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<tbody>
<tr>
<td>California provides for exemption of the usual “restricted” types of schools, such as those with strictly religious, employer-affiliated, or trade-related affiliations.</td>
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<tr>
<th>PROCESS DETAILS:</th>
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<th>BOND REQUIREMENTS:</th>
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<tr>
<td>Not Applicable</td>
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<tr>
<th>ADDITIONAL INFORMATION:</th>
</tr>
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<tbody>
<tr>
<td>Because the University of Alabama at Birmingham enrolls California residents in its online nursing courses and programs, the University must be cautious in the state. The California Board of Registered Nursing (BRN) does not approve any out-of-state nursing programs.</td>
</tr>
<tr>
<td>In correspondence with the BRN, the Board called attention to the California Code of Regulations (CCR)</td>
</tr>
</tbody>
</table>
Article 3 Schools of Nursing Sections 1420 to 1432. One of the requirements for implementation of an approved nursing curriculum is that theory and clinical practice be concurrent (CCR 1426d). When a program is offered online, the BRN is concerned about how the related clinical practice can be done concurrently.

The BRN has previously approved a partnership between an out-of-state institution, a clinical agency, and a CA institution so that the out-of-state institution's CA residents could complete their clinicals in the state. However, the state has received letters of concern about the arrangement and is currently reviewing its approval of the partnership.

Thus, although no action is required by the University of Alabama at Birmingham's School of Nursing because approval is not provided to out-of-state programs, UAB should make itself familiar with and strive to meet the state's regulations for approved programs so that its graduates who are residents of California can apply for licensure successfully in the state.

California Board of Registered Nursing  
1747 North Market Boulevard, Suite 150  
Sacramento, CA 95834  
Phone: 916.322.3350 / Fax: 916.574.8637  
http://www.rn.ca.gov
COLORADO
Colorado Department of Higher Education
Heather DeLange, Degree Authorization Act Officer, 303-866-2723, heather.delange@dhe.state.co.us

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**
- Online enrollments: 7
- Faculty: No
- Clinicals/Practicums: Yes
- Recruiting: No
- Advertising: No

**STATE REQUIREMENT: REQUEST DETERMINATION**
The University of Alabama at Birmingham may have a physical presence in Colorado as defined by the state due to its required practicums/clinicals, and therefore may need to be authorized by the Colorado Department of Higher Education (CDHE). The state requests that institutions contact the CDHE if they require completion of practicums or clinical experiences of Colorado state residents.

Colorado updated its directives regarding its jurisdiction over online instruction by out-of-state schools as of March 1, 2011. Administrators warn that changes may still be imminent, so the University of Alabama at Birmingham should monitor and remain apprised of any changes in these requirements. [http://highered.colorado.gov/Publications/General/Regulations/2010_fed_regulations_outofstate_insts_mar11.pdf](http://highered.colorado.gov/Publications/General/Regulations/2010_fed_regulations_outofstate_insts_mar11.pdf)

**TRIGGERS FOR REQUIREMENTS:**
Any higher education institution with a physical presence in Colorado must be authorized by the Department of Higher Education even if it offers instruction to residents of Colorado only over the Internet. Physical presence is defined in the statutes as:
1. Main campus
2. Headquarters
3. Branch campus
4. Other place of business as determined by the Department of Higher Education (clinical rotations, externships, internships, etc. could trigger physical presence)

Colorado’s SHEEO survey response also indicates that institutions should notify the Department of Higher Education if they are recruiting Colorado residents or if they are hosting face-to-face short-term seminars or conferences for students in the state. Although these activities may not trigger the need for authorization, the state requests notification.

**REGULATED INSTITUTIONS:**
All private accredited institutions, out-of-state public institutions, and Bible colleges and seminaries are regulated by the Colorado Department of Higher Education.
**EXEMPTIONS:**
Under current regulations, if an institution does not meet the physical presence standard, no authorization is necessary. However, the Colorado Department of Higher Education requests notification of the activities that are occurring in Colorado, including when institutions offer “in-house” courses, programs, and training exclusively and specifically for a private company or group. (Section I, Part J - 2.03.02)

**PROCESS DETAILS:**
The University of Alabama at Birmingham should contact the Colorado Department of Higher Education's Degree Authorization Act Officer to notify the state of its activities and to request a determination of whether its required practicums and clinical experiences constitute a physical presence in the state.

If the CDHE decides that the University of Alabama at Birmingham has a physical presence in Colorado and must apply for institutional approval, the CDHE will provide the necessary application forms. Approval lasts indefinitely as long as an institution remains accredited; there are no renewal procedures or fees.

**FEES: NON-REFUNDABLE**
Notification: No fee
If Approval Needed: $3,000 application fee for an accredited college

**BOND REQUIREMENTS:**
Not applicable

**ADDITIONAL INFORMATION:**
The Colorado Board of Nursing only has authority over pre-licensure nursing education programs that have a physical presence in Colorado; thus, the University of Alabama at Birmingham does not need to seek the Board’s approval. Pre-licensure programs that are out of state and do not have a physical presence in Colorado are responsible for arranging their own clinical experiences. If those experiences take place in Colorado, the arrangements are between the educational institution and the clinical facility. As long as faculty are maintaining the integrity of the curriculum and not supervising students who are in the clinical, the faculty are not required to have an RN license to practice in Colorado.

- Colorado Board of Nursing
  1560 Broadway, Suite 1370
  Denver, CO 80202
  Phone: 303-894-2430
  Fax: 303-894-2430
  [http://www.dora.state.co.us/nursing/](http://www.dora.state.co.us/nursing/)
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 0
Faculty: No
Clinicals/Practicums: No
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE
The University of Alabama at Birmingham has no physical presence in Connecticut, and therefore is not subject to its licensure or accreditation requirements for degree-granting institutions.

Connecticut’s Office of Higher Education was reorganized in the fall of 2011 (http://www.ctohe.org/), but policies regarding out-of-state institutions providing education to residents of Connecticut do not appear to have been recently revised.

TRIGGERS FOR REQUIREMENTS:
With regard to Programs Offered by Out-of-State Institutions (Section 10a-34-24), Connecticut specifies that “any institution with a physical presence in the state shall be subject to the requirements of the Regulations of Connecticut State Agencies.” Physical presence has been defined by regulators as:

- In-state mailing address; in-state telephone and/or fax number;
- Requiring students to take exams in-state;
- Contracting with a local institution (library, community college) to provide access to information resources;
- Requiring students to gather together (e.g., study groups) without the presence of an instructor;
- Providing students with in-person advising or tutor services within the state;
- Presence of instructors in-state, teaching students within the state via online or remote interaction;
- Presence of an internet server or other institution-owned telecommunications equipment within the state;
- Administrative building; or
- Recruitment office.

It does not appear that clinical experiences or practicums alone would be considered physical presence in Connecticut.

REGULATED INSTITUTIONS:
The Connecticut Department of Higher Education has approval and licensing authority for public and independent degree-granting institutions of postsecondary education with a physical presence in Connecticut, as well as private occupational schools, regardless of degree-granting status.
**EXEMPTIONS:**
None

**PROCESS DETAILS:**
**Not Applicable - Currently**

If Physical Presence in Future
Out-of-state institutions must be regionally accredited to apply for licensure, and must circulate their proposals for new academic programs to the chief academic officers at all Connecticut higher education institutions at the time of application submission to the Office of Higher Education.

- Program application (one per program to be offered): [http://www.ctohe.org/Postsecondary/pdfs/ProgramLicensure.pdf](http://www.ctohe.org/Postsecondary/pdfs/ProgramLicensure.pdf)
- Program Circulation document: [http://www.ctohe.org/Postsecondary/pdfs/ProgramCirculationDocument.pdf](http://www.ctohe.org/Postsecondary/pdfs/ProgramCirculationDocument.pdf)
- Program Circulation instructions: [http://www.ctohe.org/Postsecondary/pdfs/CirculationInstructions.pdf](http://www.ctohe.org/Postsecondary/pdfs/CirculationInstructions.pdf)

**FEES: NON-REFUNDABLE**
None - Currently

If Physical Presence in Future: None (Connecticut does not charge application fees)

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
If the University of Alabama at Birmingham seeks to enroll Connecticut residents in its online nursing courses and programs, the University would need to first seek licensure from the Office of Higher Education and then contact the Connecticut Board of Examiners for Nursing for separate approval:

- Connecticut Board of Examiners for Nursing
  Dept. of Public Health
  410 Capitol Avenue, MS# 13PHO
  P.O. Box 340308
  Hartford, CT 06134-0328
  Phone: 860-509-7624 / Fax: 860-509-7553
## DELAWARE

Delaware Department of Education  
Wayne Barton, Director, Teacher & Administrator Quality Development, 302-735-4120,  
w Barton@DOE.k12.de.us

<table>
<thead>
<tr>
<th><strong>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</strong></th>
</tr>
</thead>
</table>
| Online enrollments: 1  
Faculty: No  
Clinicals/Practicums: Yes  
Recruiting/Admissions: No  
Advertising: No |

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<thead>
<tr>
<th><strong>STATE REQUIREMENT:</strong> NULL</th>
</tr>
</thead>
</table>
| The University of Alabama does not have a physical presence in Delaware, so there is no requirement for it to be authorized by the state. In the past, Delaware required that institutions enrolling Delaware residents who are receiving financial aid notify the state, but currently no action is required without physical presence.  
Delaware indicates that it is currently revising its application process for institutions required to apply for approval and reviewing possible changes to its regulations, so the University of Alabama at Birmingham should stay apprised of Delaware’s decisions, particularly if it expands its activities in the state. |

<table>
<thead>
<tr>
<th><strong>TRIGGERS FOR REQUIREMENTS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>An institution must have some type of physical plant (e.g., offices or classrooms) to establish the physical presence that would require obtaining approval to operate. <strong>Clinical experiences, internships, and practicums do not constitute a physical presence in Delaware.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>REGULATED INSTITUTIONS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All higher education institutions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>EXEMPTIONS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PROCESS DETAILS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>FEES:</strong> NON-REFUNDABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>
**BOND REQUIREMENTS:**
None

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham enrolls a Delaware resident in its online nursing courses and programs, the University must contact the Delaware Board of Nursing for separate approval of that student's clinical experience(s). The state does not indicate that approval is required for UAB's out-of-state/online nursing programs:

- Delaware Board of Nursing
- 861 Silver Lake Blvd.
- Cannon Building, Suite 203
- Dover, DE 19904
- Phone: 302-744-4500 / Fax: 302-739-2711
DISTRICT OF COLUMBIA
Education Licensure Commission
Robin Y. Jenkins, Executive Director, 202-724-2095, robin.jenkins@dc.gov

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 0
Faculty: No
Clinicals/Practicums: No
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT:  NONE
The University of Alabama at Birmingham is not required to apply for licensure in the District of Columbia because it does not operate within the District.

The District's clarification of "operating," provided in its SHEEO survey response, indicates that practicums, recruiting, and advertising are all triggers for requiring licensure. The District had expected to increase application fees and to further clarify compliance before the end of 2011, so institutions should keep apprised of the District's decisions.

TRIGGERS FOR REQUIREMENTS:
To "operate" in the District of Columbia is defined as:
• To establish, keep, or maintain any facility or location in the District; or
• To establish, keep, or maintain any facility or location organized or chartered in the District wherefrom or through which education is offered or given, or educational credentials are offered or granted; and
• To contract with any person, group, or entity to perform any such act.

The District indicates that this definition includes clinical practicums or student internships; hiring DC residents as faculty; recruiting of DC residents; advertising (both local and national); and hosting short-term face-to-face student seminars and conferences. The University of Alabama at Birmingham will need to keep this definition in mind if it begins to enroll DC residents in its programs that require clinical practicums or internships. In addition, if UAB has any student (online or on-campus) participating in internships in the District of Columbia, UAB is considered to be operating in the District and must seek licensure.

REGULATED INSTITUTIONS:
All postsecondary institutions, except for public in-state institutions

EXEMPTIONS:
Only the District's two state institutions (The University of the District of Columbia and the Community College of the District of Columbia) are exempt.
**PROCESS DETAILS:**

If the University of Alabama at Birmingham were to operate in the District of Columbia, the first step before submitting an application for licensure would be to attend (in person) the Education Licensure Commission’s Workshop for Initial Applicants. The two-hour workshops are offered monthly, at the Office of the State Superintendent of Education, to inform interested parties of the filing procedures and facilitate greater efficiency in application processing. Contact Sheranda Vaughan at sheranda.vaughan@dc.gov or 202-442-4012 to register for the next available workshop.

The application, guidelines, instructions, and workshop meeting dates from the Education Licensure Commission's website: [http://osse.dc.gov/service/education-licensure-commission](http://osse.dc.gov/service/education-licensure-commission)


---

**FEES: NON-REFUNDABLE**

None - Currently

If Licensure Required to Operate:
The non-refundable application fee for a degree-granting institution is $250.

In addition, licensed institutions must pay an annual fee, based on the number of enrollments:

<table>
<thead>
<tr>
<th>Full-Time Students or Equivalents</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 100</td>
<td>$ 25</td>
</tr>
<tr>
<td>101 - 250</td>
<td>$ 50</td>
</tr>
<tr>
<td>251 - 500</td>
<td>$100</td>
</tr>
<tr>
<td>501 - 1,000</td>
<td>$250</td>
</tr>
<tr>
<td>1,001 or more</td>
<td>$500</td>
</tr>
</tbody>
</table>

---

**BOND REQUIREMENTS:**

Not Applicable

---

**ADDITIONAL INFORMATION:**

If the University of Alabama at Birmingham were to enroll any District of Columbia residents in its online nursing courses and programs, the University would not need to seek separate approval from the District of Columbia Board of Nursing. The DC Board of Nursing does not regulate online nursing programs. In order for graduates of online programs to be eligible for license in the District of Columbia, the online program must be approved by the home state’s Board of Nursing and be nationally accredited. For more information, however, contact:

Bonita Jenkins, EdD, RN, CNE
Nurse Specialist II
District of Columbia Board of Nursing
Department of Health
Health Professional Licensing Administration
**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**

<table>
<thead>
<tr>
<th>Feature</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments</td>
<td>64</td>
</tr>
<tr>
<td>Faculty</td>
<td>Yes</td>
</tr>
<tr>
<td>Clinicals/Practicums</td>
<td>Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions</td>
<td>Yes</td>
</tr>
<tr>
<td>Advertising</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**STATE REQUIREMENT: APPLY FOR LICENSURE**

The University of Alabama at Birmingham is required to apply for licensure in the state of Florida because it operates in the state according to Florida law due to its required practicums/clinicals and recruiting activities. Florida uses a very broad definition of “operate” to determine which schools it regulates.

Florida is clear on its definition of operation in the state. The state also indicates that operating an independent postsecondary educational institution without a valid, active license constitutes a felony of the third degree. Florida updated its published regulations on February 1, 2011, and no near-term change is expected.

**TRIGGERS FOR REQUIREMENTS:**

Florida asserts jurisdiction over out-of-state institutions when they have a physical presence in the state, and defines such physical presence as maintaining:

- a physical location in this state
- a mailing address in this state
- a telephone or facsimile number in this state
- a mail forwarding service or telephone answering or relay service in this state; or
- advertising any such presence

Florida statutes also extend physical presence to include any attempt to offer a “degree, diploma or credit in Florida; or any activity connected with the administration, promotion, recruitment, placement, instruction, fee collection or receipt, or any other function of a purported independent postsecondary educational institution, other than periodic and customary contact with the institution’s own alumni.” The state further affirms that "an institution offering medical clerkships in Florida must be licensed by the Commission."

**REGULATED INSTITUTIONS:**

All independent institutions (an out-of-state institution is considered independent even if a public institution in its home state)
**EXEMPTIONS:**

Florida refers to exempt institutions as "not under the jurisdiction or purview of the commission." The Commission for Independent Education (CIE) indicates that the following institutions are not under its jurisdiction and are not required to obtain licensure:

- Florida state public institutions
- Institutions that offer only avocational programs or courses, examination preparation programs or courses, contract training programs or courses, continuing education, or professional development programs or courses
- Religious colleges that meet specified criteria, including offering only educational programs that prepare students for religious vocations as ministers, professionals, or laypersons in the categories of ministry, counseling, theology, education, administration, music, fine arts, media communications, or social work
- Institutions regulated by the Federal Aviation Administration, another agency of the Federal Government, or an agency of the state whose regulatory laws are similar in nature and purpose to those of the CIE and require minimum educational standards for at least curriculum, instructors, and academic progress and provide protection against fraudulent, deceptive, and substandard education practices

**PROCESS DETAILS:**

To obtain an initial license to operate in the State of Florida and offer degrees, diplomas, or certificate programs, the University of Alabama at Birmingham must first go through the Commission’s license application process. The process normally takes between four and six months and involves:

1. Submitting a completed application package with all required documentation
2. Submitting all required fees
3. Review by staff within 30 days of receipt
4. Written notification by Licensure Staff of any omissions/deficiencies found in your application package
5. Applicant response to written notification in a timely and complete manner
6. Staff finalizing application for full Commission review
7. Presentation to the Commission for Independent Education for consideration of the application (It is strongly recommended that a representative be in attendance to discuss any concerns.)
8. Commission grants approval or denial of the application

The application forms can be found here: [http://www.fldoe.org/cie/nsa_app1.asp](http://www.fldoe.org/cie/nsa_app1.asp)

**FEES: NON-REFUNDABLE**

Fees are based on projected enrollments and range from $500 for enrollments of under 100 to $5,000 for enrollments over 10,000; plus $2,000-$3,000 based on degree level, plus $200 per degree program.

**BOND REQUIREMENTS:**

Not Applicable
ADDITIONAL INFORMATION:

Although the University of Alabama at Birmingham enrolls Florida residents in its online nursing courses and programs, the University does not need to seek separate approval from the Florida Board of Nursing. However, any out-of-state clinical supervisors must have Florida nursing licensure, and post-licensure students completing clinical experiences or training in Florida must have a Florida nursing license. The state indicates that it recognizes graduates of out-of-state nursing education programs for Florida licensure. For more information, contact:

Janet Doke, BSN, RN
Nursing Education Consultant
Florida Board of Nursing
4052 Bald Cypress Way, BIN C02
Tallahassee, FL 32399-3252
Phone: 850-245-4444 Ext. 3612 / Fax: 850-245-4172
http://www.doh.state.fl.us/mqa/nursing/index.html
GEORGIA
Nonpublic Postsecondary Education Commission (NPEC)
Carl G. Camann, Ph.D., Deputy Director, 770-414-3208, ccam@npec.state.ga.us

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 150</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting: Yes</td>
</tr>
<tr>
<td>Advertising: Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: APPLY FOR AUTHORIZATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham advertises its School of Public Health programs to Georgia residents, which triggers the requirement for a Certificate of Authorization from the Nonpublic Postsecondary Education Commission (NPEC). None of UAB’s other activities in the state of Georgia trigger the need for authorization.</td>
</tr>
</tbody>
</table>

Georgia is very clear with respect to its regulations and requirements, and no change in stance is expected.

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any out-of-state institution, even if it offers purely online instruction to residents of Georgia, must obtain a Certificate of Authorization if it engages in any of the following activities:</td>
</tr>
<tr>
<td>• Maintains a telephone number with a Georgia area code;</td>
</tr>
<tr>
<td>• Maintains a postal address with a Georgia zip code;</td>
</tr>
<tr>
<td>• Markets and/or recruits to Georgia students via any means of media that originates in Georgia;</td>
</tr>
<tr>
<td>• Maintains an Internet URL that originates in Georgia or uses a Georgia-based ISP; or</td>
</tr>
<tr>
<td>• Provides payment reportable for income tax purposes via either a W-2 or Form 1099 to any individual resident of the State for any purpose.</td>
</tr>
</tbody>
</table>

Detailed requirements:  
http://www.gnpec.org/Forms/PDF%20Files/OnlineRequirements.pdf

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia specifies that “all private institutions offering post-secondary education in this state, whether or not they grant degrees or maintain a physical presence in-state, must obtain a certificate granting ‘permission to operate’ from the authority/regulating body.”</td>
</tr>
</tbody>
</table>

Although the language above refers to private institutions, the state has indicated that out-of-state public institutions are not exempt from needing authorization in Georgia.
**EXEMPTIONS:**
In addition to the boilerplate exemptions for religious, employer-affiliated, and specific trade-related institutions, Georgia exempts in-state institutions that are accredited by a DOE-recognized agency and have:
- Been in existence for at least 10 years prior to July 1, 1989 OR
- Chartered prior to 1955

**PROCESS DETAILS:**

**Full Application Process:**
To apply for a Certificate of Authorization, Georgia requires the following:
1. Notify NPEC that an application is forthcoming.
2. Complete the application form along with the required fee, forms, and documents: [http://www.gnpec.org/forms/PDF%20Files/Application%20for%20Certificate%20of%20Authorization.pdf](http://www.gnpec.org/forms/PDF%20Files/Application%20for%20Certificate%20of%20Authorization.pdf)
3. Obtain a letter from an insurance agency or bonding company certifying that the school owner is qualified to secure the required bond.
4. Include the following forms ([http://www.gnpec.org/forms/formsandinstructions.asp](http://www.gnpec.org/forms/formsandinstructions.asp)) with the initial application form:
   - Financial Statement
   - Minimum Standards Self-Evaluation Summary Form
   - Personnel Data Inventory
   - Program of Instruction Outline
   - Director’s Agreement Form
   - Records Agreement Form
   - Application for Agent’s Permit Form(s)
5. Also submit the following documents, individually, identified by Exhibit letter:
   - Exhibit B: Entrance requirements description
   - Exhibit C: Entrance information provided to students
   - Exhibit D: Student contract (required for non-degree institutions)
   - Exhibit F: Educational goals for the institution
   - Exhibit G: Certificate or diploma
   - Exhibit H: Statement of business practices and advertising policies
   - Exhibit I: Description of facilities and equipment
   - Exhibit J: Description of placement services
   - Exhibit L: Current catalog or similar publication
   - Exhibit M: Occupancy Permit: Enclose a copy of the occupancy permit.
   - Exhibit N: Grievance Policy
   - Exhibit O: Refund Policy (Must be at least as favorable to the student as NPEC refund policy, which can be found in Standard Nine of the Minimum Standards).
6. Send the application, along with the required fee, bond letter, forms, and exhibit documents to the Deputy Director:
   Carl G. Camann, Ph.D.
   Deputy Director
   Nonpublic Postsecondary Education Commission
   2082 East Exchange Place, Suite 220
The approval process can take 3 to 4 months for well-established institutions and 6 months for other institutions.

