

Agenda Item: 7.6

July 17-18, 2014

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**Consideration of Proposed Amendments to 22 Tex. Admin. Code §216.1, Pertaining to *Definitions*; §216.5, Pertaining to *Additional Criteria for Specific Continuing Education Programs*; and §216.6, Pertaining to *Activities That are not Acceptable as Continuing Education***

**Background:** The Board's Nursing Practice Advisory Committee (Committee) originally met on September 18, 2013 to discuss proposed amendments to Chapter 216, based primarily upon the provisions of SB 1058 and SB 1191, which were enacted during the 83<sup>rd</sup> Legislative Session. In addition to recommending changes necessary to effectuate the provisions of the two bills, the Committee also voted to recommend amendments to the chapter that would allow an individual to receive continuing education credit for developing and presenting a CNE program of at least two hours in length that related to basic forensic evidence collection, nursing jurisprudence and nursing ethics, and older adult or geriatric care.

The Board considered the proposed amendments, the Committee's recommendations, and Staff's recommendations at its October 2013 meeting. Following discussion and deliberation, the Board determined that the Committee's recommended amendments related to an individual's program development and presentation should be removed from the rule proposal prior to its publication. Additionally, the Board charged the Committee with re-considering a more comprehensive amendment related to CNE program development and presentation for Board consideration at a future date. The Committee met on May 19, 2014, to consider the Board's new charge.

Summary of Committee's Recommendations

The Committee's recommendations focus on three sections of the chapter: §§216.1, 216.5, and 216.6. With regard to §216.1, the Committee recommends adding a new definition for the term "program development and presentation" and renumbering the section accordingly. With regard to §216.5, the Committee recommends adding a new subsection that allows individuals to receive CE credit for the development and presentation of a program that is approved by one of the credentialing agencies or providers approved by the Board and for the development and publication of a manuscript related to nursing and health care. The Committee also recommends provisions relating to auditing an individual who claims these credits. Unlike the Committee's prior recommendations, these recommendations are not as prescriptive with regard to the specific subject matter of the presentation or manuscript. Finally, the Committee recommends removing reference to "authorship" from the list of activities that are not acceptable as continuing education in §216.6.

Staff agrees with the Committee's recommendations, with a few slight variations. First, Staff is recommending that the phrase "that is published in a nursing or health-related textbook or journal" be added to the definition of *authorship* in §216.1(6) for clarity. Second, Staff is recommending that an individual receive the same number of contact hours that are awarded by the credentialing agency or provider approved by the Board for the development and presentation of a program. The Committee recommends that an individual receive one contact hour for the development and presentation of a program. Because substantial time and effort is expended in preparing and presenting a program, however, Staff feels like one contact hour may be too restrictive.

Attached hereto as Attachment "A" are the proposed amendments to Chapter 216, which include both the Committee's recommendations and Staff's minor modifications.

**Board Action:** Move to approve the proposed amendments to 22 Tex. Admin. Code §216.1, Pertaining to Definitions; §216.5, Pertaining to Additional Criteria for Specific Continuing Education Programs; and §216.6, Pertaining to Activities That are not Acceptable as Continuing Education, with authority for the 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 §216.1, Pertaining to Definitions; §216.5, Pertaining to Additional Criteria for Specific Continuing Education Programs; and §216.6, Pertaining to Activities That are not Acceptable as Continuing Education, as proposed.

## Attachment "A"

**§216.1. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) - (5) (No change.)

(6) Authorship--Development and publication of a manuscript related to nursing and health care that is published in a nursing or health-related textbook or journal.

(7) - (15) (No change.)

(16) Program development and presentation--Formulation of the purpose statement, objectives and associated content and/or presentation of an approved CNE activity.

(17)~~[16]~~ Program number--A unique number assigned to a program upon approval which shall identify it regardless of the number of times it is presented.

(18)~~[17]~~ Provider--An individual, partnership, organization, agency or institution approved by an organization recognized by the Board which offers continuing education programs.

(19)~~[18]~~ Provider number--A unique number assigned to the provider upon approval by the credentialing agency or organization.

### **§216.5. Additional Criteria for Specific Continuing Education Programs.**

(a) In addition to those programs reviewed by a Board approved entity, a licensee may attend an academic course that meets the following criteria:

(1) - (2) (No change.)

(b) Program Development and Presentation. Development and presentation of a program that is approved by one of the credentialing agencies or providers approved by the Board.

(1) Upon audit by the Board, the licensee must submit to the Board on one page: the title of the program, program objectives, brief outline of content, credentialing agency, provider number assigned to the program, dates and locations of the presentation, and number of contact hours.

(2) Contact hours for a presentation shall equal the number of contact hours awarded by a credentialing agency or provider approved by the Board. Contact hours may be obtained by this means by the nurse(s) who developed and/or presented the qualifying program per renewal period. Only distinct activities may be used to obtain contact hours by this means for a renewal period.

(c) Authorship. A licensee may receive CE credit for development and publication of a manuscript related to nursing and health care.

(1) Upon audit by the Board, the licensee must submit a letter from the publisher indicating acceptance of the manuscript for publication or a copy of the published work.

(2) One contact hour per distinct publication may be obtained by this means per renewal period.

**§216.6. Activities that [~~That~~] are not Acceptable as Continuing Education.** The following activities do not meet continuing education requirements for licensure renewal.

(1) - (9) (No change.)

(10) Self-directed study--An educational activity wherein the learner takes the initiative and the responsibility for assessing, planning, implementing and evaluating the activity including, but not limited to, academic courses that are audited, or that are not directly relevant to a licensee's area of nursing practice, or that are prerequisite courses such as mathematics, physiology, biology, government, or other similar courses are not acceptable.[:]

~~[(A) academic courses that are audited, or that are not directly relevant to a licensee's area of nursing practice, or that are prerequisite courses such as mathematics, physiology, biology, government, or other similar courses are not acceptable; and]~~

~~[(B) authorship.]~~

(11) (No change.)