

**Proposed Amendments to Chapter 216 Related to Type I Continuing Education
as Required by Senate Bill 993**

Background

Senate Bill 993 (SB 993) was passed in the 80th Legislative Session and addressed Nursing Peer Review. It also specifically addressed continuing education (CE) for nurses in that, effective September 1, 2007, the Board has the discretion to accept only Type I CE courses for license renewal. Senate Bill 993 amended the Nursing Practice Act (TEX. OCC. CODE § 301.303) by deleting the portion of the section that allowed Type II CE as follows:

- (b) The board may not require participation in more than a total of 20 hours of continuing education in a two-year licensing period [~~and may not require that more than 10 hours of the continuing education consist of classroom instruction in approved programs. The remaining hours of continuing education may consist of any combination of:~~
- ~~[(1) classroom instruction;~~
 - ~~[(2) institutional-based instruction; or~~
 - ~~[(3) individualized study].~~

Prior to February 1, 2004, the Board of Vocational Examiners required LVNs to have Type I CE only. When the boards combined in 2004, LVNs were allowed to have up to 10 hours of Type II CE because the Nursing Practice Act allowed it.

Current Types of CE

The current types of CE are divided into Type I and Type II CE. The proposed rule amendments would allow only Type I, so, therefore, the distinction would be eliminated. The proposed amendments would distinguish between acceptable and unacceptable types of CE.

Type I CE are courses that are approved and reviewed by organizations recognized by the Board to approve CE programs and the entities that provide such programs. Some of the organizations recognized by the Board are: American Academy of Nurse Practitioners; American Nurses Credentialing Center; American Association of Critical-Care Nurses; American Association of Nurse Anesthetists; American College of Nurse Midwives; Texas League of Vocational Nurses; Licensed Vocational Nurses Association of Texas; National Association for Practical Nurse Education and Service (NAPNES); National Federation of Licensed Vocational Nurses (NFLVN); Continuing Medical Education (for APNs only); National Association of Pediatric Nurse Associates and Practitioners; Colleges and Universities; and Other State Boards of Nursing.

A Type II program is one which meets the criteria in the Board's rules, but has not been approved by one of the credentialing organizations. A Type II may be a program approved for another healthcare professional, such as a physician or pharmacist, or a program offered by one's employer or other organization. The program, however, must address nursing practice or the provision of health care, include nurses in the target audience, and meet the definition of nursing continuing

education. Other activities accepted for Type II credit include program development and presentation, initial certification in a nursing specialty, and authorship. The proposed amendments will eliminate this type of CE.

Academic courses in nursing can be taken for credit and meet Type I requirements if a grade of C or better or pass on a pass/fail system is achieved. One academic semester hour is equal to 15 contact hours. The courses must be within the framework of a curriculum that leads to an academic degree in nursing or any academic course relevant to nursing practice/health care. If academic courses are taken for credit but are related generally to health care but not specifically to nursing care, or if a course was audited, then the course would qualify as Type II credit. The proposed amendments will distinguish between what academic courses are acceptable for CE (courses taken for a grade or pass/fail) and unacceptable (audited or not specific to nursing).

Purpose of proposed amendments

Chapter 216 of the Board's rules outlines the CE requirements for nurses. The proposed amendments would limit acceptable CE to Type I, as explained above, and would eliminate Type II CE. Because no outside process exists to review Type II courses, the Board Staff has to review each Type II CE submitted to ensure that it meets the requirements of the Board's rules. These courses have historically been difficult to audit for license renewal due to the wide array of courses that exist and the lack of information available to review the course curriculum.

Due to the elimination of any distinction in types of CE, the proposed amendments will only refer to and distinguish between "acceptable CE" and "unacceptable CE." In addition, non-substantive grammatical and consistency edits were included.

Recommendation

Move to propose the amendments to chapter 216 and publish in the *Texas Register* for the 30-day comment period. If negative comments are not received, then adopt the amendments to chapter 216 as proposed.

§ 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) Academic course--A specific set of learning experiences offered in an accredited school, college or university. Academic credit will convert on the following basis: One academic quarter hour = 10 contact hours; one academic semester hour = 15 contact hours.