**FEES: NON-REFUNDABLE**

An initial evaluation fee, plus $400 for each additional program of study, must accompany the application:

- Non-degree-granting institutions = $1,000
- Associate degree-granting institutions = $2,000
- 4-year degree-granting institutions = $3,000
- Master’s degree-granting institutions = $4,000
- Doctoral degree-granting institutions = $5,000

After the initial evaluation, an evaluation committee may be impaneled to conduct an on-site visit to further evaluate a new institution, an elevation of degree level, or a new program of instruction. The institution will be notified of the amount of the "Evaluation Committee Fee" due ($600 base fee + $600 for each day or part thereof per committee member conducting a program evaluation), which must be received before the committee visits the institution.

When all other requirements for the Certificate of Authorization are met, the University of Alabama at Birmingham will be billed for a year's authorization fee and any additional evaluation committee cost, if necessary. Annual authorization fees are assessed at 2/10 of 1% of gross tuition from Georgia students, with a minimum of $500 for non-degree institutions, $1,000 for degree institutions, and a maximum of $25,000 per year for any institutions.

Final authorization is granted only after receipt of all fees:
http://www.gnpec.org/forms/PDF%20Files/Schedule%20of%20Fees.pdf

**BOND REQUIREMENTS:**

Once the standards for authorization are met, Georgia will require a surety bond based on gross tuitions in the previous year or estimated for the current year (but not to exceed actual gross tuitions) as follows:

<table>
<thead>
<tr>
<th>Gross Tuition (of Georgia students)</th>
<th>Minimum Bond</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0-$50,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>$50,001 - $100,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>$100,001 - $200,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>$200,001 - $300,000</td>
<td>$75,000</td>
</tr>
<tr>
<td>$300,001 - $400,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>$400,001 - $500,000</td>
<td>$150,000</td>
</tr>
</tbody>
</table>
ADDITIONAL INFORMATION:

Although the University of Alabama at Birmingham has enrolled Georgia residents in its online nursing courses and programs, UAB does not need to seek formal approval for its nursing programs in the state. The Georgia State Board of Nursing indicates that it automatically approves nursing programs provided by non-profit postsecondary institutions that are accredited by a regional accrediting agency recognized by the United States Department of Education. No formal approval process is required.

For advanced nursing practice, the Board recognizes certification by: The American Midwifery Certification Board; American Academy of Nurse Practitioners; National Certification Corporation; Pediatric Nursing Certification Board; National Board on Certification and Recertification of Nurse Anesthetists; American Nurses Credentialing Center; and the American Association of Critical-Care Nurses Certification Corporation.

For more information, contact:
    Georgia State Board of Nursing
    237 Coliseum Drive
    Macon, GA 31217-3858
    Phone: 478-207-2440 / Fax: 877-571-3712
    http://www.sos.state.ga.us/plb/rn/
### UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:

- Online enrollments: 3
- Faculty: No
- Clinicals/Practicums: Yes
- Recruiting/Admissions: No
- Advertising: No

### STATE REQUIREMENT: NONE

The University of Alabama at Birmingham is not required to obtain approval or licensure in the state of Hawaii because it is accredited by a nationally recognized accrediting agency. Hawaii recognizes this accreditation as sufficient approval to operate in the state.

### TRIGGERS FOR REQUIREMENTS:

- Not Applicable

### REGULATED INSTITUTIONS:

- All non-accredited degree-granting institutions

### EXEMPTIONS:

- Not Applicable

### PROCESS DETAILS:

- Not Applicable

### FEES: NON-REFUNDABLE

- Not Applicable

### BOND REQUIREMENTS:

- Not Applicable

### ADDITIONAL INFORMATION:

Because the University of Alabama at Birmingham enrolls Hawaii residents in its online nursing courses and programs, the University should contact the Hawaii Board of Nursing for separate approval or to ensure that its programs meet the state's standards:

- Hawaii Board of Nursing
IDAHO
State Board of Education
Harvey W. Lyter III, State Coordinator for Private Colleges & Proprietary Schools, 208-332-1587
harv.lyter@osbe.idaho.gov

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**
- Online enrollments: 1
- Faculty: No
- Clinicals/Practicums: Yes
- Recruiting/Admissions: No
- Advertising: No

**STATE REQUIREMENT: NONE**
The University of Alabama at Birmingham does not need to register to operate in Idaho because the University does not maintain a physical presence in the state. The Idaho State Board of Education (SBOE) does not currently require any institution lacking a physical presence inside the state to register.


**TRIGGERS FOR REQUIREMENTS:**
As of July 1, 2011, online-only schools, recruiting agents, practicum/internships, supervised clinicals, etc., are no longer considered triggers for physical presence for the purposes of registration. Only "brick & mortar" classroom or business office operations are considered to have physical presence.

However, Idaho's regulations are focused on face-to-face interactions. Thus, activities that may trigger the state's definition physical presence also include:
- Having a contract/agreement with in-state institutions or in-state entities to provide services for students (e.g., library, gym, computer centers, etc.)
- Hosting short-term, face-to-face seminars or conferences in the state where students meet in person
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis

Institutions conducting any of these activities should contact the SBOE for evaluation.

**REGULATED INSTITUTIONS:**
All independent institutions (an out-of-state institution is considered independent even if a public institution in its home state).
**EXEMPTIONS:**
Online-only institutions located outside Idaho do not have to register. Recruiting agents, attending school/job fairs, **online course practicums/clinicals conducted inside Idaho**, employing faculty who live in Idaho, etc. **do not count as presence.**

**PROCESS DETAILS:**
Not Applicable

**FEES:**  **NON-REFUNDABLE**
Not Applicable

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
The Idaho Board of Nursing does not approve out-of-state nursing education programs, so the University of Alabama at Birmingham would not need to seek approval in Idaho if it were to enroll Idaho residents in its online nursing programs. Idaho recognizes nursing applicants who are graduates of out-of-state programs that are approved by the institution's home state nursing board:

- Idaho Board of Nursing
  280 N. 8th Street, Suite 210
  P.O. Box 83720
  Boise, ID 83720
  Phone: 208-334-3110 / Fax: 208-334-3262
ILLINOIS
Illinois Board of Higher Education
Bob Blankenberger, Deputy Director for Academic Affairs and Student Success, 217-557-7350, blankenberger@ibhe.org

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 2</td>
</tr>
<tr>
<td>Mailing Address/Phone Number: Yes</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: Yes</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: APPLY FOR AUTHORIZATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham must obtain authorization to operate and degree-granting authority in the state of Illinois because it maintains a “physical presence” within the state due to its required clinicals/practicums. UAB's relationship with Embanet/Compass may also be considered having a physical presence in the state, although Embanet is not conducting on-the-ground recruiting for the University.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Illinois Board of Higher Education indicates in its SHEEO survey response that the following activities are triggers for physical presence in the state:</td>
</tr>
<tr>
<td>• Required practicums, internships, clinical experiences (if they account for more than 10% of credit hours)</td>
</tr>
<tr>
<td>• Organized, on-the-ground recruiting</td>
</tr>
<tr>
<td>• Servers or other equipment located in the state</td>
</tr>
<tr>
<td>• Employing mentors, tutors, or preceptors to aid students (likely)</td>
</tr>
</tbody>
</table>

Triggers that would prevent an institution from being exempt:
• Offering more than 10% of coursework, as measured by academic credits, for a degree program in the State of Illinois
• Providing core academic support services, such as admissions, evaluation, assessment, registration, financial aid, academic scheduling, or faculty hiring and support within the State of Illinois.

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All independent and out-of-state postsecondary education providers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXEMPTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In determining whether an institution has a limited physical presence, the Illinois Board of Higher Education requires:</td>
</tr>
</tbody>
</table>

EDUVENTURES, INC. | 101 FEDERAL STREET | 12TH FLOOR | BOSTON, MA 02110 | 617.426.5622 | 617.204.9552 FAX | WWW.EDUVENTURES.COM
1. Evidence of authorization to operate in at least one other state;
2. Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation;
3. Evidence that the institution will offer 10% or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through 100% asynchronous versus synchronous online instruction from an out-of-state site or sites; and
4. Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State.

**PROCESS DETAILS:**

The University of Alabama at Birmingham must seek authorization to operate and degree-granting approval in the State of Illinois.

1. Register to attend an orientation session: [http://www.ibhe.org/ODA/register.asp?RT=O](http://www.ibhe.org/ODA/register.asp). The 90-minute sessions are held at the IBHE office every two months. Online registration is required.
2. Register the University of Alabama at Birmingham online in the IBHE’s system to begin the operation and degree-granting authority process: [http://www.ibhe.org/ODA/register.asp](http://www.ibhe.org/ODA/register.asp)
3. Login to the IBHE’s online system to submit a Notice of Intent (NOI): [http://www.ibhe.org/ODA/login.asp](http://www.ibhe.org/ODA/login.asp)
4. Submit the application and supporting materials electronically by logging into the IBHE’s system.

The approval process typically can take 3-9 months. Initial authorization to operate in Illinois is granted for five years. Initial approval for degree programs is also for five years. To maintain authorization, the University of Alabama at Birmingham must provide annual reports to the IBHE, including a fall enrollment survey, student financial aid survey, information requested to satisfy complaints (if applicable), and program modifications (if applicable). The IBHE publishes survey results on its website.

**FEES: NON-REFUNDABLE**

**Notice of Intent submission fee:** $250

**Application for Authorization to Operate fee:** $5,000

**Degree-Granting Authorization fee:** Based on the type of institution, institution size, and degree level as outlined below:

<table>
<thead>
<tr>
<th>Degree Level (per region)</th>
<th>&lt; 200 Students</th>
<th>200-500 Students</th>
<th>&gt; 500 Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate Degree</td>
<td>$1,750</td>
<td>$1,950</td>
<td>$2,250</td>
</tr>
<tr>
<td>Bachelor’s Degree</td>
<td>$2,450</td>
<td>$2,650</td>
<td>$2,950</td>
</tr>
<tr>
<td>Master’s Degree</td>
<td>$3,250</td>
<td>$3,550</td>
<td>$3,950</td>
</tr>
<tr>
<td>Doctoral/First Professional</td>
<td>$4,500</td>
<td>$4,750</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

Fees should be submitted as a check, certified check, cashier’s check, or money order payable to the Illinois Board of Higher Education. Fees should be submitted to:

Illinois Board of Higher Education
BOND REQUIREMENTS:
None

ADDITIONAL INFORMATION:
Because the University of Alabama at Birmingham enrolls Illinois residents in its online nursing courses and programs, the University should contact the Illinois Board of Nursing for separate approval and to confirm that UAB’s nursing education programs and clinical experiences meet the state’s requirements:
Illinois Board of Nursing
James R. Thompson Center
100 West Randolph Street, Suite 9-300
Chicago, IL 60601
Phone: 312-814-2715 / Fax: 312-814-3145
INDIANA
Indiana Commission on Proprietary Education
Ross Miller, Director, 317-232-1320, rmiller@cpe.in.gov

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 4</td>
</tr>
<tr>
<td>Faculty: Yes</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: Yes</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: NONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham is not required to obtain authorization in Indiana because the state exempts accredited public state institutions from licensure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All private postsecondary schools fall under the Commission on Proprietary Education.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXEMPTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROCESS DETAILS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FEES: NON-REFUNDABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BOND REQUIREMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL INFORMATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Because the University of Alabama at Birmingham enrolls Indiana residents in its online nursing courses and programs, the University should contact the Indiana State Board of Nursing for separate approval and to confirm that UAB's nursing education programs and clinical experiences meet the state’s requirements:</td>
</tr>
<tr>
<td>Indiana State Board of Nursing - Professional Licensing Agency</td>
</tr>
<tr>
<td>402 W. Washington Street, Room W072, Indianapolis, IN 46204</td>
</tr>
</tbody>
</table>
IOWA
Iowa College Student Aid Commission
Carolyn Small, Postsecondary Registration Administrator, 515-725-3413, Carolyn.small@iowa.gov

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**

<table>
<thead>
<tr>
<th>Online enrollments:</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty:</td>
<td>No</td>
</tr>
<tr>
<td>Clinicals/Practicums:</td>
<td>Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions:</td>
<td>No</td>
</tr>
<tr>
<td>Advertising:</td>
<td>No</td>
</tr>
</tbody>
</table>

**STATE REQUIREMENT: REGISTER WITH THE COMMISSION**

The University of Alabama at Birmingham must contact the Iowa College Student Aid Commission, regardless of whether it engages in "on the ground" activities, for a determination of whether it is exempt or must receive approval. UAB must first register with the Student Aid Commission and then it is likely that the University will need to seek full approval due to its required clinicals/practicums taking place in Iowa.

Beginning in January 2012, schools may wish to monitor the Iowa Legislature's website (http://www.legis.iowa.gov/index.aspx) for action during the legislative session that impacts Iowa law relative to postsecondary registration of schools (Chapter 261B), financial responsibility for postsecondary and other instructional schools (Section 714.18, 714.19, and 714.22), and the Iowa tuition refund policy and disclosure requirements for for-profit postsecondary educational institutions (Sections 714.23 and 714.25).

**TRIGGERS FOR REQUIREMENTS:**

Generally, Chapter 261B of the Iowa Code requires a postsecondary educational institution that offers degree programs to register with the Iowa College Student Aid Commission (the Commission) if the school offers one or more courses of instruction in the state, including via correspondence or distance education. A school must also register with the Commission if it has a "presence" (defined in Iowa Code as an address) in the state and offers courses in other states or foreign countries. "Presence" means maintaining a physical, postal, telephone, or internet address within Iowa.

"On the ground" activities that require a school to register include, but are not limited to: recruiting, admitting, enrolling, or advising students; hiring Iowa residents as faculty (even if no Iowans are enrolled); in-person instruction, including a practicum or internship; administration; distribution of correspondence study materials; or housing technology that facilitates online programs, in the state of Iowa.

Details and examples of triggers are available here:
http://www.iowacollegeaid.gov/PostsecondaryRegistration/iowacodechapter261b.html#SchoolActivitie
**REGULATED INSTITUTIONS:**
All postsecondary education.

**EXEMPTIONS:**
Not Applicable

**PROCESS DETAILS:**
The University of Alabama at Birmingham must register with the Commission by completing an application form:
https://apps.iowacollegeaid.gov/marketing/docs/PostsecondaryRegistration261BInitialApplicationExemptionClaim.pdf

The registration application evaluation process is a desk audit. Registration applicants will be referred to the agency's board of Commissioners for a registration decision within 180 days of the receipt of an application. At this time, the registration term is four years. Completed applications must be provided to the Commission in both paper and electronic format. Paper format is required for staff's review of the application; electronic format is required pursuant to Iowa Code, which requires the Commission to post the school's application on its website.

**FEES:** NON-REFUNDABLE
A fee of $4,000 (for four-year registration) is assessed at the time a school is approved for registration in Iowa. There is no separate application fee at this time.

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
At this time, the Iowa Board of Nursing does not require an out-of-state school that offers programs for licensed nurses via distance education to seek its approval, but the University of Alabama at Birmingham must contact the Board of Nursing and follow its instructions regarding the operation of its programs in Iowa:

Kathy Weinberg, Assistant Director
Iowa Board of Nursing
Iowa Department of Public Health
400 SE 8th Street
Des Moines, IA 50309
Phone: 515-281-4828 / Fax: 515-281-4825
Kathy.Weinberg@iowa.gov
http://nursing.iowa.gov
IOWA
Iowa College Student Aid Commission
Carolyn Small, Postsecondary Registration Administrator, 515-725-3413, Carolyn.small@iowa.gov

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**
- Online enrollments: 3
- Faculty: No
- Clinicals/Practicums: Yes
- Recruiting/Admissions: No
- Advertising: No

**STATE REQUIREMENT: REGISTER WITH THE COMMISSION**
The University of Alabama at Birmingham must contact the Iowa College Student Aid Commission, regardless of whether it engages in "on the ground" activities, for a determination of whether it is exempt or must receive approval. UAB must first register with the Student Aid Commission and then it is likely that the University will need to seek full approval due to its required clinicals/practicums taking place in Iowa.

Beginning in January 2012, schools may wish to monitor the Iowa Legislature's website (http://www.legis.iowa.gov/index.aspx) for action during the legislative session that impacts Iowa law relative to postsecondary registration of schools (Chapter 261B), financial responsibility for postsecondary and other instructional schools (Section 714.18, 714.19, and 714.22), and the Iowa tuition refund policy and disclosure requirements for for-profit postsecondary educational institutions (Sections 714.23 and 714.25).

**TRIGGERS FOR REQUIREMENTS:**
Generally, Chapter 261B of the Iowa Code requires a postsecondary educational institution that offers degree programs to register with the Iowa College Student Aid Commission (the Commission) if the school offers one or more courses of instruction in the state, including via correspondence or distance education. A school must also register with the Commission if it has a "presence" (defined in Iowa Code as an address) in the state and offers courses in other states or foreign countries. "Presence" means maintaining a physical, postal, telephone, or internet address within Iowa.

"On the ground" activities that require a school to register include, but are not limited to: recruiting, admitting, enrolling, or advising students; hiring Iowa residents as faculty (even if no Iowans are enrolled); in-person instruction, including a practicum or internship; administration; distribution of correspondence study materials; or housing technology that facilitates online programs, in the state of Iowa.

Details and examples of triggers are available here: http://www.iowacollegeaid.gov/PostsecondaryRegistration/iowacodechapter261b.html#SchoolActivities
**REGULATED INSTITUTIONS:**
All postsecondary education.

**EXEMPTIONS:**
Not Applicable

**PROCESS DETAILS:**
The University of Alabama at Birmingham must register with the Commission by completing an application form:
https://apps.iowacollegeaid.gov/marketing/docs/PostsecondaryRegistration261BInitialApplicationExemptionClaim.pdf

The registration application evaluation process is a desk audit. Registration applicants will be referred to the agency's board of Commissioners for a registration decision within 180 days of the receipt of an application. At this time, the registration term is four years. Completed applications must be provided to the Commission in both paper and electronic format. Paper format is required for staff's review of the application; electronic format is required pursuant to Iowa Code, which requires the Commission to post the school's application on its website.

**FEES:** NON-REFUNDABLE
A fee of $4,000 (for four-year registration) is assessed at the time a school is approved for registration in Iowa. There is no separate application fee at this time.

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
At this time, the Iowa Board of Nursing does not require an out-of-state school that offers programs for licensed nurses via distance education to seek its approval, but the University of Alabama at Birmingham must contact the Board of Nursing and follow its instructions regarding the operation of its programs in Iowa:
Kathy Weinberg, Assistant Director
Iowa Board of Nursing
Iowa Department of Public Health
400 SE 8th Street
Des Moines, IA 50309
Phone: 515-281-4828 / Fax: 515-281-4825
Kathy.Weinberg@iowa.gov
http://nursing.iowa.gov
**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**

<table>
<thead>
<tr>
<th>Online enrollments: 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty: Yes</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

**STATE REQUIREMENT: APPLY FOR APPROVAL**

The University of Alabama at Birmingham has a physical presence in Kansas because it employs Kansas resident(s) as faculty member(s) and requires clinical experiences/internships for its nursing and low vision health professions students. This presence subjects the University of Alabama to licensure requirements for degree-granting institutions operating in the state and requires the institution to apply for a certificate of approval from the Kansas Board of Regents (KBOR).

Kansas updated its published regulations on February 1, 2011; no near-term change is expected.

**TRIGGERS FOR REQUIREMENTS:**

All schools operating with a physical presence in Kansas or that are actively soliciting enrollment of prospective students to receive instruction in the state of Kansas must apply for a certificate of approval.

"Physical presence" means:

- **Employment in Kansas of a Kansas resident for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, or any other activity on behalf of the institution;** or
- **Delivery of, or the intent to deliver, instruction in Kansas with the assistance from any entity within the state in delivering the instruction (including, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution).**

“Actively soliciting enrollment” means trying to attract students to enroll in a course (who will remain in Kansas while taking the course) and includes, but is not limited to:

- Placing ads in Kansas papers
- Running ads on Kansas-based TV or radio stations
- Mailing written material to Kansas residents
- Sending representatives into Kansas to attempt student recruitment, or
- Engaging in other means of solicitation that specifically contacts or targets Kansas residents to encourage them to enroll in a out-of-state postsecondary school that is offering a certificate, diploma, or degree

The Kansas Board of Regents also looks at other factors when determining an institution’s need for approval, such as how much money the institution has collected from Kansas students over a period of
In addition, if an institution has had significant or numerous contacts with the state and its residents, the institution should assume that it needs a certificate of approval to lawfully operate within the state. On the other hand, if an institution’s online education is passively marketed and the number or extent of contacts with Kansas is minimal, it is less likely that the regulations will apply.

**REGULATED INSTITUTIONS:**

All private and out-of-state postsecondary educational institutions.

**EXEMPTIONS:**

The Kansas private and out-of-state postsecondary educational institution act does not apply to:

- An institution supported primarily by Kansas taxation from either a local or state source;
- An institution or training program which offers instruction only for a vocational or recreational purposes as determined by the state board;
- A course or courses of instruction or study, excluding degree-granting programs, sponsored by an employer for the training and preparation of its own employees, and for which no tuition or other fee is charged to the student;
- A course or courses of instruction or study sponsored by a recognized trade, business or professional organization having a closed membership for the instruction of the members of the organization, and for which no tuition or other fee is charged to the student;
- An institution which is otherwise regulated and approved under any other law of this state;
- A course or courses of special study or instruction having a closed enrollment and financed or subsidized on a contract basis by local or state government, private industry, or any person, firm, association or agency, other than the student involved;
- An institution financed or subsidized by federal or special funds which has applied to the state board for exemption from the provisions of this act and which has been declared exempt by the state board because it has found that the operation of such institution is outside the purview of this act;
- The Kansas City College and Bible School, Inc.; and
- Any postsecondary educational institution which was granted approval to confer academic or honorary degrees by the state board of education under the provisions of K.S.A. 17-6105 prior to its repeal.

