

**Agenda Item: 7.4**  
**Meeting Date: April 19 & 20, 2007**  
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**Proposed Amendments to §§ 216.1, 216.3, 216.4, 216.9 and 216.11  
relating to Continuing Education**

Effective January 1, 2007, the contact hour for continuing education was changed from a 50-minute contact hour to a 60-minute contact hour. A contact hour is an organized learning activity that is either a didactic or clinical experience or an independent study. This change was implemented by American Nurses Credentialing Center's Commission on Accreditation. Subsections 216.1(8) and 216.4(1) implement this change.

The proposed amendment to § 216.3 is for the purpose of updating the CE requirements by deleting the requirement for RNs to take a CE course relating to Hepatitis C (§ 216.3(4)) that expired on 6/1/2004. The proposal would delete this subsection and renumber subsequent subsections.

The proposed amendments to §§ 216.9 and 216.11 address the updated process the Board utilizes to ensure that licensees comply with the CE requirements. In the past, the Staff would randomly audit licensees to determine whether they had complied, and if they did not provide the evidence, an investigation was opened in enforcement. The new process requires audited licensees to prove compliance with CE requisites prior to renewal, and if the proof is not forthcoming, the licensee's license is not renewed (new amendment to § 216.11). This process is also compliant with TEX. OCC. CODE § 301.303(a) that states "[t]he board...may require participation in continuing competency programs as a condition of renewal of a license." It creates a more streamlined process, and alleviates some of the burden imposed on Enforcement; therefore, § 216.9(2) requiring the board to "notify the licensee of the results of the audit" becomes an unnecessary provision.

Staff recommends that the Board move to propose amendments to 22 Texas Administrative Code sections 216.1, 216.3, 216.4, 216.9 and 216.11 relating to Continuing Education. The proposed amendments are to be submitted to the *Texas Register* for a 30 day comment period, and if negative comments are not received, then the proposed amendments should be submitted for adoption.

### **§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) - (7) No change.

(8) Contact hour– ~~Sixty~~ Fifty consecutive minutes of participation in a learning activity.

(9) - (21) No change.

### **§216.3. Requirements.**

Twenty contact hours of continuing education within the two years immediately preceding renewal of registration are required.

(1) - (3) No change.

~~(4) For the biennium beginning 6/1/2002 and ending 6/1/2004, every license holder who renews a license to practice as a Registered Nurse in the State of Texas shall complete not less than two hours of continuing education relating to Hepatitis C. This requirement may be met through completion of either Type I or Type II approved continuing education activities, as set forth in Rule §216.4 of this title.]~~

~~(A) The minimum 2 hours of continuing education requirement for Hepatitis C shall include information relevant to the prevention, assessment, and treatment of Hepatitis C.~~

~~(B) The required hours are not in addition to the requirements of paragraphs (1) and (2) of this section.~~

~~(4)~~(5) For either two year renewal cycle preceding September 1, 2007, a license holder who renews a license to practice as a Nurse or Advanced Practice Nurse shall have completed not less than two contact hours of continuing education in bioterrorism as part of the total hours of continuing education required to be completed under (1) and (2).

(A) - (D) No change.

~~(5)~~(6) Forensic Evidence Collection.

(A) - (E) No change.

~~(6)~~(7) Continuing Education Requirements for Retired Nurses Providing Only Voluntary Charity Care.

(A) - (B) No change.

#### **§216.4. Criteria for Acceptable Continuing Education Activity.**

The following criteria have been established to guide the licensed nurse in selecting appropriate programs and to guide the provider in planning and presenting continuing education programs. Activities which may meet these criteria include: classroom instruction, individualized instruction, academic courses, self-directed study, and institutional-based instruction.

(1) Length. The program shall be at least one contact hour (~~60~~ 50 consecutive ~~consecutive~~ minutes) in length.

(2) - (9) No changes.

#### **§216.9. Audit Process.**

The board shall select a random sample of licensees 90 days prior to ~~for~~ each renewal month. Audit forms shall be sent to selected licensees to substantiate compliance with the continuing education requirements.

(1) Within 30 days following notification of audit these selected licensees shall submit audit form, documentation as specified in §216.4 and §216.5 of this title (relating to Criteria for Acceptable Continuing Education Activity and Additional Criteria for Specific Continuing Education Programs) and any additional documentation the board deems necessary to verify compliance with continuing education requirements for the period of licensure being audited.

~~(2) The board shall notify the licensee of the results of the audit.~~

~~(2)(3)~~ Failure to notify the board of a current mailing address will not absolve the licensee from audit requirements.

~~(3)(4)~~ By this rule, an audit shall be automatic for a licensee who has been found non-compliant in an immediately preceding audit.

~~(4)(5)~~ Failure to complete the audit satisfactorily or falsification of records shall constitute unprofessional conduct and provide grounds for disciplinary action.

#### **§216.11. Consequences of Non-Compliance.**

Failure to comply with the Board's CE requirements will result in the denial of renewal. Licensees found non-compliant shall be referred to the board's practice and compliance department for possible disciplinary action.