(2) Advanced Practice Nurse (APN) – a nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist approved by the board to practice as an advanced practice nurse based on completion of an advanced educational program acceptable to the board. ~~A registered nurse approved by the board to practice as an advanced practice nurse based on completion of an advanced educational program acceptable to the board. The term includes a nurse practitioner, nurse-midwife, nurse anesthetist, and a clinical nurse specialist.~~

(3) Approved--Recognized as having met established standards and pre-determined criteria of the credentialing agencies recognized by the board. Applies to providers and programs.

(4) Audit--A random sample of licensees taken to verify satisfactory completion of the board's requirements for continuing education during a biennial license renewal period.

(5) Bioterrorism: ~~The overt or covert dispensing of disease pathogens or toxins by individuals, groups, or governments for the purpose of causing harm for either ideological, political, or financial gain.~~

~~(5)(6)~~ Classroom instruction--Workshops, seminars, institutes, conferences or short-term courses which the individual attends which may be acceptable for continuing education credit.

~~(6)(7)~~ Clinical learning experiences--Faculty-planned and guided learning experiences designed to assist students to meet the course objectives and to apply nursing knowledge and skills in the direct care of patients/clients. This includes laboratories, acute care facilities, extended care facilities, and other community resources.

~~(7)(8)~~ Contact hour -- Sixty consecutive minutes of participation in a learning activity.

~~(8)(9)~~ Continuing Education (CE)--Programs beyond the basic preparation which are designed to promote and enrich knowledge, improve skills and develop attitudes for the enhancement of nursing practice, thus improving health care to the public. ~~Nurse refresher courses are not accepted for continuing education credit.~~

~~(9)(10)~~ Continuing education program-- An organized educational activity approved through an external review process based on a predetermined set of criteria. The review is conducted by an organization(s) recognized by the board to approve programs and providers. ~~designed and evaluated to meet a set of behavioral objectives which may be presented in one session or a series of sessions.~~

~~(10)(11)~~ Credentialing agency--An organization recognized by the board as having met nationally predetermined criteria to approve programs and providers of CE.

~~(12)~~ Inservice programs--Educational activities sponsored by the employing agency to provide specific information about the work setting. Orientation or other programs which address the institution's philosophy, policies and procedures, on-the-job training, basic cardiopulmonary resuscitation; and equipment demonstration are not acceptable for continuing education credit.

~~(13)~~ Institutional-based instruction--Planned programs conducted by the employing agency for the development of its nursing staff's knowledge and improvement of skills. Institutional-based

instruction which qualifies under §216.3(1) of this title (relating to Type I) is acceptable for Type I credit. Type II credit may be obtained for programs which comply with §216.4 of this title (relating to Criteria for Acceptable Continuing Education Activity).

~~(11)~~(14) Limited Prescriptive Authority--Authorization granted to an advanced practice nurse who meets the requirements to carry out or sign a prescription drug order.

~~(15)~~ Orientation--A program designed to introduce employees to the philosophy, goals, policies, procedures, role expectations and physical facilities of a specific work place. This does not meet the continuing education criteria as intended by these rules.

~~(12)~~(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.

~~(13)~~(17) Provider--An individual, partnership, organization, agency or institution approved by an organization recognized by the board which offers continuing education programs.

~~(14)~~(18) Provider number--A unique number assigned to the provider upon approval by the credentialing agency or organization.

~~(19)~~ Self-directed study--An educational activity wherein the learner takes the initiative and the responsibility for assessing, planning, implementing and evaluating the activity. Self-directed study may include program development, auditing of academic course, initial specialty certification, home study, programmed instruction and authorship.

~~(20)~~ Type I--Programs(s) approved through an external review process based on a predetermined set of criteria. The review is conducted by an organization(s) recognized by the board to approve programs and providers.

~~(21)~~ Type II--Program(s) which meet the criteria for acceptable continuing education activity but which have not undergone an external review process.

§ 216.2. Purpose.

The purpose of continuing education is to ensure that nurses stay abreast of current industry practices, enhance their professional competence, learn about new technology and treatment regimens, and update their clinical skills. Continuing education in nursing includes programs beyond the basic preparation which are designed to promote and enrich knowledge, improve skills and develop attitudes for the enhancement of nursing practice, thus improving health care to the public. Pursuant to authority set forth in Texas Occupations Code §301.303, the board is ~~establishing rules requiring~~ requires participation in continuing education activities for license renewal. The procedures set forth in these rules provide guidance to fulfilling the continuing education requirement. The board encourages nurses to choose continuing education courses that relate to their work setting and practice area, which benefits the public welfare. ~~a variety of means for licensees to comply with this requirement.~~ The board assumes licensed nurses will maintain the high standards of the profession in selecting quality educational programs to fulfill the continuing education requirement. The board also assumes that providers will plan and implement quality educational programs which meet the criteria of the board.