**PROCESS DETAILS:**

The University of Alabama at Birmingham must follow the KBOR application process for approval as an institution and of its programs:

1. School requests application materials from the KBOR.
2. School completes and submits the application materials and fees. Online application is available here: [http://www.kansasregents.org/resources/PDF/828-ApplicationFormOnly.pdf](http://www.kansasregents.org/resources/PDF/828-ApplicationFormOnly.pdf)
3. Kansas Board of Regents staff thoroughly reviews the submitted application materials and the school’s programs, based on statutory requirements.
4. Subject-matter experts may be asked to evaluate programs.
5. Upon request, school supplies additional information or makes corrections to meet requirements.
6. Degree programs are submitted for approval as an agenda item at a monthly Kansas Board of Regents meeting.
7. For non-degree programs, staff has authority to grant approval if all requirements have been met.
8. When all the applicable requirements have been met, the school is approved to operate and issued a Certificate of Approval.
9. Site evaluations may be required.
10. Yearly renewal is required and documentation must be submitted that evidences continuing compliance with statutory minimums.

The approval process can take as little as four weeks, or up to several months, and authorization lasts for one year.

FEES: NON-REFUNDABLE

For out-of-state degree-granting institutions:
Initial application fee: $5,500
Initial evaluation fee (in addition to initial application fee):
  • Non-degree level $1,500
  • Associate degree level $2,000
  • Baccalaureate degree level $3,000
  • Master’s degree level $4,000
  • Professional and doctoral degree levels $5,000

BOND REQUIREMENTS:
$20,000 bond (Form: http://www.kansasregents.org/resources/PDF/547-BondForm2009.pdf)

ADDITIONAL INFORMATION:

Because the University of Alabama at Birmingham enrolls Kansas residents in its online nursing courses and programs, the University should contact the Kansas Board of Nursing for separate approval or to ensure that its programs meet the state's standards. The state board indicates that it has criteria for determining whether out-of-state programs meet its in-state standards, but, in general, the board approves accredited nursing programs:
  Kansas Board of Nursing
  Mary Carol Pomatto, RN, ARNP, EdD
  Landon State Office Building
  900 SW Jackson Street, Suite 1051
  Topeka, KS 66612-1230
  Phone: 785-296-4929 / Fax: 785-296-3929
  http://ksbn.org/index.htm
KENTUCKY
Kentucky Council on Postsecondary Education
Sarah Levy, Director of Postsecondary Licensing, 502-573-1555, ext. 350, sarah.levy@ky.gov

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 13</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: APPLY FOR LICENSURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham is required to be licensed because its clinical/practicum requirements qualify the institution as “operating” in Kentucky. Kentucky has a clear definition of “operating and soliciting,” which includes any kind of instruction that uses teachers, trainers, mentors, etc.</td>
</tr>
<tr>
<td>Kentucky has not updated its published regulations recently; however, it did update its fee schedule for licensed institutions as of April 1, 2011. Eduventures believes that Kentucky’s stance is not likely to change in the near term.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All out-of-state institutions that operate or solicit in Kentucky and offer online courses and programs to Kentucky students must be licensed. Schools that do not engage in any of the “operating or soliciting” activities below must certify that in a letter for review to determine whether licensure is required or not.</td>
</tr>
<tr>
<td>“Operating or soliciting” as defined in the licensing regulation means having a physical presence within Kentucky and includes:</td>
</tr>
<tr>
<td>a) An instructional or administrative site within Kentucky whether owned, leased, rented, or provided without charge;</td>
</tr>
<tr>
<td>b) Instruction of any kind, originating from or delivered within Kentucky utilizing teachers, counselors, advisors, sponsors, or mentors;</td>
</tr>
<tr>
<td>c) An agent, recruiter, in-state liaison personnel, institution, or business located in Kentucky that advises, promotes, or solicits for enrollment, credit, or award of an educational or occupational credential;</td>
</tr>
<tr>
<td>d) An articulation agreement with a Kentucky licensed college or state-supported institution; or</td>
</tr>
<tr>
<td>e) Advertising, promotional material, or public solicitation in any form that targets Kentucky residents through distribution or advertising in the state.</td>
</tr>
<tr>
<td>For servers, student seminars or gatherings, or proctored exams located within Kentucky, institutions should contact the Council on Postsecondary Education (CPE) for final determination on whether these are triggers.</td>
</tr>
</tbody>
</table>
**REGULATED INSTITUTIONS:**
All non-profit colleges and universities and proprietary baccalaureate institutions are regulated by the Council for Postsecondary Education. Postsecondary schools offering less than a baccalaureate degree are regulated by the State Board for Proprietary Education.

**EXEMPTIONS:**
None

**PROCESS DETAILS:**
The University of Alabama at Birmingham should first contact Ms. Levy to review some common questions about the application for licensure. Then, the University of Alabama at Birmingham must submit an application for a license on the form entitled Application for Licensure as an Out-of-State Institution to Operate in the Commonwealth of Kentucky Pursuant to 13 KAR 1:020. A request for an application can be made here: https://cpe.custhelp.com/cgi-bin/cpe.cfg/php/enduser/ask.php

An application must be accompanied by copies of the following:
- College charter
- College catalog
- College constitution and bylaws
- Student enrollment application
- Student contract or agreement
- Documentation of accreditation, licensure, or approval by appropriate agencies
- Disclosure of any prior loss or denial of:
  - Accreditation with dates and reason and loss or denial; or
  - Licensure or approval by an agency in this state or another state with dates and reason for the loss of denial; and
  - Disclosure of any former names of the college with the dates it was used.

**FEES: NON-REFUNDABLE**
Initial Application Fee for Out-of-State Institutions (each site licensed separately): $5,000

PLUS

Offering Fee (per program, or per course if not offering entire program)
- Course if not offering entire program $200
- Certificate, Diploma, or Associate program $200
- Bachelor’s program $500
- Master’s or Specialist program $1,500
- Doctoral program $2,000

After the initial licensing fee, there is an annual license fee based on enrollment:

<table>
<thead>
<tr>
<th>Enrollment</th>
<th>Annual License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-500</td>
<td>$2,000</td>
</tr>
<tr>
<td>501-1,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Amount</td>
<td>Bond Requirement</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>1,001-2,000</td>
<td>$4,500</td>
</tr>
<tr>
<td>2,001-3,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>3,001-4,000</td>
<td>$8,000</td>
</tr>
<tr>
<td>4,001-5,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>5,001 and above</td>
<td>$12,000</td>
</tr>
</tbody>
</table>

**BOND REQUIREMENTS:**
An out-of-state college shall secure and maintain a surety bond equal to or in excess of the largest amount of unearned tuition held by the college at any time during the most recently completed fiscal year, executed by a surety company qualified and authorized to do business in Kentucky.

**ADDITIONAL INFORMATION:**
The Kentucky Board of Nursing does not approve out-of-state nursing education programs, but recognizes graduates of programs that are approved by other state Boards of Nursing. Because the University of Alabama at Birmingham enrolls Kentucky residents in its online nursing courses and programs, the University may contact the Kentucky Board of Nursing with questions:

Patricia Spurr, Ed.D., MSN, RN, CNE  
Nursing Education Consultant  
Kentucky Board of Nursing  
312 Whittington Parkway  
Louisville, KY 40222  
Phone: 502-429-3333 / Fax: 502-429-3311  
patricia.spurr@ky.gov  
http://www.kbn.ky.gov
LOUISIANA
Louisiana Board of Regents
Larry Tremblay, Interim Deputy Commissioner for Academic and Student Affairs, 225-342-4253
larry.tremblay@la.gov

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 25</td>
</tr>
<tr>
<td>Faculty: Yes</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: Yes</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: APPLY FOR APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham is required to obtain approval in the state of Louisiana because it requires a clinical or practical component to its distance education degrees.</td>
</tr>
</tbody>
</table>

The Board of Regents has adopted rules and regulations for the administration of RS 17:1808. For institutions domiciled in Louisiana, the term operating applies to the offering of courses and programs through any modality. For institutions domiciled outside Louisiana, the term operate shall mean the offering of courses that are physically delivered in the state of Louisiana and/or require clinical experiences in the state of Louisiana.

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana considers any face-to-face activity, including clinical experiences, to be an indicator of physical presence. The term “clinical experiences” refers to site-based learning activities (e.g., clinical, internships, student teaching, practicum, field-based experiences, etc.) in settings (e.g., hospitals, schools, businesses, etc.) in which candidates are working with patients, children, teachers, principals, etc. in Louisiana and are observed/assisted/evaluated by supervisors, preceptors, coaches, teachers, principals, or other individuals to determine that course and program requirements have been addressed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All postsecondary institutions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXEMPTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exemption from licensure is restricted to those institutions named in law and religious institutions that grant religious degrees exclusively. The degrees must be religious in nature by title and content.</td>
</tr>
</tbody>
</table>

Programs that are strictly online and do not require a practicum/clinical component may not constitute a physical presence per the state’s definition and, thus, would not require authorization. Institutions operating purely online programs in Louisiana should contact the Louisiana Board of Regents for a final determination.
**PROCESS DETAILS:**

The University of Alabama at Birmingham must complete a license application:

Completed applications should be returned to:

Dr. Larry Tremblay  
Louisiana Board of Regents  
P.O. Box 3677  
Baton Rouge, LA 70821-3677

The approval process takes approximately 60 days, and approval lasts for two years.

**FEES: NON-REFUNDABLE**

All applications must be accompanied by a fee of $750. (This is expected to increase to $1,000 upon legislative approval.)

**BOND REQUIREMENTS:**

In the event licensure is granted by the Louisiana Board of Regents, institutions that do not hold regional or national accreditation will be required to post a surety bond in the amount of $10,000, issued by a surety authorized to do business in the State of Louisiana.

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham has residents of Louisiana enrolled in its online nursing programs, and because those programs require clinical experiences, the University of Alabama at Birmingham must seek separate approval of its nursing courses and clinicals. It is Eduventures' understanding that this approval has already been received by the UAB School of Nursing. Out-of-state nursing programs offering courses/clinical experiences in Louisiana are expected to maintain the standards required of Louisiana-based programs. There is a fee of $250 for approval of clinicals for out-of-state nursing programs.

Louisiana State Board of Nursing  
Barbara Morvant  
17373 Perkins Road  
Baton Rouge, LA 70810  
Phone: 225-755-7500 / Fax: 225-755-7580  
morvantb@lsbn.state.la.us

To receive approval by the Board of Nursing for course/clinical offerings in Louisiana by nursing programs whose administrative control is located in another state, the following criteria must be met:

Approval/Accreditation Requirements
Evidence of approval/accreditation of the nursing program shall be submitted to the board as stipulated below.

a. The nursing program sponsoring the offering shall hold current approval by the Board of Nursing
and/or other appropriate approval bodies in the state in which the parent institution is located.

b. Regional accreditation shall be held by the parent institution.

c. National accreditation recognized by the board is recommended.

d. The nursing program sponsoring the course/clinical offering must provide the Board of Nursing with the following materials for review at least four months prior to the scheduled initiation of the offering:
   i. a letter of request for approval to provide the course/clinical offering which indicates the time-frame during which the offering will be conducted, the clinical agency(ies) and the clinical unit(s) to be utilized;
   ii. a copy of the mission/philosophy and goals;
   iii. a curriculum pattern which lists all courses required within the program of study;
   iv. a course syllabus for the course/clinical experience(s) to be offered which specifies the related objectives of the offering;
   v. current school catalog.

e. Request for preceptorship learning experiences shall include evidence of compliance with §3541.A-J.

Coordination with Other Nursing Programs

a. Evidence of meetings or communications with representatives of the clinical agency, the out-of-state nursing program and all Louisiana nursing programs that hold current contractual agreements with the agency shall be submitted to the board.

b. Meetings or communications of respective representatives shall occur minimally on an annual basis, or on a semester basis as deemed necessary by any involved party.

c. A "Clinical Facility Survey" form shall be submitted by the program.

Students

a. All students shall be in good academic standing in the nursing program.

b. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921, §§3403 and 3331.

c. Graduate performance on the licensure examination (NCLEX-RN) shall be maintained at an 80% or higher pass rate for each January-December calendar year. Upon initial request for approval, NCLEX-RN performance by graduates for the past two years shall be submitted to the board.

Faculty

a. Each faculty member shall hold a current license to practice as a registered nurse in Louisiana.

b. Each faculty member shall hold a minimum of a bachelor of science in nursing degree and a master of science in nursing, or an equivalent master's degree approved by the board, and a minimum of two years of nursing practice in a clinical setting.

c. Faculty shall be present for student supervision while students are assigned to clinical areas unless the students are engaged in a board-approved preceptorship experience.

d. The faculty to student ratio shall not exceed one to ten (1:10) for clinical instruction unless the students are engaged in a board-approved preceptorship experience which permits a maximum of one to twelve (1:12) faculty to student ratio.

e. A "Faculty Qualification" form shall be submitted for each faculty member providing instruction within the state of Louisiana.
Approval
   a. Course/clinical offerings by out-of-state nursing programs may be approved for a period of two
      years, at which time program representatives may petition for renewal of approval for each
      additional two-year period.
   b. A written report which provides updated and current data relevant to the program shall be
      submitted as a component of the petition for renewal as specified in §3536.B.1-4.
   c. Failure to comply with the requirements established by the board shall result in the immediate
      withdrawal of the board's approval of course/clinical offerings.

Post Approval
A copy of the executed contractual agreement between the academic institution and the clinical facility
shall be submitted to the board prior to the initiation of the offering(s).

The Board of Nursing reserves the right to withdraw the approval of such offerings if adherence to these
standards is not maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR
MAINE
Maine Department of Education
Harry W. Osgood, Higher Education Specialist, 207-624-6846, harry.osgood@maine.gov

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 0</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: No</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: NONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham does not currently enroll Maine residents in its online programs and has no physical presence within the boundaries of the state of Maine; thus, <strong>UAB is not required to secure Maine licensure to operate as an approved degree-granting institution.</strong> If UAB were to enroll Maine residents in the future, the University would need to complete an online survey to be deemed in compliance.</td>
</tr>
<tr>
<td>Maine has not updated its policy in several years, but has provided clarification and confirmation of these regulations through phone conversations, indicating that changes are unlikely in the near term.</td>
</tr>
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</table>

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<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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</thead>
<tbody>
<tr>
<td>Physical presence means an owned, leased, rented, or provided facility within Maine, where education and/or training is provided to students for a fee. Physical presence also includes periodic visits to Maine-based students by the school’s faculty/representatives and/or the activity of Maine residents who have been hired to serve as solicitors or agents on behalf of the school.</td>
</tr>
<tr>
<td>The state of Maine elaborates further on the specific requirement for out-of-state institutions offering “pure online” education by specifying that “Physical presence shall be evident when support services for telecommunications offerings include institutional representatives serving as tutors, counselors, instructors or monitors at the Maine receiving site.”</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>REGULATED INSTITUTIONS:</th>
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<tbody>
<tr>
<td>State oversight of public and private schools, colleges, and universities primarily centers upon degree-granting authorizations and private for-profit proprietary school licensure.</td>
</tr>
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<thead>
<tr>
<th>EXEMPTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
**PROCESS DETAILS:**

None - Currently

If the University of Alabama at Birmingham were to enroll Maine residents in online programs in the future, UAB would need to complete the survey form found at [http://www.surveymonkey.com/s/ospnf](http://www.surveymonkey.com/s/ospnf) and return it to:

Harry W. Osgood  
Higher Education Specialist  
Maine Department of Education  
#23 State House Station  
Augusta, ME 04333

**FEES:** NON-REFUNDABLE

Not Applicable

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

If the University of Alabama at Birmingham were to enroll students from Maine in its online nursing programs, UAB would not be required to obtain separate approval from the Maine State Board of Nursing. Maine holds that such programs would have had to be part of the institution's accreditation, which is required before authorization to operate in Maine can be considered.

For reference, however, contact information is provided:

Maine State Board of Nursing  
158 State House Station  
Augusta, ME 04333  
Phone: 207-287-1133 / Fax: 207-287-1149  
MARYLAND
Maryland Higher Education Commission
Sue A. Blanshan, Director of Academic Affairs, 410-260-4533, sblansha@mhec.state.md.us

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
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<tbody>
<tr>
<td>Online enrollments: 14</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE REQUIREMENT: NONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham is not required to be licensed in Maryland because it does not operate in the state. Maryland’s Code takes a very narrow view of “operating in-state,” which is not met when there is no physical location. Practicums and clinical experiences are not considered to be physical locations.</td>
</tr>
<tr>
<td>Recent affirmation that Maryland requires no action from educational institutions offering “pure online education” in the state means that these rules are not likely to change in the near term.</td>
</tr>
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</table>

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<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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</thead>
<tbody>
<tr>
<td>Establishing a physical facility with an address in Maryland.</td>
</tr>
<tr>
<td>From the state regulations: “Operating in Maryland means the maintenance in Maryland, for the purpose of offering instruction leading to a degree or certificate or any instruction for credit, of a classroom (including a teleclassroom and/or a computer laboratory), recruiting office, administrative office, or any other instructional space either through a lease or the purchase of space.” COMAR 13B.02.01.03B(12)(a)(i)</td>
</tr>
</tbody>
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<tr>
<th>REGULATED INSTITUTIONS:</th>
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</thead>
<tbody>
<tr>
<td>Degree-granting institutions and private career schools</td>
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</tbody>
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<tr>
<th>EXEMPTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Code of Maryland Regulations 13B.02.01, as amended through October 17, 2011, indicates that:</td>
</tr>
<tr>
<td>• &quot;Operate in Maryland&quot; does not include the non-instructional activities of an out-of-state institution which is accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation, that:</td>
</tr>
<tr>
<td>i. Maintains in Maryland space for non-instructional purposes, such as recruiting, registration, or other administrative purposes;</td>
</tr>
<tr>
<td>ii. Conducts periodic and temporary visits to Maryland for the purposes of student recruitment or contact with an institution’s alumni; or</td>
</tr>
<tr>
<td>iii. Maintains in Maryland a mailing address or a telephone answering or relay service, or advertises such a presence.</td>
</tr>
</tbody>
</table>
"Operate in Maryland" does not include distance education that originates outside of Maryland.

Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland - 13B.02.01: [http://www.mhec.state.md.us/higherEd/COMAR/COMAR_CH_01_Web.pdf](http://www.mhec.state.md.us/higherEd/COMAR/COMAR_CH_01_Web.pdf)

**PROCESS DETAILS:**
Not Applicable

**FEES: NON-REFUNDABLE**
Not Applicable

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
Because the University of Alabama at Birmingham has enrolled Maryland residents in its online nursing courses and programs, particularly those that require a clinical experience, the University should contact the Maryland Board of Nursing to ensure that its programs and clinical experiences meet the state's standards. To be eligible to take the NCLEX-RN exam (and continue in the nursing licensing process in Maryland), applicants must be graduates of an approved nursing education program in Maryland or of a registered nursing education program in any other state that the Board finds substantially equivalent to the program in Maryland.

Pamela Ambush Burris, RN, MSN
Director of Education and Licensure
Maryland Board of Nursing
4140 Patterson Avenue
Baltimore, MD 21215
Phone: 410-585-1900
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 3
Faculty: Yes
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: REQUEST DETERMINATION
The determination as to whether the University of Alabama at Birmingham requires approval to operate in Massachusetts can only be made by a Massachusetts Board of Higher Education (MBHE) staff review.

The Board of Higher Education’s general policy is to require out-of-state institutions to be licensed if they conduct within the Commonwealth of Massachusetts any courses available to residents of the Commonwealth leading to the award of a degree. All schools must obtain from the Commonwealth either approval to operate or confirmation that they are exempt from needing approval. No change is expected in this policy near-term.

Massachusetts has been very clear in personal interviews that its determination is based on a subjective assessment of the degree to which an institution is targeting Massachusetts residents, and the extent to which this involves face-to-face interaction. Because Massachusetts residents are currently enrolled in University of Alabama at Birmingham courses or programs requiring clinical experiences or practicums, UAB most likely will need to receive full approval to operate in the Commonwealth.

TRIGGERS FOR REQUIREMENTS:
Massachusetts focuses on whether an institution has an “on-the-ground” presence in the state when determining whether or not the school needs to obtain approval. Some examples (but there are others) of an on-the-ground presence include face-to-face engagement:
• With students in internships, practicums, etc.
• Between faculty and students in the state

REGULATED INSTITUTIONS:
Degree-granting institutions with “physical presence” in Massachusetts

EXEMPTIONS:
The current Massachusetts code entitled "Degree Granting Regulations for Independent Institutions of Higher Learning" ([http://www.mass.edu/forinstitutions/academic/documents/610CMR.pdf](http://www.mass.edu/forinstitutions/academic/documents/610CMR.pdf)) does not
offer explicit exemptions from regulation. Section 2.07 deals specifically with out-of-state institutions.

**PROCESS DETAILS:**

The University of Alabama at Birmingham must first contact MBHE staff via email with details about its offerings in Massachusetts and the ways in which the institution interacts with Massachusetts students. MBHE staff will then contact the University of Alabama at Birmingham to further understand and verify the scope of the school’s presence in the state, after which MBHE staff will either notify UAB that it is required to apply for approval to operate, or send the school an email confirming that approval to operate is not required.

Each institution must engage in this dialogue individually and on its own behalf. The University of Alabama at Birmingham cannot delegate this communication to an agent, nor can any institution engage in this process on behalf of a system or collection of schools.

If the MBHE determines that UAB requires approval to operate, the University must submit a proposal, necessary fee, and petition to the Board of Higher Education. In addition, the Articles of Amendment/Organization or Foreign Corporation Certificate must also be filed with the Secretary of the Commonwealth, which is then referred to the Board of Higher Education for investigation of the institution, its faculty, equipment, courses of study, financial organization, leadership, and other relevant facts. The typical application process can take from 9 months to a year or more.

