

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.5,  
Pertaining to *Temporary License and Endorsement* and §217.6, Pertaining to  
*Failure to Renew License***

**Background:** During the past legislative session, the Legislature passed SB 1733, which requires state agencies to adopt rules for licensing spouses of members of the United States' armed forces serving on active duty (military spouses). The provisions of the bill only affect endorsement applicants and those applicants whose licenses have been in delinquent status for five years or less. The bill requires the rules to allow for alternative demonstrations of competency for licensure.

The Board's rules regarding delinquent licenses are located in §217.6. Staff is suggesting modifying §217.6, as it applies to delinquent licenses. These suggested changes are attached hereto as "Attachment A". Currently, §217.6 requires applicants to pay late fees and fines (depending upon the length of the delinquency) to re-activate a delinquent license. Further, applicants must show evidence of the completion of 20 contact hours of acceptable continuing education. The proposed amendments waive the late fees and fines for military spouse applicants, provided that each applicant submits a completed reactivation application to the Board, in paper form, and documentation showing that the applicant is the spouse of an individual serving on active duty as a member of the armed forces. The proposed amendments also waive the continuing education requirements for military spouse applicants if the applicant has practiced nursing in another jurisdiction within the last four years. This exemption provides an alternative method for the applicant to demonstrate his/her competency to practice, while maintaining consistency with the Board's current practice requirements<sup>1</sup>. The Board's remaining requirements under §217.6 are necessary to protect the public and to ensure the competency of its licensees and should not be modified or waived.

The Board's rules for endorsement are located in §217.5. Staff has reviewed these requirements and finds that the current requirements are necessary to ensure the competency of its licensees and should not be modified or waived for military spouses.

**Board Action:** Move to approve the proposed amendments to §217.6, pertaining to *Failure to Renew License*, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §217.6, pertaining to *Failure to Renew License*, as proposed.

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<sup>1</sup> Under the Board's current rules, a nurse who has not practiced nursing in any jurisdiction and has failed to maintain a current license within the four years preceding a reactivation application must complete a refresher course, extensive orientation to the practice of nursing, or nursing program of study, in addition to other requirements, such as completion of the Nursing Jurisprudence Exam.

Attachment "A"

§217.6. Failure to Renew License.

(a) - (i) (No change).

(j) Military Spouse.

(1) A nurse who is the spouse of an individual serving on active duty as a member of the armed forces of the United States may be exempt from paying the late fees and fines required by this section if the applicant submits to the Board:

(A) a completed reactivation application, in paper form, that meets the applicable requirements of this section; and

(B) documentation showing that the applicant is the spouse of an individual serving on active duty as a member of the armed forces of the United States.

(2) A nurse submitting an application for reactivation under this section who is the spouse of an individual serving on active duty as a member of the armed forces of the United States and has practiced nursing in any jurisdiction within the four years immediately preceding the application is not required to complete the continuing education contact hours required by this section.

(3) All other requirements of this section apply to military spouse applicants.