

Agenda Item #7.4.9
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Proposed Amendments to 22 Tex. Admin. Code § 217.2, Licensure by Examinations for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions, §217.4 Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction, and §217.5 Temporary License and Endorsement

House Bill 2426 amended the Nursing Practice Act to include the requirement that on or after September 1, 2008, an applicant for a Texas nursing license must pass “the jurisprudence exam approved by the board....” The board is in the early stages of implementing this requirement, but the amendment to sections 217.2, 217.4, and 217.5 incorporates this requirement.

In addition, the Sunset Committee recommended that the Board remove the requirement that applications for licensure filed with the Board be notarized. This recommendation is made, in part, to provide consistency in the application process, because applicants who use the on-line process are not required to utilize the notarized statement.

Staff requests that the Board move to propose amendments to sections 217.2, 217.4, and 217.5 and publish them in the *Texas Register* for a 30-day comment period, and if negative comments are not received in the 30 day comment period, adopt and publish the amendments in the *Texas Register*.

§217.2 Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions

(a) All applicants for initial licensure by examination shall:

(1) file a complete application containing data required by the board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading, ~~a notarized affidavit~~, and the required application processing fee which is not refundable;

(2) submit verification of completion of all requirements for graduation from an approved nursing education program, or certification from the nursing program director of completion of certificate/degree requirements. Prerequisites of an accredited master's degree program leading to a first degree in professional nursing must be approved by the board;

(3) pass the NCLEX-PN (LVN applicant) or NCLEX-RN (RN applicant);

(4) Licensed vocational nurse applicants:

(A) must hold a high school diploma issued by an accredited secondary school or equivalent educational credentials as established by the General Education Development Equivalency Test (GED);

(B) who have attended a professional nursing education program shall meet all of the requirements for licensure by examination as stated in this section, but may substitute completion of an acceptable level of a board-approved professional nursing education program as determined by the board;

(C) who have graduated from another U.S. jurisdiction's nursing education program must satisfactorily have completed curriculum comparable to the curriculum requirements for graduates of board-approved vocational nurse education programs;

(5) submit FBI fingerprint cards provided by the Board for a complete criminal background check; and

(6) pass the jurisprudence exam approved by the board, effective September 1, 2008.

(b) Should it be ascertained from the application filed, or from other sources, that the applicant should have had an eligibility issue determined by way of a Petition for Declaratory Order, (see §213.30 of this title relating to Declaratory Order of Eligibility for Licensure and Texas Occupations Code §301.257 relating to Declaratory Order of License Eligibility) then the application will be treated and processed as a Petition for Declaratory Order and the applicant will be required to pay the appropriate non-refundable fees for determination of eligibility. Should the Board in its final determination find that the individual is not eligible for licensure, then that individual is precluded from again petitioning, or applying to the Board for admission to the examination except when the impediment to eligibility has been removed. In no event, may an applicant repetition for a declaratory order before the first anniversary of the date of the Board's determination to deny eligibility. Any subsequent petition must be made in the manner and form the Board requires.

(c) An applicant for initial licensure by examination shall pass the NCLEX-PN or NCLEX-RN within four years of completion of requirements for graduation.

(d) An applicant who has not passed the NCLEX-PN or NCLEX-RN within four years from the date of completion of requirements for graduation must complete a board approved nursing education program in order to take or retake the examination.

(e) Upon initial licensure by examination, the license is issued for a period ranging from six months to 29 months depending on the birth month. Licensees born in even-numbered years shall renew their license in even-numbered years; licensees born in odd-numbered years shall renew their licenses in odd-numbered years.

(f) The U.S. Army Practical Nurse Course (formerly the 91C Clinical Specialist Course) is the only military program acceptable for vocational nurse licensure by examination.

§217.4 Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction

(a) Nurse applicants for initial licensure applying under this section.

(1) A licensed vocational nurse applicant must:

(A) hold a high school diploma issued by an accredited secondary school or equivalent educational credentials as established by the General Education Development Equivalency Test (GED);

(B) have successfully completed an approved program for educating vocational/practical (second level general nurses) nurses or curriculum content comparable to the Texas curriculum requirements for graduates of approved vocational nursing education programs by providing a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF); and

(C) have achieved an approved score on an English proficiency test acceptable to the Board.

(2) A registered nurse applicant must provide a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF) and an English proficiency test acceptable to the Board, or the equivalent which verifies that the applicant:

(A) has the educational credentials equivalent to graduation from a governmentally accredited/approved, post-secondary general nursing program of at least two academic years in length;

(B) received both theory and clinical education in each of the following: nursing care of the adult which includes both medical and surgical nursing, maternal/infant nursing, nursing care of children, and psychiatric/mental health nursing;

(C) received initial registration/license as a first-level, general nurse in the country where the applicant completed general nursing education;

(D) is currently registered/licensed as a first-level general nurse; and

(E) has achieved an approved score on an English proficiency test acceptable to the Board.

(3) all applicants must file a complete, ~~notarized~~ application for registration containing data required by the board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading, and the required application processing fee which is not refundable;

(4) all applicants must pass the NCLEX-PN (LVN applicants) or NCLEX-RN (RN applicants) as a Texas applicant;

(A) within four years of completion of the requirements for graduation from the nursing education program if the applicant has not practiced as a second-level or first-level general nurse since completing the requirements for graduation; or

(B) within four years of the date of eligibility for the NCLEX-PN or NCLEX-RN if the applicant has practiced as a second-level or first-level general nurse at least two years since completing the requirements for graduation; ~~and~~

(5) all nurse applicants must submit FBI fingerprint cards provided by the Board for a complete criminal background check; ~~and~~—

(6) all nurse applicants must pass the jurisprudence exam approved by the board, effective September 1, 2008.