**FEES: NON-REFUNDABLE**

If the MBHE determines that the University of Alabama at Birmingham must apply for approval in Massachusetts, UAB will need to submit with its proposal the applicable fees from the following list:

- **Initial license for a Massachusetts-based or Out-of-state institution:** $10,000 plus $2,000 for each degree requested at the same time (if more than one).
- **Annual fee each year for the first five years following initial licensure:** $4,000. For each additional degree at Massachusetts licensed institutions: $4,500 plus $2,000 for each additional degree requested at the same time (if more than one). *(There is no fee for NEASC-CIHE institutions for additional degrees at existing categories/levels.)*
- **Periodic inspection or review (if a separate review from Board’s participation in New England Association of Schools and Colleges review is required):** $4,000.

Fees are to be paid to the Board’s Licensing Fee Trust Fund at the time the institution files articles of organization or amendment or a foreign corporation certificate with the Secretary of State or upon scheduling of periodic inspection or review.

**BOND REQUIREMENTS:**

None

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham has enrolled Massachusetts residents in its online nursing courses and programs, the University should contact the Massachusetts Board of Registration in
Nursing for separate approval and to ensure that UAB's nursing programs and clinicals meet the state's standards. To be eligible for licensure in Massachusetts, applicants must be graduates of an accredited school of nursing.

Massachusetts Board of Registration in Nursing
239 Causeway Street, Suite 500, 5th floor
Boston, MA 02114
Phone: 800-414-0168
http://www.mass.gov/eohhs/provider/licensing/occupational/nursing/
MICHIGAN
Michigan Department of Energy, Labor, and Economic Growth
Michael Beamish, Department Specialist, 517-241-6806, BeamishM@michigan.gov

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**

- Online enrollments: 7
- Faculty: Yes
- Clinicals/Practicums: Yes
- Recruiting/Admissions: No
- Advertising: No

**STATE REQUIREMENT: NONE**

The University of Alabama at Birmingham is not required to obtain approval or licensure in Michigan because it does not have a physical presence in the state.

Michigan's regulations have not changed for many years; however, state officials have responded very recently and consistently with this assessment of the requirements for out-of-state institutions. No near-term changes are anticipated in this state.

**TRIGGERS FOR REQUIREMENTS:**

Physical presence in Michigan means operating a physical location in the strictest sense, including having servers located in the state, but **does not include conducting courses such as internships, clinicals, practicums, or other educational settings involving a location in Michigan**. This was clarified on April 22, 2011, after information to the contrary had circulated. Advertising is allowed without approval or licensure. An institution having faculty working from the state requires approval if the institution wishes to incorporate or file a certificate of authority to operate.

The state’s SHEEO survey response indicates that recruiters of Michigan students must obtain a permit to operate if their institution does not offer degrees at the baccalaureate level in its home state. This is confirmed by the Soliciting Students in Michigan publication available at: [http://www.michiganbps.net/ViewAttachment.aspx?ID=732](http://www.michiganbps.net/ViewAttachment.aspx?ID=732). The state also indicates that short-term student seminars or gatherings held in Michigan are evaluated on a case-by-case basis.

**REGULATED INSTITUTIONS:**

- Private colleges, universities, and non-degree granting proprietary schools

**EXEMPTIONS:**

- Not Applicable

**PROCESS DETAILS:**

- Not Applicable
FEES: NON-REFUNDABLE
Not Applicable

BOND REQUIREMENTS:
Not Applicable

ADDITIONAL INFORMATION:
The Michigan Board of Nursing requires that any online program have the full Nursing Board approval of the state where the brick and mortar campus is located. Because the University of Alabama at Birmingham has enrolled Michigan residents in its online nursing courses and programs and those students are completing their clinicals in Michigan, the University should submit a letter introducing the school, its location, evidence of Alabama State Board of Nursing approval, MI nursing student names, clinical sites, and faculty information, such as credentials, Michigan license, and that the instructors meet the qualifications of the nursing program as required by the Alabama State Board of Nursing. The MBON cautions that clinical sites and faculty are very tight, and most of the Michigan nursing programs participate in the clinical consortium placement.

The most common programs that submit letters are RN to BSN online or MSN online nursing programs. Pre-licensure programs run the risk of not meeting the requirements of the Michigan Board of Nursing Administrative Rules for clinicals to be concurrent or immediately following the theory portion of the course.

Margaret Jones  
Nursing Education and Nurse Aide Training Programs  
Michigan/DCH/Bureau of Health Professions  
Ottawa Towers North  
611 W. Ottawa, 1st Floor  
Lansing, MI 48933  
Phone: 517-335-0918  
http://www.michigan.gov/healthlicense
# UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:

<table>
<thead>
<tr>
<th>Online enrollments: 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

# STATE REQUIREMENT: APPLY FOR REGISTRATION

The University of Alabama at Birmingham is required to obtain Degree-Granting Institutional Registration because it offers programs or courses to students in Minnesota. The state has indicated, however, that all institutions should contact the Institutional Registration & Licensing office first to determine the extent to which registration is required, if at all. If UAB is found to trigger full application requirements, Minnesota is willing to work with the University to “teach out” existing students if the institution prefers to take that route.

Minnesota gives clear guidelines and instructions on its online application for 2011-2012. No near-term updates are expected.

# TRIGGERS FOR REQUIREMENTS:

Any private and public postsecondary educational institution located in another state or country that offers or makes available to a Minnesota resident any course, program, or educational activity that does not require leaving the state for its completion.

# REGULATED INSTITUTIONS:

Any school that falls into any one or more of the following categories must complete an application for Degree-Granting Institutional Registration:

- Private non-profit postsecondary education institution that offers a degree
- Private for-profit postsecondary education institution that offers a degree
- Non-Minnesota public and private postsecondary institutions offering programs or courses to students in Minnesota that do not require them to leave the state of Minnesota for completion
- Non-Minnesota individuals, entities, or institutions that contract with Minnesota postsecondary institutions to provide training for which credits may be awarded that can be applied towards a degree

# EXEMPTIONS:

Minnesota provides an exemption for “restricted” types of schools, including religious schools or those whose programs are strictly offered through trade- or union-related affiliations, and those that are...
### PROCESS DETAILS:

The University of Alabama at Birmingham should contact the Institutional Registration & Licensing office to receive a preliminary assessment of UAB's specific requirements in Minnesota. Then, to apply for a Degree-Granting Institutional Registration, UAB must:

1. Complete the application form and submit the required fee, forms, and documents ([http://www.ohe.state.mn.us/pdf/136_new_and_full_review_app.docx](http://www.ohe.state.mn.us/pdf/136_new_and_full_review_app.docx))
2. Mail all registration materials and the fee in check form made payable to the Office of Higher Education to:
   - Office of Higher Education
   - ATTN: Degree Granting Institutional Registration
   - P.O. Box 64449
   - St. Paul, MN 55164

### FEES: NON-REFUNDABLE

Note: The manager of Institutional Registration & Licensing prefers that institutions wait to send payment until the office can compute a total. Mr. Roedler believes the total will almost always be lower than the published fees listed below.

**Initial Degree-Granting Institutional Registration:**
- Non-Degree Programs: $250 each
- Associate: $2,000 + $250 for each additional degree program
- Bachelor’s: $2,500 + $500 for each additional degree program
- Master’s: $3,000 + $750 for each additional degree program
- Doctoral: $3,500 + $1,000 for each additional degree program

### BOND REQUIREMENTS:

Only a school that has fallen below minimum financial standards set by the Department of Education and has been notified that its continued participation in Title IV will be conditioned upon its satisfying either the Zone Alternative or a Letter of Credit will be required to post this additional security.

### ADDITIONAL INFORMATION:

If the University of Alabama at Birmingham were to enroll any Minnesota residents in its online nursing courses and programs, the University should contact the Minnesota Board of Nursing for separate approval and to ensure that its programs and clinicals meet the state's standards. Minnesota appears to recognize applicants from out-of-state programs that are approved by the institution's home state Board of Nursing.

- Minnesota Board of Nursing
  - 2829 University Avenue SE, Suite 200
  - Minneapolis, MN 55414
  - Phone: 612-617-2270 / Fax: 612-617-2190
  - [http://www.nursingboard.state.mn.us](http://www.nursingboard.state.mn.us)
MISSISSIPPI
Mississippi Commission on College Accreditation
Menia Dykes, Director of Accreditation, 601-432-6372, mdykes@mississippi.edu

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 93</td>
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<td>Faculty: No</td>
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<td>Clinicals/Practicums: Yes</td>
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<tr>
<td>Recruiting/Admissions: Yes</td>
</tr>
<tr>
<td>Advertising: Yes</td>
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<tr>
<th>STATE REQUIREMENT: SEND LETTER CONFIRMING ACTIVITIES</th>
</tr>
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<tbody>
<tr>
<td>The University of Alabama at Birmingham must send a letter to the Mississippi Commission on College Accreditation (MCCA) indicating that its activities in the state do not trigger the state's definition of “otherwise located.”</td>
</tr>
</tbody>
</table>

The MCCA indicates that the state is currently reviewing all of its policies, procedures, standards, and regulations, and that changes are expected in 2012. In the meantime, the following procedures were implemented in May 2011: [http://www.mississippi.edu/mcca/downloads/federal-online-ed-requirements.pdf](http://www.mississippi.edu/mcca/downloads/federal-online-ed-requirements.pdf)

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<tbody>
<tr>
<td>All postsecondary educational institutions domiciled, incorporated, or “otherwise located” in the State of Mississippi must have MCCA authorization prior to offering postsecondary instruction in the State.</td>
</tr>
<tr>
<td>Examples of what triggers the “otherwise located” standing include, but are not limited to:</td>
</tr>
<tr>
<td>1. The institution maintains a telephone number with a Mississippi area code;</td>
</tr>
<tr>
<td>2. The institution maintains a postal address (either physical or P.O. Box) with a Mississippi zip code;</td>
</tr>
<tr>
<td>3. The institution maintains an Internet URL that originates in Mississippi or utilizes an ISP that is based in Mississippi; or</td>
</tr>
<tr>
<td>4. The institution advertises that a future institution will be domiciled, incorporated, or otherwise located in the State.</td>
</tr>
</tbody>
</table>

The MCCA indicated to Eduventures via email that clinicals/practicums do not trigger the "otherwise located" definition.

Mississippi asks institutions to self-assess as to whether the programming they offer entails any one or more of the activities listed above. If an institution has any question as to whether it falls within the “otherwise located” category, the institution must contact MCCA and request a determination. Final decisions related to what constitutes “otherwise located” will be made by the Commission.

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
</tr>
</thead>
</table>
| All degree-granting institutions. The Commission considers applications for MCCA accreditation from academic degree-granting institutions located outside Mississippi provided that the following conditions are met:
3.1.2.1 The applicant institution is accredited by one of the six regional accrediting bodies*; and
3.1.2.2 Evidence is provided by the applicant institution that the demand for the
course/program cannot be met by existing higher education institutions in Mississippi.

* (1) Commission on Colleges, Southern Association of Colleges and Schools; (2) Middle States Association
of Colleges and Schools, Commission on Higher Education; (3) New England Association of Schools and
Colleges; (4) North Central Association of Colleges and Schools, the Higher Learning Commission; (5)
Northwest Commission on Colleges and Universities; and (6) Western Association of Schools and Colleges
(WC/WJ).

EXEMPTIONS:
Postsecondary institutions with no physical presence or “otherwise located.” For definition of
“otherwise located,” see above.

PROCESS DETAILS:
The University of Alabama at Birmingham does not appear to engage in any activity that would trigger
the “otherwise located” definition; thus, UAB should send a letter to the MCCA that states the
following:
“The University of Alabama at Birmingham located at [Legal Mailing Address] has reviewed the
conditions which would cause it to be required by the State of Mississippi’s Commission on
College Accreditation to be authorized. Resultant from this review, the University of Alabama at
Birmingham stipulates that it engages in none of the listed activities.”

The body of the letter should also indicate the name and contact information for the individual to whom
any return information should be directed. The letter must be written on institutional letterhead
stationery, signed by either the institution’s president or legal counsel, notarized, and mailed to:
Menia Dykes
Mississippi Commission on College Accreditation
3825 Ridgewood Road
Jackson, MS 39211

After reviewing the letter, the MCCA will return to UAB a statement indicating that no further action is
needed by the institution to provide online programming to Mississippi residents under the procedures
in effect as of the date of issuance of the statement. The statement will be in effect for 12 months from
the date of issuance or until UAB engages in any trigger activity, whichever occurs first.

If, however, the MCCA determines that the University of Alabama at Birmingham does engage in
activities that require authorization by the state, UAB would need to request an application for
accreditation. The application is not available online and must be requested by mail, along with a $100
fee. Any institution required to apply must cease and desist further enrolling of any Mississippi residents
as students or any student located in Mississippi while receiving instruction from the institution until
authorization is issued.

The Commission considers complete applications at its annual meeting, which occurs in May or June,
and applications must be submitted at least four months prior to the annual meeting (i.e., by February
1).
The University of Alabama at Birmingham would also need to register with the Mississippi Secretary of State’s office to be incorporated or approved to do business in the state.

**FEES: NON-REFUNDABLE**

Likely none. However, if the University of Alabama at Birmingham is required to obtain authorization in Mississippi, it would need to submit a fee of $3,000 with its application.

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

The Mississippi Board of Nursing has indicated that it does not provide approval for out-of-state online nursing programs, but leaves that approval (if necessary) to the MCCA. However, because the University of Alabama at Birmingham enrolls a significant number of Mississippi residents in its online nursing courses and programs, Eduventures recommends that UAB contact the Mississippi Board of Nursing for confirmation:

- Mississippi Board of Nursing
  - 1080 River Oaks Drive
  - Flowood, MS 39232
  - Phone: 601-664-9303 / Fax: 601-664-9304
  - [http://www.msbn.state.ms.us/](http://www.msbn.state.ms.us/)
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
- Online enrollments: 1
- Faculty: 0
- Clinicals/Practicums: Yes
- Recruiting/Admissions: No
- Advertising: No

STATE REQUIREMENT: REQUEST APPLICATION
The University of Alabama at Birmingham must obtain approval to operate in the State of Missouri because it maintains a physical presence in the state due to its required clinicals/practicums. The University of Alabama at Birmingham must contact the Missouri Department of Higher Education to request an application, which is not available online.

No near-term changes are expected to Missouri’s regulations.

TRIGGERS FOR REQUIREMENTS:
The Missouri Department of Higher Education (MDHE) defines “physical presence” to mean any person or location within the state of Missouri where, from, or through which a school operates for the purpose of conducting an activity relating to postsecondary education, including the granting of certificates or degrees, or for the purpose of recruiting students. Location is defined to include any address, physical site, electronic device, or telephone number within or originating from within the boundaries of the state of Missouri. Physical presence shall also mean a formally scheduled instructional interaction organized by or through a school taking place between two or more students and/or instructors within the state of Missouri.

The MDHE further clarified this definition in its SHEEO survey response, indicating that the following activities constitute a "physical presence" if occurring or located within the state:
- Practicums, field experiences, externships, internships
- Servers
- Student gatherings/seminars (dependent on nature and scope)

REGULATED INSTITUTIONS:
All out-of-state institutions and in-state for-profit institutions

EXEMPTIONS:
Missouri has established the following categories of exemption:
- Missouri public institutions
- Missouri not-for-profit independent institutions accredited by a U.S. Department of Education
recognized accrediting commission
• Not-for-profit religious institutions accredited by a U.S. Department of Education recognized accrediting commission
• Not-for-profit religious institutions offering only religiously designated degrees and programs
• Charitable institutions that provide instruction without financial charge
• Schools offering only non-vocational or recreational courses or programs
• Employer-sponsored instruction or training available only to employees
• Training by restricted membership trade or professional associations for members only
• Schools or training programs regulated and approved by other state agencies
• Elementary and/or secondary schools (i.e., schools enrolling students primarily under the age of 16)

The related statute can be reviewed at http://dhe.mo.gov/documents/MissouriRevisedStatutes.pdf.

To be determined exempt, an institution must submit an application to the MDHE indicating which specific exemption category is applicable to its organization or operation.

**PROCESS DETAILS:**

The University of Alabama at Birmingham must seek certification in Missouri by first requesting an initial application to operate from the Proprietary School Certification division of the MDHE. (The application is not available online.)

Once the application has been submitted, the MDHE reviews the information to assess compliance with certification standards. While some credit is given to recognized accreditation and approval in the school’s home state, all proposals are required to follow the full application process. The review process takes a minimum of 120 days after the application reaches the MDHE. The institution will receive the results of the review in writing and is given time to address any deficiencies and to provide additional information relating to areas of confusion or concern.

Once the application has been approved, the applicant school must post a security deposit (e.g., a surety bond) and pay the certification fee. When all three of these items are complete, the MDHE issues a certificate of approval to operate, which includes an inventory of approved programs.

Full details of the initial certification process: http://www.dhe.mo.gov/psc/initialcertification.php

**FEES:** NON-REFUNDABLE

The initial certification fee is $250.

**BOND REQUIREMENTS:**

Schools must post a security deposit (a surety bond, cash bond, or letter of credit) to receive approval to operate. The bond or other security shall cover all the facilities and locations of a proprietary school and shall not be less than $5,000 or 10% of the preceding year’s gross tuition, whichever is greater, but in no case shall it exceed $25,000.
**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham enrolls a Missouri resident in its online nursing courses and programs (the MSN program, in this case), the University should contact the Missouri Board of Nursing for separate approval and to ensure that the MSN program and student's clinical experience meet the state's standards. Missouri accepts applicants from out-of-state accredited nursing programs, but must approve/recognize any out-of-state online pre-licensure programs being offered to its residents to enable those residents to sit for the licensure exam.

Bibi Schultz, RN, MSN, CNE  
Education Administrator  
Missouri State Board of Nursing  
3605 Missouri Blvd.  
P.O. Box 656  
Jefferson City, MO 65102-0656  
Phone: 573-751-0079 or 417-468-1702 / Fax: 573-751-6745  
bibi.schultz@pr.mo.gov  
http://www.pr.mo.gov/nursing.asp
MONTANA
The Board of Regents of the Montana University System
Thomas H. Gibson, Director, Academic Processes & eLearning Business, 406-444-0311,
tgibson@montana.edu

| UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE: |
|-----------------|-----------------|
| Online enrollments: 1 |
| Faculty: No |
| Clinicals/Practicums: Yes |
| Recruiting/Admissions: No |
| Advertising: No |

| STATE REQUIREMENT: NONE |
|-----------------|-----------------|
| As a public institution, the University of Alabama at Birmingham is not required to obtain approval in the state of Montana despite enrolling Montana residents in its programs. |

For private institutions, the state requires approval and registration with the Secretary of State’s office if any Montana residents are enrolled in the institutions’ programs. Institutions receive approval if they are accredited by an accrediting agency approved and accepted by the Council on Higher Education Accreditation. No near-term change is anticipated.

| TRIGGERS FOR REQUIREMENTS: |
|-----------------|-----------------|
| If an institution is “regularly conducting business” in Montana, which includes delivering an online academic program to Montana students, it must receive approval from the Board of Regents of the Montana University System. Institutions must also register with the Secretary of State’s office as a entity transacting business within the state. |

| REGULATED INSTITUTIONS: |
|-----------------|-----------------|
| All degree-granting institutions. |

| EXEMPTIONS: |
|-----------------|-----------------|
| According to the state’s SHEEO survey response: “Public institutions are not required to register with the Secretary of State or to obtain a Certificate of Authority.” |

| PROCESS DETAILS: |
|-----------------|-----------------|
| Public Institutions: Not applicable |
| Private Institutions: Degree-granting institutions must get the Board of Regents' approval and be accredited by one of six agencies recognized by the Board of Regents, or by CHEA. Institutions must provide the Board of Regents with a copy of their accreditation letter, with confirmation that the accreditation is current. There is no state agency in Montana that regulates actual licenses for higher education. |
education program delivery. The approval process takes 10-25 days, and approval remains in effect as long as the institution maintains its accreditation.

In addition, pursuant to Title 35 of the Montana Code Annotated, out-of-state businesses may not transact business in the state without meeting the registration requirements of the Montana Secretary of State’s Office: http://sos.mt.gov/Business/Forms/index.asp.

**FEES:** NON-REFUNDABLE

Fees apply only to entities that must also register with the Montana Secretary of State, though public institutions are exempt and incur no direct costs. The application fee varies depending on the nature of the business tax status, as determined by the IRS (i.e., private profit or not-for-profit).

**BOND REQUIREMENTS:**

None

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham currently enrolls a Montana resident only in its online MSN program, UAB does not currently need to seek approval from the Montana State Board of Nursing because the Board only approves programs leading to initial licensure. Approval would be needed if UAB began enrolling Montana residents in its online pre-licensure programs.