§ 216.3. Requirements.

~~(a)~~ Twenty contact hours of continuing education within the two years immediately preceding renewal of registration are required. These ~~(1) Type I. Ten~~ contact hours shall be obtained by participation in programs approved by a credentialing agency recognized by the board. ~~The program shall meet all criteria listed in §216.4 of this title (relating to Criteria for Acceptable Continuing Education Activity). In addition, there shall be a nurse on the planning committee and target audience shall include nurses. For RN or LVN/RN target groups, a RN shall be on the planning committee to ensure that program objectives and content are commensurate with recognized standards for RN continuing education courses. The board recognizes agencies/organizations to approve providers and/or programs for Type I credit. A list of these agencies/organizations may be obtained from the board's office or web site.~~

~~(2) Type II. The remaining 10 contact hours shall be obtained by participation in additional Type I programs or by participation in activities listed in §216.4 of this title.~~

~~(b)(3)~~ Requirements for the Advanced Practice Nurse. The licensee authorized by the Board as an advanced practice nurse (APN) is required to obtain 20 contact hours of continuing education within the previous two years of licensure.

~~(1)(A)~~ The required hours are not in addition to the requirements of paragraphs (1), (2), (4), and (5) subsection (a) of this section.

~~(2)(B)~~ The 20 contact hours of continuing education must be appropriate to the advanced specialty area and role recognized by the Board.

~~(3)(C)~~ The APN who holds limited prescriptive authority must complete, in addition to the required contact hours in subsection (b)(2) subparagraph (B) of this section paragraph, at least five (5) 5 contact hours of continuing education in pharmacotherapeutics.

~~(4)(D)~~ Category I Continuing Medical Education (CME) contact hours will meet requirements for Type I contact hours as described in this chapter.

~~(4)~~ 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)~~ The minimum two contact hours required continuing education in bioterrorism shall include information relevant to preparing for, reporting medical events resulting from, and responding to the consequences of an incident of bioterrorism.

~~(B)~~ The bioterrorism continuing education program will be acceptable to the board for Type I or Type II credit if it meets the following criteria:

~~(i)~~ the bioterrorism course must include information relating to preparing for an incidence of bioterrorism including the clues to bioterrorism attack and the signs, symptoms, and modes of transmission of high-priority agents of bioterrorism;

~~(ii)~~ the bioterrorism course must include information relating to the reporting of an incidence of

~~bioterrorism including the ways in which to contact the proper authorities and correctly document the incidence of bioterrorism;~~

~~(iii) the bioterrorism course must include information relating to the implementation of decontamination procedures, the identification of treatment locations and treatment personnel, the acquisition of treatment-related supplies, the awareness of any facility-organized response plans, and the development of a patient care plan to address the situation; and~~

~~(iv) the bioterrorism course is designed for and targeted to Registered Nurses and Licensed Vocational Nurses.~~

~~(C) A license holder who does not comply with the continuing education requirement imposed under this paragraph is subject only to required completion of the continuing education requirement in a period set by the board of 30 days or less or an administrative penalty imposed under Subchapter K of the Nursing Practice Act, or both.~~

~~(D) A license holder who does not comply with the sanctions imposed under subparagraph (C) of this paragraph is subject to any sanction imposed under §301.453 of the Nursing Practice Act.~~

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

~~(1)(A) Each nurse licensed in Texas and employed in an emergency room setting on or after September 1, 2006 shall complete a minimum of two hours of continuing education relating to forensic evidence collection, as required by Texas Occupations Code §301.306 and this rule by:~~

~~(i) September 1, 2008 for nurses to whom this requirement applies who are employed in an ER setting on or before September 1, 2006, or~~

~~(ii) within two years of the initial date of employment in an emergency room setting. This requirement may be met through completion of either Type I or Type II approved continuing education activities, as set forth in §216.4 of this title.~~

~~(2)(B) This requirement shall apply to nurses who work in an emergency room (ER) setting that is:~~

~~(A)(i) the nurse's home unit;~~

~~(B)(ii) an ER unit to which the nurse "floats" or schedules shifts; or~~

~~(C)(iii) a nurse employed under contractual, temporary, per diem, agency, traveling, or other employment relationship whose duties include working in an ER.~~

