

Proposed New Rule, 22 Tex. Admin. Code § 217.17, Jurisprudence Exam

House Bill 2426 (Sunset Bill) amends the Nursing Practice Act by amending section 301.252 (License Application) of the Texas Occupations Code. The amended section is as follows:

Section 301.252. License Application.

(a) Each applicant for a registered nurse license or a vocational nurse license must submit to the board a sworn application that demonstrates the applicant's qualifications under this chapter, accompanied by evidence that the applicant:

- (1) has good professional character; [~~and~~]
- (2) has successfully completed a [~~an approved~~] program of professional or vocational nursing education approved under Section 301.157(d); and
- (3) has passed the jurisprudence examination approved by the board as provided by Subsection (a-1).

(a-1) The jurisprudence examination shall be conducted on the licensing requirements under this chapter and board rules and other laws, rules, or regulations applicable to the nursing profession in this state. The board shall adopt rules for the jurisprudence examination under Subsection (a)(3) regarding:

- (1) the development of the examination;
- (2) applicable fees;
- (3) administration of the examination;
- (4) reexamination procedures;
- (5) grading procedures; and
- (6) notice of results.

Although the jurisprudence exam has not yet been developed and cannot be implemented until September 1, 2008, or later, the Sunset Bill requires the Board to adopt all rules required by the Sunset Bill by January 1, 2008. The new rule is for the purpose of complying with this statute. This rule will most likely need to be amended when the exam is developed and as the time draws nearer to the actual implementation of the jurisprudence exam requirement.

Staff requests that the Board move to propose the new rule, section 217.17, and publish it 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 new rule in the *Texas Register*.

§ 217.17. Texas Nursing Jurisprudence Exam (NJE)

(a) In this chapter, when applicants are required to pass the NJE exam, applicants must pass the exam with a score of 75 or better. Should the applicant fail to achieve a minimum grade of 75 on the NJE, such applicant, in order to be licensed, shall retake the exam until such time as a minimum average grade of 75 is achieved.

(b) An examinee shall not utilize a proxy or bring books, notes, or other help into the examination room, nor be allowed to communicate by word or sign with another examinee while the examination is in progress.

(c) Irregularities during an examination such as giving or obtaining unauthorized information or aid as evidenced by observation or subsequent statistical analysis of answer sheets, shall be sufficient cause to terminate an applicant's participation in an examination, invalidate the applicant's examination results, or take other appropriate action.

(d) A person who has passed the NJE Exam shall not be required to retake the Exam for another or similar license, except as a specific requirement of the board.

(e) If the applicant should fail one of the examinations, the grade of the examination which the applicant initially passed may be used for the purpose of licensure by examination for a period of two years from the date of passing the initial examination.