If a student who is a Montana resident or a student who is not a MT resident wants to complete clinical work at a facility in Montana toward their initial degree and is enrolled in an out of state nursing program (online or otherwise), the out of state nursing program needs to follow Administrative Rule 24.159.608 to place a student in clinical in MT: http://www.mtrules.org/gateway/ruleno.asp?RN=24%2E159%2E608

Dr. Cynthia Gustafson, Executive Director  
Montana State Board of Nursing  
301 South Park, Suite 401  
P.O. Box 200513  
Helena, MT 59620-0513  
Phone: 406-841-2340 / Fax: 406-841-2305  
cgustafson@mt.gov  
http://bsd.dli.mt.gov/license/bsd_boards/nur_board/board_page.asp
NEBRASKA
Nebraska Coordinating Commission for Postsecondary Education
Kathleen Fimple, Academic Programs Officer, 402-471-2030, kathleen.fimple@nebraska.gov

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 2</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
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<tr>
<th>STATE REQUIREMENT: NONE</th>
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<tbody>
<tr>
<td>The University of Alabama at Birmingham is not required to obtain approval or licensure in the state of Nebraska because it does not have a “physical presence” within the state. Nebraska takes a narrow view of physical presence, which does not include clinical experiences or practicums.</td>
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<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<tbody>
<tr>
<td>Establishing a &quot;physical presence&quot; means offering a course for college credit or a degree program in Nebraska that leads to an associate, baccalaureate, graduate, or professional degree, including:</td>
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<tr>
<td>• Establishing a physical location in Nebraska where a student may receive synchronous or asynchronous instruction; or</td>
</tr>
<tr>
<td>• Offering a course or program that requires students to physically meet in one location for instructional purposes more than once during the course term; or</td>
</tr>
<tr>
<td>• Establishing an administrative office in this state.</td>
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<tr>
<th>REGULATED INSTITUTIONS:</th>
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</thead>
<tbody>
<tr>
<td>The Commission regulates those institutions that offer postsecondary education in Nebraska, including Nebraska’s public institutions, private institutions, and out-of-state institutions offering courses in Nebraska, including those offering courses by telecommunication with a physical presence.</td>
</tr>
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<tr>
<th>EXEMPTIONS:</th>
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<tr>
<td>Physical presence does not include:</td>
</tr>
<tr>
<td>• An educational experience arranged for an individual student, such as a clinical, practicum, residency, or internship;</td>
</tr>
<tr>
<td>• Course offerings on a military installation solely for military personnel or civilians employed on such installation;</td>
</tr>
<tr>
<td>• Course offerings in the nature of a short course or seminar if instruction for the short course or seminar takes no more than 20 classroom hours; or</td>
</tr>
<tr>
<td>• Courses offered online or through the United States mail or similar delivery service that do not require the physical meeting of a student with instructional staff.</td>
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</table>
### PROCESS DETAILS:
There is currently no requirement or process for notifying the agency when an institution falls under one of the exemption categories. However, a letter is available for institutions with exclusively online offerings indicating that approval is not required (giving the name and location of the institution).

### FEES:
**NON-REFUNDABLE**  
Not Applicable

### BOND REQUIREMENTS:
Not Applicable

### ADDITIONAL INFORMATION:
The Nebraska Board of Nursing approves only those programs that lead to initial licensure. Because the University of Alabama at Birmingham enrolls a Nebraska resident in its online BSN program, the University should contact the Nebraska Board of Nursing for approval:  
- Nebraska Board of Nursing  
  301 Centennial Mall South  
  Lincoln, NE 68509-4986  
  Phone: 402-471-4376 / 402-471-6443 (for Advanced Practice Registered Nurse Board)  
  Fax: 402-471-1066  
  [http://dhhs.ne.gov/publichealth/Pages/crl_nursing_rn-lpn_rn-lpn.aspx](http://dhhs.ne.gov/publichealth/Pages/crl_nursing_rn-lpn_rn-lpn.aspx)
**NEVADA**

Nevada Commission on Postsecondary Education
David Perlman, Administrator, 702-486-7330, dperlman@cpe.state.nv.us

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<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
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<tbody>
<tr>
<td>Online enrollments: 4</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: Yes</td>
</tr>
<tr>
<td>Advertising: No</td>
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<thead>
<tr>
<th>STATE REQUIREMENT: APPLY FOR LICENSURE</th>
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<tbody>
<tr>
<td>The University of Alabama at Birmingham is required to obtain licensure in the state of Nebraska because its online nursing students participate in clinical experiences as part of their degree programs. Any activity, including externships or other hands-on segments, conducted in Nevada requires approval by the Commission on Postsecondary Education.</td>
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</table>

Nevada updated its regulations page on May 6, 2011, and clearly defined the jurisdiction of the Commission in regards to online learning. No near-term change is anticipated for Nevada.

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<tbody>
<tr>
<td>Institutions providing distance learning to Nevada residents are considered to have a presence in the state – and are required to be licensed by the Commission on Postsecondary Education – if they:</td>
</tr>
<tr>
<td>1. Maintain a physical location in Nevada.</td>
</tr>
<tr>
<td>2. Solicit within the state borders (e.g., billboards, local phone books, newspapers, job fairs in Nevada, etc.).</td>
</tr>
<tr>
<td>3. Require instruction or training to take place in Nevada, such as (but not limited to) externships, seminars, hands-on segments, etc.</td>
</tr>
<tr>
<td>4. Employ mentors, tutors, or preceptors in the state to aid students who are Nevada residents on an individual basis.</td>
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<tr>
<th>REGULATED INSTITUTIONS:</th>
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<tbody>
<tr>
<td>The Nevada Commission on Postsecondary Education has oversight authority for degree-granting and non-degree-granting postsecondary educational institutions, both public and private and for-profit and not-for-profit, operating in the state of Nevada.</td>
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<tr>
<th>EXEMPTIONS:</th>
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<tbody>
<tr>
<td>Institutions not located within the borders of Nevada that offer education via distance learning are not required to be licensed by the Commission on Postsecondary Education if:</td>
</tr>
<tr>
<td>1. The training entity is not located in any part within the borders of Nevada;</td>
</tr>
<tr>
<td>2. The training entity does not solicit within the borders of Nevada (billboards, local phone books, newspapers, job fairs in Nevada, etc.); and,</td>
</tr>
</tbody>
</table>
3. No part of the training takes place within the borders of Nevada such as (but not limited to) externship, seminars, hands-on segments; etc.
4. In addition, if the sole activity is to employ Nevada residents as faculty to teach via distance education, licensure is not required.

**PROCESS DETAILS:**

To obtain approval as an accredited degree-granting institution, the University of Alabama at Birmingham must fill out a full application:

[http://www.cpe.state.nv.us/CPE%20Info%20for%20New%20Schools.htm](http://www.cpe.state.nv.us/CPE%20Info%20for%20New%20Schools.htm)

The application requires the following forms:

- Private Postsecondary Educational Institution Bond
- Budget Estimate
- Release For Substantiation Of Financial Data
- Curriculum Attachments/Instructions
- Program Description
- Curriculum Content
- Distance Education
- Distance Education Courses
- Director
- Academic Director
- Instructor
- Background Investigation
- Attachments and Certifications
- Ownership
- Catalog Approval Checklist (Attach Catalog)
- Acceptance Agreement Checklist (Attach Agreement)
- Accreditation/Licensure
- Reviewed or audited financial statement, prepared and signed by a certified public accountant within 12 months before the date of this application. The statement must be submitted with the application. A compiled statement is NOT acceptable.
- Fifteen-hundred-dollar ($1,500) non-refundable application fee payable to the STATE OF NEVADA TREASURER
- One complete copy of curriculum for each program to include books, handouts, etc.
- Letter from accrediting body indicating they are aware of this application, if accredited.
- Two fingerprint cards and $51.25 money order payable to “Department of Public Safety” for each form 40c submitted.

**FEES: NON-REFUNDABLE**

Application Fee: $1,500 (may also require fee for subject-matter expert review and ongoing security bond)
**BOND REQUIREMENTS:**
Bonding requirements can be found in NRS 394.480 (http://www.leg.state.nv.us/NRS/NRS-394.html#NRS394Sec480). The minimum bond amount is $10,000, but a higher bond may be required. Bond amounts are calculated by multiplying tuition times projected enrollment time percentage of program length to one year. The Commission on Postsecondary Education will notify the University of Alabama at Birmingham of its specific bond amount after reviewing UAB's application.

**ADDITIONAL INFORMATION:**
Because the University of Alabama at Birmingham has enrolled Nevada residents in its online nursing courses and programs, the University must contact the Nevada State Board of Nursing (BON) for separate approval of its clinicals. The BON indicates that pre-licensure programs must have their in-state clinicals approved by the Board beforehand. **Students are not allowed to arrange their own clinicals,** and the institution must have Nevada-licensed clinical faculty.

The Nevada State BON requires that post-licensure nursing programs have faculty who are licensed in Nevada. In addition, students completing their clinicals in Nevada must have an RN license in the state. The BON must approve any contracts between a clinical site and a school of nursing.

- Nevada State Board of Nursing
- 5011 Meadowood Mall Way, Suite 300
- Reno, NV 89502
- Phone: 775-687-7700 / Fax: 775-687-7707
- [http://www.nursingboard.state.nv.us](http://www.nursingboard.state.nv.us)
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 2
Faculty: No
Clinicals/Practicums: No
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE
The University of Alabama at Birmingham is not required to obtain approval in the state of New Hampshire because it does not have a physical presence within the state. However, if the University of Alabama at Birmingham were to enroll New Hampshire residents in courses or programs that require clinical experiences or practicums.

TRIGGERS FOR REQUIREMENTS:
New Hampshire considers an institution to have “physical presence” if it has a New Hampshire telephone number or mailing address of any kind, servers located within the state, or if advising/mentoring or instruction is taking place within the state. The state indicates that clinicals and practicums fall within this definition.

REGULATED INSTITUTIONS:
• Degree-granting institutions incorporated, or seeking to be incorporated, in the state;
• Out-of-state degree-granting institutions with a physical presence in the state;
• Career/Occupational schools.

EXEMPTIONS:
An out-of-state institution with no physical presence in the state of New Hampshire that is accredited by a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education, or both and is either:
  a. Offering credit-bearing courses, programs and/or degrees exclusively by online computer delivery in which the server is located outside of the state, including online instructors residing in the state that do not physically meet with students; or
  b. Sending recruiters to college fairs or advertising in the state.

PROCESS DETAILS:
Not Applicable - Currently
If/When Approval Is Necessary
New Hampshire explains the full approval process on its website at: http://www.education.nh.gov/highered/colleges/approval_procedures.htm. The first steps are provided here:

1. A representative from the requesting institution sets up a meeting with the division director, or designated representative, to discuss proposed plans. A written, signed, request shall be submitted that includes
   a. approval being sought
   b. the reason therefore
   c. the process used to develop the plan/request
   d. proposed timeline
   e. evidence of distinctions between proposed offerings and those currently offered by NH institutions.

2. The institution forwards six (6) hard copies (spiral bound preferred) and an electronic version of the institutional plan according to Pos 1000, with check made payable to: Treasurer, State of New Hampshire (see Fees below). The plan must address:
   a. Purpose and mission;
   b. Organization and governance;
   c. Educational program;
   d. Graduation requirements;
   e. Faculty;
   f. Student body;
   g. Student records;
   h. Library;
   i. Facilities and technologies;
   j. Financial resources; and
   k. Publications.

3. The division director and Commission chair (may include Executive Committee) decide on an appropriate Evaluation Team. A site visit date is then determined and confirmed. Evaluators will sign an Evaluator Agreement and track expenses. They will submit an Expense Report, Alternate W-9 Form, and Vendor Application Form to the Commission who will, in turn, invoice the institution who is responsible for payment.

Renewal/Annual Reports
Out-of-state institutions, per PART Pos 1006 of the NH Code of Administrative Rules, will be required to submit an annual report by December 31 of each year, outlining offerings; enrollments by site(s); curriculum changes; changes in faculty that includes academic discipline, degree alignment with courses taught, degrees held/institution(s) attended; current status with accreditors; and any other area specified by the Evaluation Team or Commission.

Fees: NON-REFUNDABLE

Not Applicable - Currently

If/When Approval Is Necessary
   Out-of-state institution - branch campus incorporation: $10,000
   New Program/Degree approval: $3,000
   Stipends for Evaluation Committee: $2,000 (for Chair) + $1,000
**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
If the University of Alabama at Birmingham were to enroll any New Hampshire residents in its pre-licensure online nursing courses and programs, the University would need to contact the New Hampshire Board of Nursing for separate approval. The state indicates that approval is necessary for pre-licensure programs, although it has not (as of July 2012) approved any online programs. New Hampshire does not approve post-licensure programs.

New Hampshire Board of Nursing
21 South Fruit Street, Suite 16
Concord, NH 03301-2341
Phone: 603-271-2323 / Fax: 603-271-6605
[http://www.state.nh.us/nursing](http://www.state.nh.us/nursing)
NEW JERSEY
New Jersey Commission on Higher Education
Director of Academic Affairs, 609-292-2955, nj_che@che.state.nj.us

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online enrollments: 1</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: No</td>
</tr>
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<td>Recruiting/Admissions: No</td>
</tr>
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<td>Advertising: No</td>
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<table>
<thead>
<tr>
<th>STATE REQUIREMENT: NONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham is not required to obtain licensure in the state of New Jersey because it does not maintain a physical presence within the state.</td>
</tr>
<tr>
<td>New Jersey recently updated the public information on its website to clearly address the regulation of out-of-state institutions with no physical presence in the state. No near-term changes are anticipated in New Jersey.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
</tr>
</thead>
</table>
| Physical presence is demonstrated in New Jersey when "an entity offers credit bearing courses from, or conducts some portion of the learning experience at a location established in New Jersey by the entity, whether established directly or under auspices of another entity or institution."

Externships, practicums, and clinical experiences require licensure only if the student-supervisor relationship is in a group setting. If the interaction is only one-on-one, no approval is required. Local advertisements do not require licensure.

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
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<tbody>
<tr>
<td>Any degree- or credit-offering institution with a physical presence in the state, including those based inside and outside of New Jersey, and those that are public, private, and proprietary in nature.</td>
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<table>
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<tr>
<th>EXEMPTIONS:</th>
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<tbody>
<tr>
<td>Not Applicable</td>
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<tr>
<th>PROCESS DETAILS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable - Currently</td>
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</tbody>
</table>

If the University of Alabama at Birmingham were to trigger the physical presence definition in the future, UAB would need to contact the Academic Affairs Division to begin the application for licensure. The New Jersey Commission on Higher Education expects that institutions will petition for licensure of
degree programs at least one year before implementation. Out-of-state institutions that offer degree programs may be licensed for one to five years, with initial licensure not exceeding three years. The full New Jersey regulations are available here:

**FEES**: NON-REFUNDABLE  
Not Applicable

Fees for licensure are unknown at this time. Contact the Academic Affairs Division for full licensure details.

**BOND REQUIREMENTS**:  
Not Applicable

**ADDITIONAL INFORMATION**:  
If the University of Alabama at Birmingham seeks to enroll New Jersey residents in its online nursing courses and programs, the University should contact the New Jersey Board of Nursing for separate approval and to ensure that its programs and clinicals meet the state’s standards:
- New Jersey Board of Nursing  
  P.O. Box 45010  
  124 Halsey Street, 6th Floor  
  Newark, NJ 07101  
  Phone: 973-504-6430 / Fax: 973-648-3481  
  http://www.state.nj.us/lps/ca/medical/nursing.htm
NEW MEXICO
New Mexico Higher Education Department
Stephanie Ellis, Private and Proprietary Schools Administrator, 505-476-8442,
Stephanie.ellis@state.nm.us

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 1
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE UNTIL JULY 2013
The University of Alabama at Birmingham is considered exempt from institutional approval in New Mexico because it is a regionally accredited public institution. New Mexico does require out-of-state public institutions to seek approval of individual programs offered in the state; however, the state has issued a waiver to out-of-state public institutions, delaying the need for this approval until June 30, 2013. After June 30, 2013, the University of Alabama at Birmingham should contact the New Mexico Higher Education Department for program approval.

The Department’s website was updated on March 23, 2012 (See http://www.hed.state.nm.us/uploads/files/Ltr%20Public%20Out-of-State%20Institutions%203-23-2012.pdf). The state has indicated that it may revise its regulations during the state legislature’s 2013 session.

TRIGGERS FOR REQUIREMENTS:
“Presence” is defined as offering courses, programs, or degrees on site or from a geographical site in New Mexico or maintaining an administrative, corporate, or other address in the state. However, according to the state’s SHEEO survey response, the following activities also constitute having a presence in New Mexico:

- Clinical practicums, internships, externships, field experiences
- Hosted seminars/student gatherings
- Targeted marketing in local media
- Student services provided by in-state organizations (e.g., library, gym, computer centers)
- Employing mentors/tutors in the state

Out-of-state institutions (including online institutions) that do not have a "presence" in New Mexico, but actively recruit students within New Mexico to attend their institution out of state must apply for registration, which is distinct from licensure. Agents actively recruiting for such institutions must be authorized by the New Mexico Higher Education Department.

REGULATED INSTITUTIONS:
Private postsecondary institutions only. Public out-of-state institutions are not subject to regulation, but New Mexico requires public institutions to seek approval of their programs offered to New Mexico residents, pursuant to NMSA 1978, §21-25-1 through §25-25-5. (Source:...
EXEMPTIONS:
In addition to the common exemptions for “restricted” types of schools, such as those with strictly religious, employer-affiliated, or trade-related affiliations, New Mexico also exempts the following:
- Regionally accredited institutions
- Out-of-state institutions whose sole activity in New Mexico is conducting general advertising through print or electronic media, but without agents working within New Mexico and without soliciting students through individual canvassing
- Institutions whose sole activity in the state is sending employees to participate in occasional college fairs or other assemblies of institutions collectively providing information to prospective students

PROCESS DETAILS:
No action is needed until June 30, 2013. After that date, the University of Alabama at Birmingham must contact the New Mexico Higher Education Department regarding applying for program approval.

Note: The University of Alabama at Birmingham and its representatives must agree to make no reference to the Department in advertising and/or printed materials.

FEES: NON-REFUNDABLE
After June 30, 2013: $4,000 for initial licensure for degree-granting institutions

BOND REQUIREMENTS:
A surety bond is required. The form is available here:
http://www.hed.state.nm.us/uploads/FileLinks/d205a4a0fbf94c47933b274573c36c85/Surety%20Bond%20Form%20-%20Licensure.doc

ADDITIONAL INFORMATION:
Because the University of Alabama at Birmingham has enrolled a New Mexico resident in its online nursing courses and programs, the University should contact the New Mexico Board of Nursing, particularly if UAB expects to expand enrollments in the state. Because the current student is enrolled in an advanced practice nursing program, formal approval is probably not necessary at this time, but Eduventures recommends reaching out to the Board as a courtesy:

New Mexico Board of Nursing
6301 Indian School Road, NE
Suite 710
Albuquerque, NM 87110
Phone: 505-841-8340 / Fax: 505-841-8347
http://www.bon.state.nm.us
NEW YORK
Office of College and University Evaluation, New York State Education Department Coordinator, 518-474-1551, ocueinfo@mail.nysed.gov

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 8
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE
The University of Alabama at Birmingham is not required to obtain approval or licensure in the state of New York because it does not have a physical presence within the state.

New York updated and clarified its directives for out-of-state distance education on March 15, 2011; no near-term change is expected.

TRIGGERS FOR REQUIREMENTS:
New York defines physical presence as any one of the following:
• Operating an instructional site (a physical location at which a group of students receives instruction from a faculty member, whether the faculty member is physically present or by telecommunication) in New York State.
• Sponsoring organized activities within New York State that are related to the academic program (e.g., advising, mentoring, study groups, examination administration for groups of students).
• Having a representative, whether paid or not, acting on its behalf within New York State to arrange or conduct instructional or academic support activities.

It does not appear that clinicals/practicums alone would trigger physical presence in New York, unless the students are participating in a group. For information about clinical internships in areas that lead to professional licensure in New York State, contact the Department’s Office of Professional Education and Program Review at OPPROGS@mail.nysed.gov.

REGULATED INSTITUTIONS:
All public, private, and proprietary institutions of education located in New York State and out-of-state degree-granting institutions that have a physical presence in New York State.

EXEMPTIONS:
Institutions who engage in ONLY the following practices are exempt:
• Communicating electronically with students in New York State (e.g., by computer or broadcast) in ways that do NOT involve an instructional site or an organized group activity;
• Advertising in New York State media;
- Recruiting students (e.g., at college fairs, job fairs, or trade shows);
- Conducting alumni activities in the State, such as alumni clubs.

**PROCESS DETAILS:**

*Not Applicable - Currently*

If the University of Alabama seeks to have a physical presence in New York, UAB should inquire about applying for Permission to Operate in New York State by contacting the Office of College and University Evaluation at ocueinfo@mail.nysed.gov.

**FEES: NON-REFUNDABLE**

*Not Applicable - Currently*

Fees for applying for Permission to Operate in New York State must be determined by contacting the Office of College and University Evaluation.

**BOND REQUIREMENTS:**

*Not Applicable*

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham has enrolled New York residents in its online nursing courses and programs, the University should contact the New York State Board of Nursing for separate approval and to ensure that UAB's programs and clinicals meet the state's standards:

New York State Board of Nursing
Education Bldg.
89 Washington Avenue
2nd Floor West Wing
Albany, NY 12234
Phone: 518-474-3817, Ext. 120 / Fax: 518-4743706
http://www.op.nysed.gov/prof/nurse/
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:

Online enrollments: 23
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: APPLY FOR LICENSURE

The University of Alabama at Birmingham is required to obtain licensure in the State of North Carolina because it maintains a “physical presence” in the state. The University of Alabama at Birmingham requires its nursing students to partake in clinical experiences to complete their degree, which triggers the need for a license to operate in North Carolina.

Institutions seeking to conduct postsecondary degree activity electronically in the State of North Carolina must be authorized to operate in the state where the instructional activity originates. The state also has detailed standards of operation, including providing adequate library services to students and faculty. Full rules and standards are available here:

http://www.northcarolina.edu/aa_planning/licensure/Rules__Standards__Master_Updated_1-08.pdf

TRIGGERS FOR REQUIREMENTS:

North Carolina determines that an institution has physical presence in the state when it undertakes postsecondary degree activity through:

a) Use of employees or agents within North Carolina; or
b) Transmission, presentation, or dissemination of information over or through electronic equipment that is located in North Carolina and owned, leased, rented, licensed, or otherwise reserved for use by the institution; or
c) Use of real property or facilities that are located in North Carolina and owned, leased, rented, licensed, or otherwise reserved for use by the institution; or
d) Agreement with a third party to transmit, present, or disseminate information on behalf of the institution through any of the means described in a, b, or c, above.

In its SHEEO survey, the State of North Carolina provided more detail, indicating that internships and externships are not triggers, but field experiences, clinical practicums, and student teaching are triggers. It also indicates that having faculty in North Carolina is not a trigger. Unsolicited telephone recruiting calls constitute a physical presence trigger.

REGULATED INSTITUTIONS:

All postsecondary degree-granting institutions
EXEMPTIONS:
Postsecondary institutions with no “physical presence” or those that only provide programs to active duty military personnel, their dependents, or employees of the military on military posts or reservations located in North Carolina.