~~(3)(C) A licensed nurse in Texas who would otherwise be exempt from CE requirements during the nurse's initial licensure or first renewal periods under §216.8(b) or (c) of this title shall comply with the requirements of this section. This is a one-time requirement for each nurse employed in an emergency room setting. In compliance with §216.7(b) of this title, each licensee is responsible for maintaining records of CE attendance. Validation of course completion in Forensic Evidence Collection should be retained by the nurse indefinitely, even if a nurse changes employment.~~

~~(4)(D) The minimum 2 hours of continuing education requirement shall include information relevant to forensic evidence collection and age or population-specific nursing interventions that may be~~

required by other laws and/or are necessary in order to assure evidence collection that meets requirements under Texas Government Code §420.031 regarding use of a service-approved evidence collection kit and protocol. Content may also include but is not limited to documentation, history-taking skills, use of sexual assault kit, survivor symptoms, and emotional and psychological support interventions for victims.

~~(5)(E)~~ The required hours are included in the requirements of paragraphs (1) - (3) of this section relating to continuing education requirements for nurses.

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

~~(A) In compliance with Texas Occupations Code §112.051, the Board shall adopt rules providing for reduced fees and continuing education requirements for retired health care practitioners whose only practice is voluntary charity care.~~

~~(d)(B)~~ A nurse who is 65 years old or older and who holds or is seeking to hold a valid volunteer retired (VR) nurse authorization in compliance with Texas Occupations Code § 112.051 and Board rule (22 TAC § 217.9(d)):

~~(1)(i)~~ Must have completed at least 10 hours of ~~either Type 1 or Type 2~~ continuing education as defined in this chapter during the previous biennium, unless the nurse also holds valid recognition as an advanced practice nurse or is a Volunteer Retired Registered Nurse (VR-RN) with advanced practice authorization in a given role and specialty in the State of Texas.

~~(2)(ii)~~ Must have completed at least 20 hours of ~~either Type 1 or Type 2~~ CE as defined in this chapter if authorized by the Board in a specific advanced practice role and specialty. The 20 hours of CE must meet the same criteria as APN CE defined under paragraph (3) of this section. An APN authorized as a VR-RN with APN authorization may NOT hold prescriptive authority. This does not preclude a registered nurse from placing his/her APN authorization on inactive status and applying for authorization only as a VR-RN.

~~(3)(iii)~~ Is exempt from fulfilling targeted CE requirements except as required for volunteer retired advanced practice nurses.

§ 216.4. Criteria for Acceptable Continuing Education Activity.

Continuing Education programs must be approved by a credentialing agency or an affiliated entity of one of these agencies. Proof of successful completion shall contain the name of the provider; the program title, date, and location; number of contact hours; provider number; grade; and credentialing agency.

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

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

~~(2) Learner objectives.~~

~~(A) Objectives shall be written and shall be the basis for determining content, learning experience, teaching methodologies, and evaluation.~~

~~(B) Objectives shall be specific, attainable, measurable, and describe expected outcomes of the learner.~~

~~(3) Target audience. The target audience for the program is identified.~~

~~(4) Planned program. There shall be evidence of program planning based on needs of potential target audience.~~

~~(5) Content.~~

~~(A) The content shall be relevant to nursing practice and/or health care and provide for the professional growth of the licensee.~~

~~(B) Content is related to and consistent with the program objectives.~~

~~(6) Instructor qualification.~~

~~(A) There shall be documentation of the instructor's expertise in the content area. The instructor should apply principles of adult learning.~~

~~(B) If the program includes a clinical nursing component, a licensed nurse with expertise in that specific component shall provide supervision with a ratio of no more than 12 participants to one faculty.~~

~~(C) If the program includes a clinical component other than nursing, an instructor possessing the appropriate credentials of the discipline shall provide supervision.~~

~~(7) Teaching methods.~~

~~(A) Learning experiences and teaching methods shall be appropriate to achieve the objectives of the program.~~

~~(B) Principles of adult education shall be used in the design of the program.~~

~~(C) Time allotted for each activity shall be sufficient for the learner to meet the objectives of the program.~~

~~(D) A schedule of the program shall be provided which describes content with corresponding time frames.~~

~~(E) Facilities and educational resources shall be adequate to implement the program.~~