(b) An applicant who has completed the requirements for graduation and has practiced as a second-level or first-level general nurse for at least two years but has not practiced as a second-level or first-level general nurse within the four years immediately preceding the filing of an application for initial

licensure will be issued a six month limited permit (temporary authorization) upon passing the NCLEX-PN or NCLEX-RN examination and must complete a nurse refresher course that meets the criteria defined by the Board in order to be eligible for licensure under this section.

(c) An applicant who has not passed the NCLEX-PN or NCLEX-RN within four years of completion of the requirements for graduation or within four years of the date of eligibility must complete an appropriate nursing education program in order to be eligible to take or retake the examination.

(d) Should it be ascertained from the application filed, or from other sources, that the applicant should have had an eligibility issue settled by way of a Petition for Declaratory Order, (see §213.30 of this title relating to Declaratory Order of Eligibility for Licensure and Texas Occupations Code §301.257 relating to Declaratory Order of License Eligibility) then the application will be treated and processed as a Petition for Declaratory Order and the applicant will be required to pay the appropriate non-refundable processing fees. Should the Board finally determine that the individual is not eligible to be admitted to the examination, then that individual is precluded from again petitioning, or applying to the Board for admission to the examination except when the impediment to eligibility for licensure has been removed. In no event, may an applicant re-petition for a declaratory order before the first anniversary of the date of the Board's determination to deny eligibility. Any subsequent petition must be made in the manner and form the Board requires.

(e) Upon initial licensure by examination, the license is issued for a period ranging from six months to 29 months depending on the birth month. Licensees born in even-numbered years shall renew their licenses in even-numbered years; licensees born in odd-numbered years shall renew their licenses in odd-numbered years.

§217.5 Temporary License and Endorsement

(a) The requirements to obtain a non-renewable temporary license which is valid for 120 days, or a permanent license for endorsement are as follows:

(1) Graduation from an approved nursing education program.

(2) Satisfactory completion of the licensure examination according to board established minimum passing scores:

(A) Vocational Nurse Licensure Examination:

(i) Prior to April 1982--a score of 350 on the SBTPE;

(ii) Beginning October 1982 to September 1988--a score of 350 on the NCLEX-PN; and

(iii) October 1988 and after, must have achieved a passing report on NCLEX-PN.

(B) Registered Nurse Licensure Examination:

(i) Prior to July 1982--a score of 350 on each of the five parts of the SBTPE;

(ii) Prior to February 1989--a minimum score of 1600 on NCLEX-RN; and

(iii) February 1989 and after, must have achieved a passing report on NCLEX-RN.

(3) Licensure by another U.S. jurisdiction.

(4) For an applicant who has graduated from a nursing education program outside of the United States or National Council jurisdictions--verification of LVN licensure as required in §217.4(a)(1) or verification of RN licensure must be submitted from their country of education or as evidenced in a Credential Evaluation Service (CES) Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF), as well as meeting all other requirements in paragraphs (2) - (3) of this subsection.

(5) Filing a completed ~~notarized~~ "Application for Temporary License/Endorsement" containing:

(A) personal identification and verification of required information in paragraphs (1) - (3) of this subsection;

(B) attestation that the applicant meets current Texas licensure requirements and has never had disciplinary action taken by any licensing authority or jurisdiction in which the applicant holds, or has held licensure and attestation that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;

(C) a recent, fade-proof passport sized identification photograph, properly identified;

(6) the required application processing licensure fee, which is not refundable; ~~and~~

(7) applicants must submit FBI fingerprint cards provided by the Board for a complete criminal background check; ~~and-~~

(8) a passing score on the jurisprudence exam approved by the board, effective September 1, 2008.

(b) A nurse who has not practiced nursing within the four years immediately preceding the request for temporary licensure, shall meet the requirements as stated in §217.9 of this title (relating to Inactive Status).

(c) A nurse who has had disciplinary action at any time by any licensing authority is not eligible for temporary licensure until completion of the eligibility determination.

(d) Upon initial licensure by endorsement, the license is issued for a period ranging from six months to 29 months depending on the birth month. Licensees born in even-numbered years shall renew their licenses in even-numbered years; licensees born in odd-numbered years shall renew their licenses in odd-numbered years.

(e) Should it be ascertained from the application filed, or from other sources, that the applicant should have had an eligibility issue settled in accordance with Texas Occupations Code §301.257 (Declaratory Order of License Eligibility) and §§213.27, 213.28 and 213.29 (relating to Good Professional Character, Licensure of Persons with Criminal Convictions, and Eligibility and Disciplinary Criteria Regarding Intemperate Use and Lack of Fitness), then the application will be treated and processed as a Petition for Eligibility Order for LVN or RN Endorsement and the applicant will be required to pay the appropriate processing fees which are not refundable.

(f) Should the Board in its final determination find that the individual is not eligible for licensure as a nurse in Texas, then that individual is precluded from again petitioning, or applying to the Board for licensure until the impediment to eligibility for licensure has been removed.