PROCESS DETAILS:
The process for licensing is an extensive one as delineated in Rules And Standards – Licensing Nonpublic Institutions to Conduct Post-Secondary Degree Activity in North Carolina (http://www.northcarolina.edu/aa_planning/licensure/Rules_ Standards_Master_Updated_1-081.pdf). The University of Alabama at Birmingham should initiate the application process with a telephone call to the Assistant Director for Licensure and Workforce Studies (919-962-4558), in which the details and expectations of the licensure process will be discussed. Then, UAB would submit a letter of intent, followed by completing the full application process, which includes:
1. Application for Licensure
2. Examination Visit
3. Examiners’ Report and Recommendations
4. Institutional Hearing
5. Staff Review and Proposal
6. Action of Board of Governors
7. Certificate of Licensure

The University of Alabama at Birmingham must submit an application that describes and contains documentation on how the institution, and each of the requested programs, meets the requirements of each of the state’s 15 licensure standards. A team of examiners, mainly comprised of subject-matter experts in the requested course/program areas, reviews the application and performs a site visit to the home institution to verify compliance with the 15 standards. The team submits a written report to the institution on its findings, which may include Recommendations (findings of non-compliance) and Suggestions for improvement. The applicant institution must respond in writing to the Recommendations and Suggestions in the report. After review of the institution’s response, the team of examiners makes a recommendation to the UNC General Administration on whether the applicant institution and requested programs satisfactorily meet licensure requirements. If the team of examiners and UNC General Administration agree that the application meets licensure requirements, the application is submitted to the UNC Board of Governors for consideration. The approval process takes approximately 12 months.

FEES: NON-REFUNDABLE
Initial fee of $5,000, which includes up to four degrees at the associate or bachelor’s level or two degrees at the master’s level or one degree at the doctoral or first professional level if reviewed at the time of initial application.

BOND REQUIREMENTS:
Determined by the state
ADDITIONAL INFORMATION:

The North Carolina Board of Nursing does not currently approve or accredit nursing education programs that are outside of the state (including out-of-state online programs). The Board does recognize graduates from nursing education programs that are approved/accredited by other State Boards of Nursing. For more information, the University of Alabama at Birmingham should contact:

North Carolina Board of Nursing
4516 Lake Boone Trail
Raleigh, NC 27607
Phone: 919-782-3211 / Fax: 919-781-9461
http://www.ncbon.com
NORTH DAKOTA
Department of Career and Technical Education
Debra Huber, Administrator, Educational Equity, Private Postsecondary Institutions, and Special Populations, 701-328-2678, cte@nd.gov

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 3
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: FILE FOR EXEMPTION
The University of Alabama at Birmingham is exempt from regulation under North Dakota Century Code 15-20.4-02, which added a new exemption for “institutions whose only physical presence in this state consists of students enrolled in practicums, internships, clinicals, or student teaching in this state.” This addition was approved in August 2011, with the passage of HB 1092. UAB is also exempt as a public institution. The University of Alabama at Birmingham must file a Distance Exemption Request with the North Dakota Department of Career and Technical Education (CTE).

TRIGGERS FOR REQUIREMENTS:
The CTE determines that institutions have physical presence if they “establish, keep, or maintain any facility or location in this state where from, or through which, education is offered or given, or educational credentials are offered or granted, and includes contracting with any person, group, or entity to perform any such act."

REGULATED INSTITUTIONS:
Any "postsecondary educational institution," which includes academic, vocational, technical, home study, business, professional, or other school, college, or university, or other organization or person, operating in North Dakota, offering educational credentials.

EXEMPTIONS:
Institutions providing distance education services to North Dakotans may qualify for an exemption if:
- The institution does not have a physical presence in the state and the institution is not contracting with others to provide educational services from a physical location within the state,
- The institution’s only physical presence in the state consists of students enrolled in practicums, internships, clinicals, or student teaching,
- The institution is publicly controlled: established, operated and governed by a state, or
- The institution’s interest in the state is for advertising purposes only.

PROCESS DETAILS:
The online CPE Exemption request form can be found at: https://share.nd.gov/cte/FormServerTemplates/CTEExemptionRequest.xsn
Exemptions granted by the State Board for Career and Technical Education are effective for a maximum of two years, and expire on July 31st of any legislative year (odd numbered years).

**FEES:** NON-REFUNDABLE

None

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham enrolls North Dakota residents in its online nursing courses and programs, the University must contact the North Dakota Board of Nursing to request recognition of its programs:

North Dakota Board of Nursing
919 South 7th Street, Suite 504
Bismarck, ND 58504
Phone: 701-328-9777 / Fax: 701-328-9785
http://www.ndbon.org

Guidelines for Out-of-State Nursing Programs
https://www.ndbon.org/education/academic/Out%20of%20State%20Guidelines.asp

A request for recognition for the purpose of student clinical placement in North Dakota must be submitted by the out-of-state nursing program to the North Dakota Board of Nursing.

1. The recognition request must be accompanied by proof of approval of the State Board of Nursing in the state in which the program (or program’s headquarters) resides; AND if applicable, proof of accreditation of a graduate program by a nationally recognized accrediting body.
2. The recognition request must be received 90 days prior to student clinical placement.
3. The recognition request must be accompanied by an annual $300 non-refundable recognition fee. The recognition designates an approval for a 1-year period.

Upon recognition of the nursing program by the Board of Nursing, the program must submit the following information to the Board prior to participation in clinical experiences by any student(s) from the out-of-state program.

1. Names of the students at every location.
2. Course Syllabi for courses in which students are participating in clinical.
3. Copies of written agreements with every clinical agency that is being used.
4. Program requirements for clinical faculty or preceptors if used.
5. Name and brief resume for the faculty/preceptor if used, and the sites at which the individuals will be practicing. Please specify if the individuals are functioning as clinical faculty or as preceptors.
6. Current ND or compact license information for supervising faculty.
7. Verification of clinical site availability from an appropriate clinical agency representative.
OHIO
Ohio Board of Regents
Shane DeGarmo, Director, Program Approval, 614-387-1215, sdegarmo@regents.state.oh.us

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**

<table>
<thead>
<tr>
<th>Online enrollments: 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
</tr>
</tbody>
</table>

**STATE REQUIREMENT: APPLY FOR APPROVAL**

The University of Alabama at Birmingham must apply for approval in Ohio because it requires students to complete a clinical, practicum, or internship to receive their degree.

Ohio gives a very clear directive to out-of-state schools offering online education in their state, and clarified this position on March 31, 2011.

**TRIGGERS FOR REQUIREMENTS:**

Out-of-state institutions offering distance education programs to Ohio residents must seek authorization from the Chancellor if:

- The institution maintains a “brick and mortar” presence in Ohio;
- **The online program contains a component (e.g., student teaching, clinical placement, practicum) that will be completed in Ohio;** or
- The institution solicits Ohio residents for its programs (for-profit institutions only).

The state also indicates that hosted seminars or student gatherings and the hiring of mentors or tutors may be triggers, depending on the nature of activity taking place during those meetings.

**REGULATED INSTITUTIONS:**

"Postsecondary educational institution" includes an academic, vocational, technical, home study, business, professional, or other school, college, or university, or other organization or person, operating in this state, offering educational credentials. Authorization is specifically granted by program, delivery format, and delivery site.

**EXEMPTIONS:**

Schools providing distance education only with no physical presence as defined by the state.

There is no formal process for requesting an exemption. Institutions that do not meet one of the state’s triggers listed above may contact the Ohio Board of Regents for a letter indicating that their distance education programs are exempt from the authorization requirement. Institutions may continue to operate provided that their activities do not trigger the board’s authorization process.
**PROCESS DETAILS:**

The University of Alabama at Birmingham must complete the program authorization process, which includes the following steps:

- The institution submits a letter of intent and the applicable fees to the Regents;
- The institution develops a proposal for each program to be submitted for review;
- The institution hosts a site visit. Review teams composed of discipline experts spend time on the campus or administrative headquarters and meet with personnel relevant to the request;
- The review team writes a report containing program strengths and weaknesses, and suggestions and recommendations;
- The institution responds to the recommendations of the report by writing an institutional response;
- The team reviews the response and makes a recommendation to the Chancellor’s staff to approve or not approve the program;
- If authorization is recommended, the staff prepares a summary of the request, which is posted on the Regents’ website;
- Once the 10-day posting period has ended, the piece is removed from the website and forwarded to the Chancellor’s office for his review and approval;
- The Chancellor performs his review; and
- If the Chancellor approves the request, the institution is issued a certificate of authorization

The application review process takes 4-6 months. For more information, see [http://www.ohiohighered.org/academic-program-approval](http://www.ohiohighered.org/academic-program-approval)

**FEES: NON-REFUNDABLE**

Initial Program Fees (charged for the first program at a particular degree level):

- Associate $3,000
- Baccalaureate $3,000
- Master’s $5,000
- Doctoral/Professional $5,000

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

The Ohio Board of Nursing regulates pre-licensure nursing programs that originate within the state of Ohio only; thus, the University of Alabama at Birmingham is not required to contact the Ohio Board of Nursing for separate approval. For reference, however, the Ohio BON contact information is here:

Ohio Board of Nursing
17 South High Street, Suite 400
Columbus, OH 43215-3413
Phone: 614-466-3947 / Fax: 614-466-0388
[http://www.nursing.ohio.gov](http://www.nursing.ohio.gov)
OKLAHOMA
Oklahoma State Regents for Higher Education
Gina M. Wekke, Assistant Vice Chancellor for Academic Affairs, gwekke@osrhe.edu

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
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</thead>
<tbody>
<tr>
<td>Online enrollments: 9</td>
</tr>
<tr>
<td>Faculty: No</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
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</tbody>
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<table>
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<tr>
<th>STATE REQUIREMENT: NOTIFY STATE OF ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Alabama at Birmingham is required to write a letter to the Vice Chancellor of the Oklahoma State Regents for Higher Education, outlining its activities in the state.</td>
</tr>
</tbody>
</table>

Oklahoma does not define physical presence. Institutions are instructed to send a letter from the institution’s chief executive officer to Dr. Houston Davis, detailing the extent to which the institution in question will be delivering course and/or degree programs to Oklahoma residents. This includes any practicum or internship requirements as well as adjunct faculty in the state.

The state indicates that its policies regarding online education and its application processes are currently under review and likely to change by late 2012.

<table>
<thead>
<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<tbody>
<tr>
<td>Physical presence includes but is not limited to:</td>
</tr>
<tr>
<td>1. A branch or institutional plant located in Oklahoma</td>
</tr>
<tr>
<td>2. Maintaining a P.O. Box or mailing address in Oklahoma</td>
</tr>
<tr>
<td>3. Having a telephone number registered in Oklahoma</td>
</tr>
</tbody>
</table>

To determine the extent of an institution’s physical presence for courses and/ or programs delivered exclusively online, the institution must describe any physical presence of its operations (e.g., internships, externships, clinicals, practica, etc.), administrators, students, or faculty. This includes leasing space for instruction or administrative purposes, hiring faculty that convenes students in Oklahoma, recruiting, having a telephone number, post office box, or servers – essentially, any action that might constitute a physical presence in the state.

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
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<tbody>
<tr>
<td>All public and private, non-for profit degree-granting institutions.</td>
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</table>
**EXEMPTIONS:**

As stated in the Oklahoma Academic Affairs Code 3.1.3: “Institutions that offer courses and programs completely online, with no physical presence in Oklahoma, do not fall under the jurisdiction of this policy.” However, this policy is being reviewed, and institutions must still send a letter to the Oklahoma State Regents for Higher Education for the state to determine whether the institution has physical presence in Oklahoma.

**PROCESS DETAILS:**

The University of Alabama at Birmingham’s President must send a letter to the Oklahoma State Regents for Higher Education. The letter should include information pertaining to any programmatic externship, internship, clinical, or practicum requirements, or proctored examinations that will be completed in the state. The letter should also respond to the hiring of adjunct faculty in Oklahoma. The information within the letter will be used to determine the extent of physical presence the University of Alabama at Birmingham has in Oklahoma. The letter should also include a statement of affiliation status from the institution’s accrediting agent, listing the programs approved for distance learning. Once the letter and information is received, the Vice Chancellor’s staff will review and respond appropriately. The letter may be sent to:

Houston D. Davis, Ph.D.
Vice Chancellor for Academic Affairs
Oklahoma State Regents for Higher Education
P.O. Box 108850
Oklahoma City, OK 73101-8850

**FEES: NON-REFUNDABLE**

None, but this is currently under review

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham has enrolled Oklahoma residents in its online nursing courses and programs, the University should contact the Oklahoma Board of Nursing. The Oklahoma Board of Nursing approves pre-licensure programs. Although UAB’s current students are enrolled in post-licensure programs, Eduventures recommends contacting the Oklahoma Board of Nursing as a courtesy, particularly if UAB expects to expand its enrollments in the state:

Oklahoma Board of Nursing
2915 N. Classen Boulevard, Suite 524
Oklahoma City, OK 73106
Phone: 405-962-1800 / Fax: 405-962-1821
http://www.ok.gov/nursing/

Oklahoma Guidelines for Nursing Education Programs Offering Non-Traditional Learning Options
http://www.ok.gov/nursing/schlsnotradi.pdf
OREGON

Oregon Office of Degree Authorization
ODA Administrator, 541-687-7478, oda@osac.state.or.us

<table>
<thead>
<tr>
<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
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<tbody>
<tr>
<td>Online enrollments: 4</td>
</tr>
<tr>
<td>Faculty: Yes</td>
</tr>
<tr>
<td>Clinicals/Practicums: Yes</td>
</tr>
<tr>
<td>Recruiting/Admissions: No</td>
</tr>
<tr>
<td>Advertising: No</td>
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<table>
<thead>
<tr>
<th>STATE REQUIREMENT: APPLY FOR AUTHORIZATION</th>
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<tbody>
<tr>
<td>The University of Alabama at Birmingham needs to obtain authorization from the Oregon Office of Degree Authorization (ODA) for its distance education offerings because it receives “assistance” in the state. Online degree programs that include a practicum or internship or other assistance within the state as described fully in Oregon Administrative Rule 583-030-0015 (23), must be individually approved by the ODA before they are offered to students in Oregon.</td>
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<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<tbody>
<tr>
<td>The definition for &quot;assistance&quot; is quite broad and includes any person or organization helping the school or its students or clients by acting as educator, intermediary, or provider of communication technology or by acting in any other way that helps the school offer or effectuate its services in Oregon, regardless of whether the person assisting has a contract or compensation. Includes, but is not limited to: advertiser, recruiter, admissions agent, course registerer, advisor, teacher, mentor, tutor, supervisor of an internship or practicum, occasional speaker, seminar leader, informal discussion leader, student host for group activity, evaluator, member of a thesis or study committee, publisher of educational materials, operator of a radio station, internet service provider, or a cable or broadcast television station.</td>
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</table>

All practicum, clinical, internship, and other experiential learning situations require authorization in Oregon, even when they are part of an otherwise “purely online” program. Oregon is watchful of online schools' interpretation of practicums. From the state's SHEEO survey: "We have found many online degree programs offer 'practicum' credit for experiences in which the student self-arranges a single contact, interview, or visit to a site, and subsequently reflects on personal gains from this experience. While these may be valuable as concrete assignments or learning experiences, they are not 'practica' in the normal definition of that word as it is used in Oregon."

<table>
<thead>
<tr>
<th>REGULATED INSTITUTIONS:</th>
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<tbody>
<tr>
<td>Any school offering degrees and credits</td>
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<table>
<thead>
<tr>
<th>EXEMPTIONS:</th>
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<tbody>
<tr>
<td>Online degree programs may be exempt from state authorization if an ODA review determines that the degree offered is valid for use in Oregon, and that the program does not have any assistance in the state of Oregon, as defined by Oregon Administrative Rule 583-030-0015(23). Exempt status will be...</td>
</tr>
</tbody>
</table>
determined by review, and only after submission of a complete application file.

**PROCESS DETAILS:**
The University of Alabama at Birmingham must complete the application file for online (with practicum) programs, which includes:

1. Initial Approval Request form ([http://www.osac.state.or.us/oda/doc/Initial_Approval_Request_form.pdf](http://www.osac.state.or.us/oda/doc/Initial_Approval_Request_form.pdf))
2. A list of online (with practicum) programs offered
3. A description for each degree program that explains the structure, learning goals, requirements, delivery method, basis for assessment and award of credit
4. A description of the structure and supervision model for the practicum that explains the learning goals, criteria for site selection, and role and qualifications of site supervisor.
5. Programs that offer preparation for the practice of a licensed profession in the state of Oregon must show evidence that they prepare students to meet any standards established by the appropriate Oregon licensing board.
6. A Qualifications sheet ([http://www.osac.state.or.us/oda/doc/Qualification_sheet.pdf](http://www.osac.state.or.us/oda/doc/Qualification_sheet.pdf)) for any supervisor, proctor, instructor, discussion leader, or other mentor assisting students in the practicum
7. Information regarding requirements, fees, and policies affecting Oregon students

**FEES: NON-REFUNDABLE**
The review fee for an online program with practicum or other assistance is $500 per program. Payment of the review fee by the institution, by check payable to “State of Oregon – ODA.”

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
Because the University of Alabama at Birmingham enrolls Oregon residents in its online nursing courses and programs, the University should contact the Oregon State Board of Nursing for separate approval of its programs and clinicals:

- Oregon State Board of Nursing
  17938 SW Upper Boones Ferry Rd
  Portland, OR 97224
  Phone: 971-673-0685 / Fax: 971-673-0684
  [http://www.osbn.state.or.us](http://www.osbn.state.or.us)

Petition for Out-of-State Programs Offering Clinical Experience in Oregon
[http://www.osbn.state.or.us/OSBN/pdfs/form/OOS_Petition_2012.doc](http://www.osbn.state.or.us/OSBN/pdfs/form/OOS_Petition_2012.doc)
Pennsylvania Department of Education
Patricia Landis, Division Chief, Division of Higher and Career Education, 717-783-8228, plandis@pa.gov

### UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:

<table>
<thead>
<tr>
<th>Category</th>
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<td>Online enrollments</td>
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<tr>
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<tr>
<td>Recruiting/Admissions</td>
<td>Yes</td>
</tr>
<tr>
<td>Advertising</td>
<td>No</td>
</tr>
</tbody>
</table>

### STATE REQUIREMENT: SUBMIT INFORMATION FORM

The University of Alabama at Birmingham must complete and submit an assessment form for the State of Pennsylvania. The Pennsylvania Department of Education (PDE) confirmed to Eduventures in early 2012 via email and phone that the state has changed its stance toward out-of-state institutions operating in the state. Now, the only trigger requiring full approval is a true brick-and-mortar presence. However, the PDE requests that institutions complete and submit an information form describing their activities in Pennsylvania.

### TRIGGERS FOR REQUIREMENTS:

Out-of-state institutions offering distance education programs to Pennsylvania residents do not need to seek full approval unless they maintain a brick-and-mortar presence in the state, such as a facility, leased classroom space, etc.

### REGULATED INSTITUTIONS:

All out-of-state public and independent colleges and universities

### EXEMPTIONS:

None

### PROCESS DETAILS:

The University of Alabama at Birmingham should complete the information form found here:


Completed forms are to be mailed or emailed to:

Division of Higher Education  
Pennsylvania Department of Education  
333 Market Street, 12th Floor  
Harrisburg, PA 17126-0333  
Fax: 717-772-3622  
[RA-COLLUNIVSEMINFO@state.pa.us](mailto:RA-COLLUNIVSEMINFO@state.pa.us)
**FEES:** NON-REFUNDABLE
Not Applicable

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
Currently, the University of Alabama at Birmingham has students enrolled in its online post-licensure DNP program, which does not require the approval of the Pennsylvania State Board of Nursing. If UAB seeks to extend its enrollments to include Pennsylvania residents in its online pre-licensure programs, the University of Alabama at Birmingham will need to contact the Pennsylvania State Board of Nursing for approval:
- Pennsylvania State Board of Nursing
  - P.O. Box 2649
  - Harrisburg, PA 17105-2649
  - Phone: 717-783-7142 / Fax: 717-783-0822
  - [http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_nursing/12515](http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_nursing/12515)
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
- Online enrollments: 0
- Faculty: No
- Clinicals/Practicums: No
- Recruiting/Admissions: No
- Advertising: No

STATE REQUIREMENT:  NONE
The University of Alabama at Birmingham does not need to seek approval to operate in Rhode Island because it does not have a presence in the state.

Rhode Island emphasizes physical presence in its correspondence and directives. The University of Alabama at Birmingham should note, however, that if it were to enroll students from Rhode Island in any programs that require an internship, clinical, or practicum and to compensate the supervisors of those experiences, UAB would need to seek approval from the state. There is no expected near-term change in Rhode Island.

TRIGGERS FOR REQUIREMENTS:
A provider has a physical presence if:
1. It is physically located within the borders of Rhode Island; or
2. It maintains or sends within the borders of Rhode Island employees or paid representatives whose purpose is to conduct any activities, including, but not limited to the following: recruitment of students, advising of students, offering courses or programs, administration of examinations. (This would include any paid supervisors of internships, practicums, clinicals, etc.)

Rhode Island's policy on distance learning and physical presence can be found here: http://www.ribghe.org/distance%20learning.pdf

REGULATED INSTITUTIONS:
All postsecondary degree-granting institutions

EXEMPTIONS:
Postsecondary institutions are exempt if the only physical presence they have in the state of Rhode Island is in the form of individual instructors who provide instruction by distance learning under the auspices of an institution located outside of the state, as long as no additional on-ground instructional services or any (i.e., on-ground or at-a-distance) student or administrative services are provided within the state of Rhode Island by the instructor. Institutions located outside the borders of Rhode Island may use individual instructors located in Rhode Island to provide instruction by distance learning, as long as...
the institution does not seek to undertake any other form of operation in the state.