~~(8) Evaluation.~~

~~(A) Participants shall complete a written evaluation of the:~~

~~(i) teaching expertise of each instructor;~~

~~(ii) learner's achievement of objectives;~~

~~(iii) relevance of objectives to overall purpose/goal of activity;~~

~~(iv) effectiveness of teaching strategies; and~~

~~(v) appropriateness of physical facilities and educational resources.~~

~~(B) If participation is in an academic course or other program in which grades are granted, a grade equivalent to "C" or better shall be required, or "Pass" on a Pass/Fail grading system.~~

~~(9) Records.~~

~~(A) Records of programs shall be kept by the provider for a minimum period of four years from the date of completion.~~

~~(B) Records shall include target audience, program planning materials, content, objectives, outline of instructor qualifications, teaching strategies and materials, evaluation tools and summary and a list of participants.~~

~~(C) The provider shall furnish each participant a record of successful completion specifying the provider, title, date and location of program, number of contact hours, and provider number, grades and organization granting approval, if applicable. This record shall be kept by the nurse for a minimum period of four years from the date of completion.~~

§ 216.5. Additional Criteria for Specific Continuing Education Programs.

~~In addition to those programs reviewed by a Board-approved entity, a licensee may attend an academic course that meets the following criteria: listed in §216.4 of this title (relating to Criteria for Acceptable Continuing Education Activity), the following guidelines shall apply to the selection and/or planning and implementation of specific CE programs:~~

~~(1) Academic course.~~

~~(1)(A) The course shall be within the framework of a curriculum that leads to an academic degree in nursing or any academic course relevant to nursing practice/health care.~~

~~(2)(B) Participants, upon audit by the board, shall be able to present an official transcript indicating completion of the course with a grade of "C" or better, or a "Pass" on a Pass/Fail grading system.~~

~~(C) Academic courses in this category are acceptable for Type I CE credit.~~

~~(2) Individualized instruction (home study/programmed instruction). The program shall:~~

~~(A) be developed by a professional group such as an educational institution, corporation, professional association, or other provider of continuing education;~~

~~(B) follow a logical sequence;~~

~~(C) involve the learner by requiring an active response to the educational materials presented;~~

~~(D) contain a means to measure achievement of learning objectives of the program; and~~

~~(E) provide a record of attendance which complies with §216.4(9)(C) of this title concerning records~~

~~indicating completion of the program.~~

~~(F) Up to 20 contact hours of Type I or five contact hours of Type II credit for one renewal period may be obtained through individualized instruction.~~

~~(3) Self-directed study.~~

~~(A) Program development and presentation.~~

~~(i) The program or presentation must not be a part of the licensee's primary employment responsibilities.~~

~~(ii) Credit shall be awarded only once regardless of the number of times the program/work was presented.~~

~~(iii) Upon audit by the board, the licensee must submit program objectives and an outline including date and location of the presentation not to exceed one page.~~

~~(iv) Two hours of Type II credit per program topic up to five hours per renewal period may be obtained through this means.~~

~~(B) Auditing of academic courses.~~

~~(i) Academic courses in nursing or health care may be audited. Audited courses meet Type II requirements.~~

~~(ii) Upon audit by the board, the licensee must submit a letter from the course instructor on the academic institution's letterhead indicating that the licensee attended the course.~~

~~(iii) Two hours of Type II credit per course may be obtained through this means.~~

~~(C) Certification.~~

~~(i) A licensee who completes the requirements for certification in a nursing specialty by a national credentialing body may receive Type II continuing education credit.~~

~~(ii) This is a one-time approval for initial certification only.~~

~~(iii) Upon audit by the board, the licensee must furnish a letter from the national specialty organization indicating initial certification.~~

~~(iv) Five hours of Type II credit for initial certification may be obtained through this means.~~

~~(D) Authorship.~~

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

~~(ii) Credit for publication shall be awarded only once per renewal period.~~

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

~~(iv) Five contact hours of Type II credit may be obtained through this means per renewal period.~~

~~(4) Out-of-state programs. A continuing education program attended or undertaken in a jurisdiction outside of Texas may be accepted:~~

~~(A) for Type I credit if all criteria are met and if it is approved by one of the board's recognized credentialing agencies/organizations; and~~

~~(B) for Type II credit if it meets the criteria listed in §216.4 of this title and §216.5 of this section concerning criteria for acceptable continuing education activity and additional criteria for specific continuing education programs:~~

§ 216.6. Activities Which are not Acceptable as Continuing Education.

The following activities do not meet continuing education requirements for licensure renewal.

