

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.2, relating to
Licensure by Examination for Graduates of Nursing Education Programs Within the
United States, its Territories or Possessions**

Background: At the April 2017 quarterly Board meeting, the Board charged the Advisory Committee on Education (ACE) to: (1) advise on the development of rules to define *substantially equivalent education standards* for the purpose of ensuring out-of-state nursing education programs are substantially equivalent to Board standards; and (2) to advise on the development of rules to provide a clear pathway to initial licensure for graduates of out-of-state programs the Board determines are not substantially equivalent to Board standards for Texas programs.

These charges were the result of the Sunset Advisory Commission adopted Recommendation 1.2, contained in House Bill (HB) 2950 by Representative Burkett that passed during the 75th Regular Legislative Session. HB 2950 requires the Board to develop rules, with stakeholder input from ACE, defining *substantially equivalent standards* to be used to recognize out-of-state programs and to provide a path to initial licensure for graduates of out-of-state programs that are determined not to be substantially equivalent to Board standards for Texas programs.

ACE met on June 22, 2017, July 25, 2017, and September 25, 2017. ACE discussed and adopted recommendations for a definition of *substantially equivalent program* for both vocational and professional nursing programs. ACE members also discussed and adopted recommendations for a pathway to licensure for applicants who do not meet those definitions.

In reaching its recommendations, ACE discussed several pathways to licensure. First, ACE considered requiring an applicant to complete courses at an approved Texas program to fill in any gaps of education an applicant may be missing that would prevent him/her from having a substantially equivalent program. Ultimately, ACE disregarded this as a viable option because it would likely be too arduous for any applicant graduating from a clinical competency assessment program which does not have integrated supervised clinical experiences. In such a situation, the individual would likely be required to complete an entire nursing program, since in Texas, the didactic and clinical portions of the program are integrated.

ACE then considered two other options, which it ultimately recommended to the Board. First, if an applicant is a graduate of a clinical competency assessment program, the applicant may complete precepted hours in an employment setting. Second, the applicant may complete a course at Texas program designed to assess and improve skills for applicants who are graduates of clinical competency assessment programs. In order for the applicant to be able to complete either of these options to complete clinical hours, however, the individual must obtain a provisional license. The applicant must also pass the National Council Licensure Examination for Registered Nurses

(NCLEX-RN[®] Examination) before obtaining the provision license to complete the clinical practice hours.

Proposed amendments are attached hereto as Attachment “A”. The proposed amendments include ACE's recommendations. Additionally, Staff is recommending a third alternative, which was discussed by ACE, but not formally incorporated into its recommendation. This option would allow an applicant to complete courses at an approved Texas program. The purpose of this addition is to ensure that any applicant can remedy gaps in education by receiving formalized education in a Texas nursing education program.

Staff Recommendation: Move to approve the proposed amendments to 22 Tex. Admin. Code §217.2 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 §217.2, as proposed.

Attachment "A"

§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) - (3) (No change.)

(4) graduate from a nursing program with substantially equivalent education standards to a Texas approved nursing program as defined below.

(A) A professional nursing education program operated in another state may be determined to have substantially equivalent education standards to a Texas approved nursing program if:

(i) the program is approved by a state board of nursing or other governmental entity to offer a pre-licensure professional nursing program of study that awards a nursing diploma or degree upon completion;

(ii) the program includes general education courses providing a sound foundation for nursing education for the level of preparation;

(iii) the program's nursing courses include didactic content and supervised clinical learning experiences in medical-surgical, maternal/child health, pediatrics, geriatrics, and mental health nursing that teach students to use a systematic approach to clinical decision-making and safe patient care across the life span; and

(iv) for baccalaureate degree nursing programs, nursing courses must also include didactic content and supervised clinical learning experiences, as appropriate, in community, research, and leadership.

(B) A vocational nursing education program operated in another state may be determined to have substantially equivalent education standards to a Texas approved nursing program if:

(i) the program is approved by a state board of nursing or other governmental entity to offer a pre-licensure vocational/practical nursing program of study that awards a vocational/practical nursing certificate, diploma, or degree upon completion;

(ii) the program's nursing courses include didactic and supervised clinical learning experiences in medical-surgical, maternal/child health, pediatrics, geriatrics, and mental health nursing that teach students to use a systematic approach to clinical decision-making and safe patient care across the life span; and

(iii) the program includes support courses providing a sound foundation for nursing education for the level of preparation.

(C) A clinical competency assessment program shall be deemed substantially equivalent to a Texas approved nursing program while compliant with Tex. Occ. Code §301.157(d-9). A clinical competency assessment program will be deemed to not be substantially equivalent to a Texas approved nursing program if the program fails to meet applicable requirements of Tex. Occ. Code §301.157(d-11).

(D) If an applicant does not have substantially equivalent education under this paragraph, the applicant may become eligible for licensure if the applicant enrolls in an approved Texas program and completes the educational requirements which caused the applicant's education to be lacking.

(E) If an applicant for licensure as a registered nurse has completed a clinical competency assessment program, the Board may issue a provisional license to the applicant once the applicant has passed the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). The applicant will be eligible for full licensure if the applicant completes the requirements of clause (i) or (ii) below:

(i) The applicant completes 500 hours of clinical practice under the direct supervision of an approved preceptor. The applicant, prior to beginning practice, must submit the name and license number of a potential preceptor for Board approval. After completion of 500 hours of clinical practice under direct supervision of the approved preceptor and the preceptor's signature that the applicant is competent and safe to practice nursing, the applicant may be eligible for full licensure.

(ii) The applicant completes an educational program at an approved Texas program which is designed to assess and improve clinical skills for applicants who have not completed supervised clinical experiences in their prior educational program. The applicant must seek and receive the Board's approval prior to entering into and completing the program to ensure that the program will allow the applicant may be eligible for full licensure.

~~[(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 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) - (6) (No change).

(b) - (f) (No change).