Certain recruitment activities are exempted fully, such as the activities of representatives of regionally or nationally accredited institutions who come to Rhode Island to participate in college fairs, to meet with students in high schools, or to meet with students and/or their parents in other group settings and who collect no fees during these activities. Representatives of regionally or nationally accredited institutions who come to Rhode Island to recruit athletes under NCAA guidelines are also exempt from these regulations.

**PROCESS DETAILS:**

None - Currently

If UAB Were to Require Approval

An institution seeking initial institution/program approval must submit to the RIBGHE the following:

1. A letter signed by the institution's chief executive officer requesting authorization to operate in Rhode Island and itemizing the programs and certificate/degree levels for which approval is sought;
2. An unbound original and four copies of a complete proposal developed according to the format described in Section III (Review Criteria and Proposal Content) at [http://www.ribghe.org/hiedinst.pdf](http://www.ribghe.org/hiedinst.pdf);
3. The application fee.

After receiving institution/program approval from the RIBGHE, an institution that is incorporated must remain in good standing with the Rhode Island Secretary of State in accordance with Rhode Island General Laws, Title 7: Corporations, Associations, and Partnerships. (For more information, see [www.corps.state.ri.us/corporations.htm](http://www.corps.state.ri.us/corporations.htm).)

In addition, degree-granting institutions of higher education outside of the Rhode Island system of public higher education, including in-state and out-of-state independent institutions and out-of-state public institutions, must provide evidence that they have initiated discussions with the New England Association of Schools and Colleges (NEASC). Within five years and before receiving full approval, these institutions must be accredited by NEASC at all levels for which they are seeking Rhode Island approval.

**FEES:** NON-REFUNDABLE

None - Currently

If UAB Were to Require Approval

The application fee is $1,000 and payable to the RIBGHE. If additional expenses are incurred, an itemized bill will be submitted by RIOHE to the initiating institution at the conclusion of the review period. At that time, the institution would also remit any stipends due to external consultants.

**BOND REQUIREMENTS:**

Not Applicable
**ADDITIONAL INFORMATION:**

If the University of Alabama at Birmingham were to enroll any Rhode Island residents in its online nursing courses and programs, the University should contact the Rhode Island Board of Nurse Registration and Nursing Education for separate approval and to ensure that its programs and clinicals meet the state's standards:

Rhode Island Board of Nurse Registration and Nursing Education  
105 Cannon Building  
Three Capitol Hill  
Providence, RI 02908  
Phone: 401-222-5700 / Fax: 401-222-3352  
[http://www.health.ri.gov](http://www.health.ri.gov)
SOUTH CAROLINA
South Carolina Commission on Higher Education
Renea Eshleman, Program Manager, Non-public Postsecondary Institution Licensing,
803-737-2281, reshleman@che.sc.gov

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 20
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT:  NONE
The University of Alabama at Birmingham is not required to obtain approval in the state of South Carolina because it does not have a physical presence in the state. South Carolina exempts institutions from needing approval whose sole activity in the state consists of clinicals/practicums.

South Carolina recently clarified the extent of its jurisdiction, and no near-term changes are anticipated in South Carolina.

TRIGGERS FOR REQUIREMENTS:
“Operating or soliciting” refers to having actual presence within the State of South Carolina and includes:
• An instructional or administrative site within South Carolina whether owned, leased, rented, or provided without charge
• Instruction (whether theory or clinical) originating from South Carolina and using teachers, trainers, counselors, advisors, sponsors, or mentors – however, institutions that offer programs online or at a distance where the sole activity is employment of faculty members who are residents of South Carolina are exempt from licensing
• An agent, recruiter, in-state liaison personnel, institution, or business that solicits for enrollment or credits or for the award of an educational or occupational credential; and
• Advertising, promotional material, or public solicitation in any form that targets South Carolina residents through distribution or advertising in the state.

REGULATED INSTITUTIONS:
All non-South Carolina chartered institutions that are operating or soliciting in South Carolina in any delivery format.

EXEMPTIONS:
South Carolina’s standard exemptions include:
• In-state institutions chartered before 1953
• Institutions that offer kindergarten through high school
• Religious or theological training
• Recreational programs
• South Carolina publicly supported institutions
• Courses or programs regulated and licensed or approved under an occupational licensing law of the State (such as cosmetology, barbering, nursing)
• Employer-sponsored training
• Test review courses
• Programs or courses on federal military installations
• Accredited institutions conducting seasonal recruiting through high school recruiting fairs

The Commission also does not require licensing of institutions:
• Whose sole activity is a practicum or clinical experience in South Carolina
• That offer programs online or at a distance where the sole activity is employment of faculty members who are residents of South Carolina
• That use an in-state proctor to administer exams for courses delivered by distance learning
• That use search engine marketing (e.g., Bing, Google) or website advertisements that originate outside the borders of South Carolina

**PROCESS DETAILS:**

None - South Carolina does not require exempt institutions to apply for an exemption.

If UAB Needed to Apply for Licensure
The application process is as follows:

Step 1. Submit Letter of Interest/Intent
The letter should be no longer than three pages for each program and must address the following:

1. The proposed degree title and concentration;
2. A brief statement of the purposes and objectives of the program;
3. Whether the application will be for (1) recruiting SC residents into programs offered online or on-ground, (2) establishing a branch campus on-ground in SC, or (3) establishing a new institution offering programs online or on-ground;
4. If applicable, a statement of institutional and program accreditation and the states in which the programs are approved; and
5. A proposed date of implementation.

Step 2. Request and Complete Application
To request an application for licensure, contact Program Manager Renea Eshleman at 803-737-2281 or reshleman@che.sc.gov. In the application request, provide the following information:

• Your name
• School name
• Address to which the packet should be mailed
• Whether your school is a degree-granting or non-degree granting institution
• The curriculum titles
• A telephone number where you can be reached

The director responsible for licensing may require a conference to discuss the standards required of the institution and the procedures for implementing licensure.
Step 3. State Review
If it is determined that a review is appropriate, the License staff and/or team may proceed with a “paper
review” and/or make a visit to the institution’s facilities in accordance with Regulation 62-15. The
Commission may waive on-site evaluation for an institution located outside the state or an institution
offering home study or correspondence courses.

Step 4. Report/Recommendation Given to the Commission
Within 30 days after the review/visit, the examining staff member or committee chairperson will
prepare and submit a report to the director responsible for licensing. The report will include a
recommendation regarding the institution’s application for licensure, advising that the Commission either:

1. License the institution for a period of five years unless there is reasonable cause for a licensing
   period of less than five years, but not less than one year, subject to annual staff visits and/or
   evaluation, as appropriate, and reporting as requested by the Commission, or
2. License the institution to proceed with specific functions based on the ability of the institution
   to meet the requirements for licensure within a specified period of time and subject to follow-
   up review by a subsequent team or the staff of the Commission as appropriate, or
3. Not license the institution, but recommend that the institution continue its efforts to comply
   with licensing criteria and reapply later, or
4. Not license the institution and recommend that the institution either disband or appropriately
   modify its operation. If the recommendation is that the institution not be licensed, the
   institution may choose to withdraw its formal request for licensing.

Step 5. Director’s Evaluation/Institution’s Review
The director will evaluate the recommendation and forward a copy to the institution. The institution
will be invited to discuss the report and recommendations and to present any further information
pertinent to the application. If the institution desires a meeting, the chairman of the examining
committee and members of the License staff will normally attend the meeting to present the
committee’s report and respond to any questions.

Step 6. Committee on Academic Affairs and Licensing Review
The director will submit the recommendation of the examining committee to the Commission, the
Committee on Academic Affairs and Licensing (CAAL). CAAL will consider the recommendation. The
institution’s representatives must attend the committee meeting to discuss the report and
recommendation, present any further information pertinent to the application, and answer questions
from the members of the Committee and others attending. The Committee will formulate a
recommendation to be presented to the full Commission. Notice, hearings, and other related process
matters and subsequent procedures will be conducted in compliance with the Administrative
Procedures Act, Chapter 23 of Title 1, South Carolina Code of Laws, 1976, as amended. The meetings are
public and those present may comment and ask questions.

Step 7. Full Commission Meeting
The CAAL chairman will submit the recommendation of the Committee to the full Commission. Although
the Commission now uses a “consent agenda,” it is strongly recommended that institutions also have
representatives at the Commission meeting. The Commission will make a decision on the institution’s
request for licensing. Notice, hearings, and other related process matters and subsequent procedures
will be conducted in compliance with the Administrative Procedures Act, Chapter 23 of Title 1, South Carolina Code of Laws, 1976, as amended. The meetings are public and those present may comment and ask questions.

Step 8. Licensure Decision
If the Commission makes the decision to license an institution or to grant an amendment, the staff will issue a license for each location specifying the courses or programs the institution is authorized to offer, the specific site where the courses or programs may be offered, and the degrees the institution is authorized to award.

Full Process Details:
http://www.che.sc.gov/AcademicAffairs/License/Procedures_for_DegreeGranting_Institutions.pdf

Agent/Solicitor Permits
Every agent or solicitor recruiting or enrolling students who are residents of the State for licensed program(s) off the premises of the institution, whether the institution is located in the State or outside the State, must secure a permit from the Commission. Application for the permit shall be made on forms prepared and furnished by the Commission. An applicant for a permit must not function as an agent or solicitor until he or she has been issued a permit.

**FEES: NON-REFUNDABLE**

None - Currently

If the University of Alabama at Birmingham were to need licensure in South Carolina, UAB would contact a Commission licensing staff member to discuss an estimate of application and review expenses.

*Sample Application Fees (from 2007-2008)*
Initial Application: One-half of 1% expected gross tuition income
- Minimum $150 / Maximum $5,500
Annual Renewal Fee: One-half of 1% of previous year’s gross tuition income
- Minimum $115 / Maximum $2,750

**BOND REQUIREMENTS:**

None - Currently

If UAB Needed Initial Licensure:
Before an institution is licensed, the institution must have executed a surety bond in an amount not less than 10% of the projected annualized gross income of the proposed program(s) to be licensed, in $10,000 increments. However, if the projected annualized gross tuition income of the proposed program(s) is less than $5,000, the initial bond must be in an amount equal to the projected income, but in no event will the bond be less than $5,000. The bond must be issued by a company authorized to do business in the State. The bond shall be to the Commission, in such form as approved by the Commission, and is to be used for the benefit of students who suffer financial losses of tuition and fees prepaid to an institution.
Instead of the surety bond, the institution may pledge other means of collateral acceptable by the State Treasurer, in an aggregate market value of the required bond. The Commission will deliver a safekeeping receipt of collateral to the State Treasurer to be held until the Commission serves notice for its release to the Commission.

Renewal Applications:
The minimum amount of bond to be submitted with a renewal application will be based on the annual gross tuition income from licensed programs for the previous year.

<table>
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<th>Previous year’s annual gross tuition income</th>
<th>Minimum bond</th>
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<tr>
<td>$0 - $100,000</td>
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<tr>
<td>$101,000 - $200,000</td>
<td>$20,000</td>
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<tr>
<td>$201,000 - $300,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>$301,000 and above</td>
<td>10%, calculated at $100,000 increments</td>
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</table>

For out-of-state institutions licensed to offer their program(s) to residents of the State, gross tuition income means that income generated from students enrolled in the State. **The bond for an out-of-state institution shall not be less than $20,000, unless otherwise specified by the Commission, but in no event shall be less than $10,000.**

**ADDITIONAL INFORMATION:**

**Advertising Requirements**
The location of the institution must be noted on each advertising offering; courses offered by distance education must clearly describe the method of delivery. Information about programs or courses, available through the Internet, World Wide Web, or other electronic telecommunication methods, must provide access on its first “page” to licensure and accreditation information as described in Regulation 62-16. Electronic links or contact information must be included to each licensing agency and to each accrediting agency. The institution’s website must include the full and correct name of the institution, the name of the chief operating or academic officer, telephone numbers, street address, and the city where the institution is located. All other information on the website must comply with the Commission’s trade and sales practices, advertising guidelines, rules, and regulations.

**Nursing**
The Commission does not require licensing of institutions where a practicum or clinical experience is in South Carolina; however, the South Carolina Board of Nursing requires approval of programs that lead to initial licensure. To begin the approval process, contact:

South Carolina State Board of Nursing
P.O. Box 12367
Columbia, SC 29211
Phone: 803-896-4550 / Fax: 803-896-4515
http://www.llr.sc.gov/POL/Nursing/
SOUTH DAKOTA
South Dakota Board of Regents
Paul Gough, Director of Policy & Planning, 605-773-3455, paulg@ris.sdbor.edu
James F. Shekleton, General Counsel, 605-773-3455, jim.shekleton@sdbor.edu

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<th>UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:</th>
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<td>Clinicals/Practicums: No</td>
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<th>STATE REQUIREMENT:  NONE</th>
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<tr>
<td>The University of Alabama at Birmingham is not required to obtain approval or licensure in the state of South Dakota because it does not enroll students or conduct any activities in the state. If UAB were to extend its reach to North Dakota in any way, still no action would be necessary because the University is accredited by a nationally recognized accrediting agency.</td>
</tr>
<tr>
<td>Since July 1, 2001, when a new statute became effective, any organization claiming to confer postsecondary credit or degrees must be accredited by an organization recognized by the U.S. Department of Education or participate in Title IV federal financial aid. A violation of this will result in a civil penalty of $25,000.</td>
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<table>
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<tr>
<th>TRIGGERS FOR REQUIREMENTS:</th>
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<td>Any non-accredited institutions</td>
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<th>REGULATED INSTITUTIONS:</th>
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<td>All postsecondary educational institutions</td>
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<th>EXEMPTIONS:</th>
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<td>Religious institutions offering credit and degrees solely within that religion</td>
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<tr>
<th>BOND REQUIREMENTS:</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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</table>
**ADDITIONAL INFORMATION:**

If the University of Alabama at Birmingham were to enroll any South Dakota residents in its online nursing courses and programs, the University would need to contact the South Dakota Board of Nursing for separate approval and to ensure that its programs and clinicals meet the state's standards:

South Dakota Board of Nursing  
4305 South Louise Ave., Suite 201  
Sioux Falls, SD 57106-3115  
Phone: 605-362-2760 / Fax: 605-362-2768  
[http://www.state.sd.us/doh/nursing/](http://www.state.sd.us/doh/nursing/)
STATE REQUIREMENT: APPLY FOR APPROVAL

The University of Alabama at Birmingham is required to obtain approval in the State of Tennessee because it maintains a “physical presence” as defined by the state. Tennessee has a broad definition of physical presence, which includes having faculty members in the state, recruiting students within Tennessee, and conducting targeted advertising to Tennessee residents.

The Tennessee Higher Education Commission (THEC) published a document outlining Tennessee state statues on distance education and the interpretations of those statues by the commission. This document was published on March 31, 2011, and no near-term changes are expected.

TRIGGERS FOR REQUIREMENTS:

Physical presence as further outlined for purposes of authorization shall include but not be limited to:

1. An instructional site within the state;
2. Instruction within or originating from Tennessee designed to impart knowledge with response utilizing teachers, trainers, counselors, etc., or computer resources, or computer linking (e.g., Internet), or any form of electronic telecommunications;
3. Dissemination of an educational credential from a location within the state;
4. An agent, recruiter, institution or business that solicits for enrollment or credits or for the award of an educational credential;
5. Advertising, promotional material or public solicitation in any form that targets Tennessee residents or uses local advertising markets in the state for institutions seeking, holding, or required to hold a certificate of authorization.

THEC further interprets the definition of physical presence to include:

- Having an instructor lead a distance education course from within the state;
- Advertisements that appear on the webpage of a local newspaper;
- Facilitating and/or entering into an arrangement with any business, organization, or similar entity located in Tennessee for the purpose of providing an internship, externship, practicum, clinical, student teaching, or similar opportunity; and
- Enrolling a Tennessee student only if the recruitment of the student involves any of the prohibited activities.
Other triggers, determined on a case-by-case basis include having servers/equipment located in Tennessee and hosting short-term, face-to-face seminars or conferences in the state. Although practicums and internships are considered a trigger in Tennessee, the state indicated in its SHEEO survey response that internships/practicums arranged by the students themselves are not a trigger for needing approval. These required educational experiences are only a trigger if the institution is involved in arranging them.

**REGULATED INSTITUTIONS:**
All non-exempt postsecondary institutions with a physical presence in Tennessee. The scope of the Tennessee Higher Education Commission includes institutions based primarily in Tennessee, as well as out-of-state institutions offering programs or courses in the state. The Tennessee Higher Education Commission, through the Division of Postsecondary School Authorization, oversees and monitors non-exempt private proprietary, for-profit, and not-for-profit schools offering training or education leading to a vocation, college credit, or issuance of an educational credential. Authorization may be granted to both degree and non-degree granting institutions and encompasses a wide variety of schools such as: academic, trade, technical, career, professional, and out-of-state institutions with physical presence, including advertisements and/or recruitment practices in Tennessee.

**EXEMPTIONS:**
Postsecondary institutions with no “physical presence.” Exempt institutions, however, should ensure that they meet all requirements to operate in the state by contacting the Tennessee Secretary of State’s office: Nathan Burton, Director, Division of Business Services, at 615-741-2286.

**PROCESS DETAILS:**
The University of Alabama at Birmingham must submit an Initial Authorization Application, along with a New Program Application for each program offered in Tennessee. Applications can be obtained by contacting Teresa Warren, Technical Educational Specialist, 615-253-6285 or teresa.warren@tn.gov.

After institutions submit an electronic version of the Initial Authorization Application with the fee, applications will be reviewed by a staff member of the Division of Postsecondary School Authorization. Application due dates occur on a quarterly basis, and the approval process can take 3-4 months. Authorized institutions must submit applications for renewal by October 15 of each year.

**FEES: NON-REFUNDABLE**
The initial application fee is $3,000, plus $500 for each proposed program. Institutions wishing to offer degrees must pay between $1,000 and $4,000 for the highest degree program level being offered (associate to doctorate). Unaccredited institutions must pay $1,000 for authority to grant degrees.

**BOND REQUIREMENTS:**
Institutions seeking authorization must secure a surety bond of either $10,000 (for in-state institutions) or $20,000 (for out-of-state institutions).
ADDITIONAL INFORMATION:

The Tennessee State Board of Nursing prescribes the minimum curriculum for all nursing programs on
ground, online, distance, or via other electronic means and annually approves schools of nursing
meeting board standards. New schools undergo an approval process including a survey of the program.
Because the University of Alabama at Birmingham has enrolled Tennessee residents in its online nursing
courses and programs, UAB must contact the Tennessee State Board of Nursing for separate approval:

Tennessee State Board of Nursing
227 French Landing, Suite 300
Heritage Place MetroCenter
Nashville, TN 37243
Phone: 615-532-5166 / Fax: 615-741-7899
http://health.state.tn.us/Boards/Nursing/index.htm
TEXAS
Texas Higher Education Coordinating Board
Van Davis, Deputy Assistant Commissioner, 512-427-6223, van.davis@thecb.state.tx.us

Texas Workforce Commission
Larry Temple, Executive Director, 512-463-0735, larry.temple@twc.state.tx.us

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:

<table>
<thead>
<tr>
<th>Feature</th>
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<tbody>
<tr>
<td>Online enrollments</td>
<td>44</td>
</tr>
<tr>
<td>Faculty</td>
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</table>

STATE REQUIREMENT: REQUEST EXEMPTION & APPLY FOR AUTHORIZATION

The Texas Workforce Commission updated its regulations on September 1, 2011, indicating that out-of-state, degree-granting institutions that are authorized in their home state to offer postsecondary education and award degrees and that are accredited by a U.S. Dept. of Education-recognized accrediting agency do not require a career school license to offer only postsecondary distance education in Texas. Because the University of Alabama at Birmingham is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, it is now exempt from needing a Certificate of Authority from the Texas Workforce Commission (TWC). However, UAB must contact the TWC to request exemption.

Postsecondary institutions operating in Texas are also regulated by the Texas Higher Education Coordinating Board (THECB), which updated its exemption rules for out-of-state institutions providing distance or online education to Texas residents in December 2011. The University of Alabama at Birmingham must apply for a Certificate of Authorization from the THECB because it has a presence in the state, due to its hiring of Texas residents as faculty and its required clinical experiences and internships.

TRIGGERS FOR REQUIREMENTS:

In Texas, the term “career school or college” refers to a private business (for-profit or non-profit) that offers postsecondary education in Texas or to Texans.

Having a "physical presence" in Texas determines if an institution is under the oversight of the THECB. Physical presence is triggered if:

- A representative of the school or a person being paid by the school conducts an activity related to postsecondary education, including for the purposes of recruiting students (excluding the occasional participation in a college/career fair involving multiple institutions or other event similarly limited in scope in the state of Texas), teaching or proctoring courses including internships, clinicals, externships, practicums, and other similarly constructed educational activities (excluding those individuals that are involved in teaching courses in which there is no physical contact with Texas students), or grants certificates or degrees; and/or
The institution has any location within the state of Texas which would include any address, physical site, telephone number, or facsimile number within or originating from within the boundaries of the state of Texas. Advertising to Texas students, whether through print, billboard, internet, radio, television, or other medium alone does not constitute a physical presence.

**REGULATED INSTITUTIONS:**

All private and public (non-Texas) postsecondary institutions offering or seeking to offer credits and degree programs in the state.

**EXEMPTIONS:**

**Texas Workforce Commission/Certificate of Authority**

Effective September 1, 2011: The TWC exempts certain out-of-state, degree-granting schools that only offer distance education in Texas. Such schools must be:

1. Physically located in a state other than Texas;
2. Legally authorized by the state of its physical location to offer postsecondary education and award degrees;
3. Accredited by a regional or national accrediting organization recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.); and
4. Offer in Texas only postsecondary distance or correspondence programs of instruction.

This new exclusion for out-of-state schools offering online degree programs has a statutory notification requirement. **These schools also must post a conspicuous notice on the home page of their website, stating:**

1. That the career school or college is not regulated in Texas under Chapter 132 of the Texas Education Code;
2. The name of any regulatory agencies that approve and regulate the school's programs in the state where the school is physically located and in which it has legal authorization to operate; and
3. How to file complaints or make other contact with applicable regulatory agencies.