(1) Basic Life Support (BLS) or cardiopulmonary resuscitation (CPR) courses.

(2) Inservice programs. Programs sponsored by the employing agency to provide specific information about the work setting and orientation or other programs which address the institution's philosophy, policies and procedures; on-the-job training; basic cardiopulmonary resuscitation; and equipment demonstration are not acceptable for CE credit.

(3) Nursing refresher ~~Refresher~~ courses. Programs designed to update knowledge or current nursing theory and clinical practice, which consist of a didactic and clinical component to ensure entry level competencies into professional practice are not accepted for CE credit.

(4) Orientation programs. A program designed to introduce employees to the philosophy, goals, policies, procedures, role expectations and physical facilities of a specific work place are not acceptable for CE credit.

(5) Courses which focus upon self-improvement, changes in attitude, self-therapy, self-awareness, weight loss, and yoga.

(6) Economic courses for financial gain, e.g., investments, retirement, preparing resumes, and techniques for job interview.

(7) Courses which focus on personal appearance in nursing.

(8) Liberal art courses in music, art, philosophy, and others when unrelated to patient/client care.

(9) Courses designed for lay people.

(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:

(A) Academic courses that are audited, or that are healthcare-related courses but not part of a nursing degree program, or that are prerequisite courses such as mathematics, physiology, biology, government, or other similar courses are not acceptable.

(B) Authorship.

(C) Certification in a nursing specialty by a national credentialing body.

§ 216.7. Responsibilities of Individual Licensee.

(a) It shall be the licensee's responsibility to select and participate in continuing education activities that will meet the criteria listed in this chapter, §216.4 of this title (relating to Criteria for Acceptable Continuing Education Activity).

(b) The licensee shall be responsible for maintaining a record of CE activities. These records shall document attendance as evidenced by original certificates of attendance, contact hour certificates, academic transcripts, or grade slips and copies of these shall be submitted to the board upon audit.

(c) These records shall be maintained by the licensee for a minimum of two consecutive renewal periods or four years.

§ 216.8. Relicensure Process.

(a) Renewal of license.

(1) Upon renewal of the license, the licensee shall sign a statement attesting that the CE requirements have been met.

(2) The contact hours must have been completed in the biennium immediately preceding the license renewal. CE contact hours from a previous renewal period will not be accepted. Additional contact hours earned may not be used for subsequent renewal periods.

(b) Persons licensed by examination. A candidate licensed by examination shall be exempt from the CE requirement for issuance of the initial license and for the immediate renewal period following licensure.

(c) Persons licensed by endorsement. An applicant licensed by endorsement shall be exempt from the CE requirement for the issuance of the initial Texas license and for the immediate renewal period following initial Texas licensure.

(d) Delinquent license.

(1) A license that has been delinquent for less than four years may be renewed by the licensee showing evidence of having completed 20 contact hours of acceptable continuing education within two years immediately preceding the application for relicensure and by meeting all other board requirements. A licensee shall be exempt from the continuing education requirement for the immediate renewal period following renewal of the delinquent license.

(2) A license that has been delinquent for four or more years may be renewed upon completion of requirements listed in §217.6(b) of this title (relating to Failure to Renew License).

(e) Reactivation of a license.

(1) A license that has been inactive for less than four years may be reactivated by the licensee submitting verification of having completed at least 20 contact hours of continuing education within the past two years immediately prior to application for reactivation.

(2) A license that has been inactive for four or more years may be reactivated upon completion of requirements in §217.9(e) of this title (relating to Reactivation from Inactive Status).

(f) Reinstatement of a license. A licensee whose license has been revoked and subsequently applies for reinstatement must show evidence that the CE requirement and other board requirements have been met prior to reinstatement of the license by the board.

§ 216.9. Audit Process.

The board shall select a random sample of licensees 90 days prior to 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) Failure to notify the board of a current mailing address will not absolve the licensee from audit requirements.

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

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

§ 216.10. Appeals.

(a) Any individual who wishes to appeal a determination of non-compliance with continuing education requirements must submit a letter of appeal within 20 days of notification of the audit results.

(b) The board or its designee shall conduct a review in which the appellant may appear in person to present reasons why the audit decision should be set aside or modified.

(c) The decision of the board after the appeal shall be considered final and binding.

§ 216.11. Consequences of Non-Compliance.

Failure to comply with the Board's CE requirements will result in the denial of renewal.