An institution exempt from career school regulation may also require degree program approval from the Texas Higher Education Coordinating Board or program approval from other discipline-specific agencies.

**Texas Higher Education Coordinating Board/Certificate of Authorization**

An institution is exempt and does not need to receive permission from the Coordinating Board to offer distance education programs and courses to Texas students if it:

i. Is accredited to offer degrees at a specific level by an accrediting agency recognized by the Coordinating Board or approved by a Texas state agency that authorizes the school's graduates to take a professional or career and technical state licensing examination administered by that agency; and

ii. Has no physical presence in the state.
**PROCESS DETAILS:**

**Texas Workforce Commission**

To be granted an exemption, the University of Alabama at Birmingham must show that it clearly and completely meets the provisions of the exemption for out-of-state accredited institutions offering online courses and programs to Texas residents. A school is exempt only if it submits a request to the Texas Workforce Commission (TWC) for a specific exemption, provides all of the required evidence showing that the provisions of that particular exemption are met, and receives a response letter from TWC indicating that the exemption is granted.

Exemption materials should be sent to:

Texas Workforce Commission  
Career Schools and Colleges, Room 226T  
101 East 15th Street  
Austin, TX 78778-0001  
Attn: Unregistered Schools and Exemptions

**Texas Higher Education Coordinating Board**

The University of Alabama at Birmingham must complete and submit an application for a Certificate of Authorization: [http://www.thecb.state.tx.us/index.cfm?objectid=11CE1C75-B728-6042-18CDB5A17E0B6027](http://www.thecb.state.tx.us/index.cfm?objectid=11CE1C75-B728-6042-18CDB5A17E0B6027)

UAB should include a copy of its accreditation letter and its exemption confirmation from the TWC. There is no application fee. Applications will be reviewed and, if approved, a Certificate of Authorization will be issued.

**FEES:** NON-REFUNDABLE

None

**BOND REQUIREMENTS:**

Not Applicable

**ADDITIONAL INFORMATION:**

A new school of nursing or educational program that is deemed exempt from approval/licensing by the TWC or THECB must still be approved by the Texas Board of Nursing before enrolling students in the program. There is a $2,500 fee. The University of Alabama at Birmingham should complete an application. Instructions can be found here: [http://www.bon.texas.gov/nursingeducation/edudocs/3-1-1-b.pdf](http://www.bon.texas.gov/nursingeducation/edudocs/3-1-1-b.pdf)

Texas Board of Nursing  
333 Guadalupe, Suite 3-460  
Austin, TX 78701  
Phone: 512-305-7400 / Fax: 512-305-7401  
[http://www.bon.state.tx.us](http://www.bon.state.tx.us)
STATE REQUIREMENT: APPLY FOR EXEMPTION

All out-of-state public institutions that are accredited by a regional or national accrediting agency that is recognized by the U.S. Department of Education are considered exempt in the state of Utah. However, to be in compliance with 34CFR 600.9, the University of Alabama at Birmingham must apply for a certificate of exemption. Utah has clear directives that were updated in March 2011. There is no near-term change anticipated.

TRIGGERS FOR REQUIREMENTS:

Not Applicable

REGULATED INSTITUTIONS:

All proprietary institutions, which are private institutions offering postsecondary education.

EXEMPTIONS:

Schools that are exempted under the Act are those that:

A. Are government funded;
B. Offer instruction exclusively at or below the 12th grade level;
C. Offer only professional review courses;
D. Are owned and operated by a bona fide church or religious denomination;
E. Are accredited by a regional or national accrediting agency that is recognized by the U.S. Department of Education (To be in compliance with 34CFR 600.9 an accredited institution must apply for a certificate of exemption);
F. Are organized by a business organization for its employees;
G. Offer workshops or seminars that last no longer than three days and offer no academic reward;
H. Offer a program in barbering, cosmetology, real estate, or insurance that is regulated and approved by another government agency;
I. Offer emergency medical services training if all of the institution's instructors, course coordinators and courses are approved by the Department of Health;
J. Are approved under Part 141, Federal Aviation Regulations, 14 C.F.R. Chapter 141; or provide aviation training under Part 61, Federal Aviation Regulations, 14 C.F.R. Chapter 61 and exclusively offer aviation training that a student fully receives within 24 hours after the student
pays any tuition, fee, or other charge for the aviation training.
K. Are approved by the State office of Vocational Education and are subject to the Nurse Aide Registry.
L. Exclusively offer general education courses or instruction solely remedial, avocational, non-vocational, or recreational in nature and do not advertise occupational objectives or grant educational credentials; or
M. Exclusively prepare individuals to teach courses or instruction described in item L above.

All out-of-state public institutions that are accredited by a regional or national accrediting agency that is recognized by the U.S. Department of Education are exempt. To be in compliance with 34CFR 600.9, an accredited institution must apply for a certificate of exemption.

**PROCESS DETAILS:**
Department of Commerce
Division of Consumer Protection
160 East 300 South
Box 146704
Salt Lake City, UT 84114-6704

**FEES:** NON-REFUNDABLE
Flat fee of $1,500 OR sliding scale: determined by 1% of the gross tuition income of registered programs during the previous year, except that the fee may not be less than $1,500 or more than $2,500.

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
The University of Alabama at Birmingham currently has no Utah residents enrolled in its online nursing courses and programs. If UAB were to extend its nursing enrollments into Utah, the University would need to contact the Utah State Board of Nursing for separate approval and to ensure that its programs and clinicals meet the state's standards. A Nursing Program Approval manual can be found at [http://www.dopl.utah.gov/licensing/forms/applications/076_NRSG_educ_approval.pdf](http://www.dopl.utah.gov/licensing/forms/applications/076_NRSG_educ_approval.pdf). The application fee is $500:
Utah State Board of Nursing
Heber M. Wells Bldg., 4th Floor
160 East 300 South
Salt Lake City, UT 84111
Phone: 801-530-6628 / Fax: 801-530-6511
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 0
Faculty: No
Clinicals/Practicums: No
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE
The University of Alabama at Birmingham is not required to obtain approval or licensure in the state of Vermont because it does not operate within the state.

Vermont does not regulate postsecondary education unless there is a physical presence (including an administrative office) established in Vermont, and only grants certificates of approval for institutions offering credit courses and degree programs from a physical location in Vermont. Physical presence does not include having Vermont residents as faculty, as long as the contact between the faculty members and students is solely online and the individuals do not work out of an institutional administrative office.

TRIGGERS FOR REQUIREMENTS:
“A postsecondary school whose primary operation is in the State of Vermont” means a postsecondary school that offers the majority of its courses in an institution in Vermont or that maintains its principal administrative offices in Vermont and offers postsecondary courses in Vermont. Physical presence, however, may be triggered by a required student gathering or when supervisors/mentors for practicum are compensated by the institution. The University of Alabama at Birmingham should keep this trigger in mind if it enrolls Vermont residents in its online nursing programs in the future.

An out-of-state postsecondary school that offers more than 75% of its credit hours toward a degree in its Vermont affiliate must obtain a certificate of degree-granting authority in Vermont before it may confer or offer to confer a degree.

REGULATED INSTITUTIONS:
All postsecondary educational institutions with a physical presence in Vermont

EXEMPTIONS:
Not Applicable

PROCESS DETAILS:
Not Applicable
**FEES: NON-REFUNDABLE**
Not Applicable

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
If the University of Alabama at Birmingham were to enroll Vermont residents in its online nursing courses or programs, the University would need to contact the state’s Board of Nursing to ensure that its programs align with the state’s nursing education requirements:
- Vermont State Board of Nursing
- Office of Professional Regulation
- National Life Building North F1.2
- Montpelier, VT 05620-3402
- Phone: 802-828-2396 / Fax: 802-828-2484
- [http://www.vtprofessionals.org/opr1/nurses/](http://www.vtprofessionals.org/opr1/nurses/)
The University of Alabama at Birmingham is neither required nor eligible to be certified in Virginia because it does not have a physical presence in the state, nor does it initiate its instruction through a mechanism/server located in Virginia.

Virginia clarified its regulations concerning Out-of-State Distance Education Programs in a letter dated March 2, 2011. No near-term change is expected in this policy.

TRIGGERS FOR REQUIREMENTS:
Only schools with a physical presence in Virginia are eligible for certification. An out-of-state institution that does not operate a facility in Virginia and/or the mechanism by which instruction is initiated (server) is not located within Virginia, the school does not meet Virginia’s criterion of physical presence.

REGULATED INSTITUTIONS:
All out-of-state and private schools, including degree and non-degree granting, as well as profit and not-for-profit.

EXEMPTIONS:
1. The awarding of an honorary degree conferred and regarded as (i) commemorative in recognition of an individual’s contributions to society and (ii) not representative of the satisfactory completion of all or any part of the requirements of a program or course of study; such degree shall clearly state on its face that it is honorary in nature;
2. A nursing education program or curriculum regulated by the Board of Nursing;
3. A professional or occupational training program subject to the approval of (i) a regulatory board pursuant to Title 54.1 or (ii) other state or federal governmental agency;
4. Those courses or programs of instruction given by or approved by any professional body, fraternal organization, civic club or benevolent order that are principally for continuing or professional education or similar purpose and for which no degree credit is awarded;
5. Those courses or programs offered through approved multistate compacts, including, but not limited to, the Southern Regional Education Board’s Electronic Campus;
6. Those courses offered and delivered by a postsecondary school that is accredited by an entity.
recognized by the U.S. Department of Education for accrediting purposes, if such courses are provided, solely on a contractual basis for which no individual is charged tuition and for which there is no advertising for open enrollment;
7. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association;
8. Any public or private high school accredited or recognized by the Board of Education that has offered or may offer one or more courses cited in this chapter, if any tuition, fees and charges made by the school are collected as may be permitted by Title 22.1, in the case of a public school, or pursuant to regulations prescribed by the relevant governing body of such private school; or
9. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice or higher education.

**PROCESS DETAILS:**
Not Applicable

**FEES:** NON-REFUNDABLE
Not Applicable

**BOND REQUIREMENTS:**
Not Applicable

**ADDITIONAL INFORMATION:**
Because the University of Alabama at Birmingham enrolls Virginia residents in its online nursing courses and programs, the University should contact the Virginia Board of Nursing to confirm that its programs meet the state’s standards and to secure the Board's approval, particularly since the Virginia State Council of Higher Education relies on the oversight of the Board of Nursing for nursing programs. The application for establishing a nursing education program is available here: http://www.dhp.virginia.gov/Forms/nursing/EdProgram/Online%20Application%20to%20Establish%20a%20Nursing%20Education%20Program.doc. There is an application fee of $1,650.

Virginia Board of Nursing
Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233
Phone: 804-367-4515 / Fax: 804-527-4455
http://www.dhp.virginia.gov/nursing
WASHINGTON
Washington Higher Education Coordinating Board
Karen Oelschlager, Program Associate/Degree Authorization, 360-753-7869, kareno@hecb.wa.gov

**UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:**
Online enrollments: 6
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

**STATE REQUIREMENT: SUBMIT QUESTIONNAIRE**
The University of Alabama at Birmingham is likely required to obtain approval in the State of Washington because it maintains a “physical presence” in the state due to its required internships and clinical experiences. The first step in the approval process is for the University of Alabama at Birmingham to submit a questionnaire to determine the extent of its operations in Washington: http://www.hecb.wa.gov/sites/default/files/Distance%20Learning%20Questionnaire.pdf

**TRIGGERS FOR REQUIREMENTS:**
An institution may need to obtain approval in the State of Washington if any or all of the following situations apply:
- Offers programs or courses at or from a physical location in the state.
- Offers associate, bachelor's, and graduate degrees.
- Recruits or advertises to state residents.
- Has an in-state server to support distance learning programs.
- Maintains any type of physical presence in the state.

The state’s SHEEO response further indicates that: “If the institution is targeting Washington residents with its advertising, even if it has no physical presence in the state, authorization would be required. Also, if any of its degree programs require a field placement component that may take place in the state, authorization is required.”

**REGULATED INSTITUTIONS:**
All postsecondary degree-granting institutions and for-profit institutions

**EXEMPTIONS:**
Exemption is not automatic. Schools delivering online/distance education only are not necessarily exempt (e.g., if they recruit or advertise to Washington residents, if they require field placements) and must go through a screening process to determine whether they must apply for approval. Exemption criteria can be found here: http://apps.leg.wa.gov/WAC/default.aspx?cite=250-61-060
**PROCESS DETAILS:**

To expedite the approval process, the University of Alabama at Birmingham should complete the following questionnaire and submit it to the HECB to confirm the need for approval:

http://www.hecb.wa.gov/sites/default/files/Distance%20Learning%20Questionnaire.pdf

If it is officially determined that UAB must obtain approval:

1. The institution must first develop and submit a detailed proposal that describes the school’s administrative structure and defines the degrees and programs to be offered in Washington. The proposal should also outline proposed areas and level of study, the mode of delivery (distance education or classroom-based), and a potential location. **(Existing institutions may skip to step 2.)**
2. The institution then must contact the HECB to set up a meeting to review its proposal.
3. Finally, the institution must complete and submit the application.

Review of applications for initial authorization can take 6-12 months.

**FEES: NON-REFUNDABLE**

$2,000 application fee; $1,000 biennial renewal fee (both fees subject to change)

There is no fee associated with applying for an exemption from authorization.

**BOND REQUIREMENTS:**

A surety bond of $25,000 is required. That amount may be adjusted during the biennial authorization review process.

**ADDITIONAL INFORMATION:**

Because the University of Alabama at Birmingham enrolls Washington residents in its online nursing courses and programs and these programs require a clinical component, the University does not need formal approval of its programs. However, Eduventures recommends that UAB contact the state’s Nursing Board to confirm:

- Washington State Nursing Care Quality Assurance Commission
- Department of Health
- HPQA #6
- 310 Israel Rd. SE
- Tumwater, WA 98501-7864
- Phone: 360-236-4700 / Fax: 360-236-4738
UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 1
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: APPLY FOR APPROVAL
The University of Alabama at Birmingham must obtain approval to operate in the State of West Virginia because it maintains a “physical presence” in the state due to its required practicums for the School of Health Professions programs (current student is enrolled in the Low Vision program). The first step in the approval process is to schedule a consultation with the Director of Academic Affairs at the West Virginia Higher Education Policy Commission.

TRIGGERS FOR REQUIREMENTS:
“Physical presence” is defined as:
1. An institution employs in West Virginia any person or persons for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring organization. Such activity would include advertising, promotional material, or public solicitation in any form that targets West Virginia residents through distribution or advertising in the state. According to the West Virginia SHEEO survey, however, employing faculty that reside in West Virginia does not constitute a “physical presence” unless the faculty has “direct contact” with students living in the state.
2. In addition, the institution has physical presence in West Virginia if it delivers or plans to deliver, instruction in West Virginia, and receives assistance from any other organization within the state in delivering the instruction, such as, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.
3. The state’s SHEEO survey response also indicates that internships, externships, field experiences, or clinical practicums constitute physical presence in West Virginia.

REGULATED INSTITUTIONS:
All postsecondary degree-granting institutions and for-profit institutions

EXEMPTIONS:
Postsecondary institutions with no “physical presence.” Other cases for exemption for out-of-state institutions include those offering: (1) courses through brokering or other collaborative arrangements with a WV public institution that supports programmatic offerings of the state institution, (2) short courses or seminars in which the instruction for the segment takes no more than 20 classroom hours, or
(3) courses or programs on a military installation solely for military personnel or civilians employed at the installation.

Institutions must file a request for exemption with the Commission. Full exemption details can be found in Section 4.1 of Series 20: https://www.wvhepc.org/resources/133-20.pdf

**PROCESS DETAILS:**

To seek approval in West Virginia, the University of Alabama at Birmingham must first have a consultation with the Director of Academic Affairs at the West Virginia Higher Education Policy Commission. Then, applicants must register with the Secretary of State’s office before submitting a self-study report and fee to the Commission. Contact the Commission for details on expectations of the self-study report. The approval process takes 6-12 months for institutions with a permanent physical location in West Virginia.

**FEES:** NON-REFUNDABLE

For schools actually locating within West Virginia, the fee is $6,000. The fee may be waived for an online institution located elsewhere.

**BOND REQUIREMENTS:**

A surety bond of $100,000 is required and must be renewed annually. If an institution has less unearned tuition than $100,000, the Commission may reduce the amount of the bond, with a minimum of $20,000.

**ADDITIONAL INFORMATION:**

The University of Alabama at Birmingham currently has no West Virginia residents enrolled in its online nursing courses and programs. If the University expects to expand enrollments into the state, UAB should contact the state’s nursing board in advance to ensure that its programs and clinicals meet the state’s standards:

- West Virginia Board of Examiners for Registered Professional Nurses
  101 Dee Drive
  Charleston, WV 25311
  Phone: 304-558-3596 / Fax: 304-558-3666
  http://www.wvrnboard.com
WISCONSIN
Wisconsin Educational Approval Board
David C. Dies, Executive Secretary, 608-267-7733, david.dies@eab.state.wi.us

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 4
Faculty: No
Clinicals/Practicums: Yes
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE
The University of Alabama at Birmingham does not need to obtain approval from the Educational Approval Board of Wisconsin because, as a public institution, the University is considered exempt by the state.

Wisconsin gives very clear and detailed guidance on its requirements for out-of-state institutions providing purely distance education in the state, and these requirements are not expected to change.

TRIGGERS FOR REQUIREMENTS:
Generally, institutions must be approved if they enroll "Wisconsin students" in online programs. Institutions do not need to have physical presence in Wisconsin to trigger the need for approval by the Educational Approval Board (EAB), the recognized regulatory agency in the state.

REGULATED INSTITUTIONS:
All out-of-state and private schools, including degree- and non-degree-granting, as well as profit and not-for-profit.

EXEMPTIONS:
Wisconsin allows an exemption for publicly funded and religious institutions. Wisconsin statute [s.38.50 (1)(e)] indicates that "schools that are supported mainly by taxes" are exempt from EAB oversight. Because the exemption is not restricted to public institutions governed by the state of Wisconsin, the EAB has consistently interpreted it to mean that any public college or university that is an instrumentality of a state is exempt.

PROCESS DETAILS:
Exemptions are automatic based on statutory provisions. No formal notice is required. If the University of Alabama at Birmingham needs a formal letter of exemption, it would need to submit to the EAB a catalog with a complete listing of the programs offered in Wisconsin.
### FEES: NON-REFUNDABLE

None

### BOND REQUIREMENTS:

Not Applicable

### ADDITIONAL INFORMATION:

Because the University of Alabama at Birmingham enrolls Wisconsin residents in its online nursing courses and programs, the University should contact the state's Board of Nursing for separate approval and to ensure that its programs and clinicals meet the state's standards:

- Wisconsin Department of Regulation and Licensing
- P.O. Box 8935
- Madison, WI 53708-8935
- Phone: 608-266-2112 / Fax: 608-261-7083
- [http://drl.wi.gov](http://drl.wi.gov)
WYOMING
Wyoming Department of Education
Samantha Mills, Education Program Consultant, 307-777-5712, smills@educ.state.wy.us

UNIVERSITY OF ALABAMA AT BIRMINGHAM PRESENCE:
Online enrollments: 0
Faculty: No
Clinicals/Practicums: No
Recruiting/Admissions: No
Advertising: No

STATE REQUIREMENT: NONE
The University of Alabama at Birmingham is not required to register with the Wyoming Department of Education because it does not enroll Wyoming residents in its online programs and has no presence in the state.

If UAB were to enroll a Wyoming resident in any of its online programs, the University of Alabama at Birmingham would need to register with the Wyoming Department of Education. All private degree-granting postsecondary education institutions must apply annually to the Department for registration or renewal of registration in accordance with the statutes, rules, and regulations and policies of the Department. The state has indicated that "private" refers to any school that is not a Wyoming public institution.

TRIGGERS FOR REQUIREMENTS:
Enrollment of a Wyoming resident triggers the need for approval in the state.

REGULATED INSTITUTIONS:
All trade, correspondence, distance education, technical, vocational, business, or other private schools that are located within the state or have their principal place of business out-of-state but are doing business in the state, shall be licensed under this article before operating or doing business in this state.

EXEMPTIONS:
Wyoming provides for exemption of the usual “restricted” types of schools, such as those with strictly religious, employer-affiliated, or trade-related affiliations.

PROCESS DETAILS:
None - currently

If/When UAB Enrolls Wyoming Residents
To obtain approval of its course of instruction, an institution must verify accreditation and complete an application form at: http://edu.wyoming.gov/Libraries/Publications/PSL_610_A_1.sflb.ashx
Applications can be mailed to:
Wyoming Private School Program
Wyoming Department of Education
2300 Capitol Ave.
Cheyenne, WY 82072
Phone: 307-777-5712

FEES: NON-REFUNDABLE

None - currently

When UAB Enrolls Wyoming Residents
Application Fee: $100
Agent Registration Fee: $100 per agent/recruiter

BOND REQUIREMENTS:

Required only for institutions that are not yet accredited

ADDITIONAL INFORMATION:

If the University of Alabama at Birmingham expects to enroll Wyoming residents in its online nursing courses and programs in the future, the University should contact the Wyoming State Board of Nursing for separate approval and to ensure that its programs and clinicals meet the state's standards:

Wyoming State Board of Nursing
1810 Pioneer Avenue
Cheyenne, WY 82001
Phone: 307-777-7601 / Fax: 307-777-3519
http://nursing.state.wy.us
Appendix:

State-by-State Trigger Grid

For the University of Alabama’s reference for future online activity
The following table indicates which activities in each state trigger the need for approval/licensure in that state (marked by an X). The triggering activities that the University of Alabama at Birmingham is currently conducting are indicated as well (marked by an X). This table is meant to serve as a tool for the University’s ongoing compliance efforts as its online education footprint expands and changes.

<table>
<thead>
<tr>
<th>State</th>
<th>Enrollment Alone</th>
<th>Practicum</th>
<th>Faculty</th>
<th>Targeted Marketing/Local Media</th>
<th>Mailing Address/Telephone Number</th>
<th>Recruiting Agents</th>
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**Key**

X = Trigger
X = UA Conducting this triggering activity