

**Petition for Waiver of Educational Requirements–Melisa Salazar**

**Summary of Request:**

Melisa Salazar requests that the Board allow her to take a refresher course in lieu of a board approved nursing education program in order for her to retake the NCLEX-RN examination.

**Historical Perspective:**

Over the last few years, the Board has received similar requests for waiver of the educational requirements and has denied the requests. Rule 217.2(d) requires an applicant who has not passed the NCLEX-PN or NCLEX-RN within four years from the date of completion of requirements for graduation must complete a board approved nursing education program in order to take or retake the examination.

Ms. Salazar reports successfully completing the Associate Degree Nursing Program at San Jacinto College - Central in May 1998. However, she did not successfully pass the NCLEX-RN examination. In order for the petitioner to retake the NCLEX-RN examination she would need to complete a board approved nursing education program having graduated 11 years ago.

Financial constraints and her desire to enter the nursing profession have led her to petition the Board for the opportunity to obtain a temporary permit to practice in order to complete a refresher course prior to retaking the NCLEX-RN examination (Attachment A).

**Pros and Cons:**

**Pros:** Granting the petition will provide for the special interests of the petitioner. The Board's denial of this request affirms the importance of formal educational preparation after four or more years has passed since graduation when an individual has not been successful in passing the NCLEX-PN or NCLEX-RN.

**Cons:** If the petition is granted, it will be a change from past decisions made by the Board regarding the requirement for nursing educational programs after unsuccessful NCLEX-RN attempts when an extended period of time has lapsed since graduation. Approval of the petition may imply that refresher courses are adequate preparation in order to retake the NCLEX-PN and NCLEX-RN. Such a decision could impact similar requests for nursing licensure at any level.

**Recommendation of Board Staff:** Deny the request from Melisa Salazar for authorization to take a refresher course in order to re-take the NCLEX-RN examination.

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Board of Nurse Examiners  
For the State of Texas  
P.O. Box 430  
Austin, TX 78767-0430

RE: NCLEX Examination

Please let this letter serve as a petition to the Board to be granted authorization to take a board approved nurse refresher course(s) in order to be eligible to re-take the NCLEX-RN examination.

I successfully completed the ADN program at San Jacinto College – Central in May of 1998. However, I did not successfully pass the NCLEX-RN examination. Rule 217.2 sets forth that I have to complete board approved nursing program in order to re-test. Does this mean I have to repeat a nursing program that I have already successfully completed? Why could I not complete a board approved refresher course(s) to re-test? Following rule 217.2(26) it seems that there is that option, I am just not sure if there are institutions in my area that have dealt with situations such as mine. Please let me know whom I can contact should this be the case.

Persuant to Article 4519, Sec. 1(b) if the board has found one to be ineligible for a license, the petitioner is entitled to a hearing before the board. Article 4523(b) states, that a nurse wishing to renew an expired license, reactivate an inactive license, or to reissue a suspended, revoked, or surrendered license may be issued a temporary permit to practice Professional nursing for the limited purpose of satisfying a requirement made by the board. Having read this article, leads me to believe that even if a nurses' license has been revoked due to malpractice, they would be entitled to an opportunity for reissuance of their license.

I am by no means considering myself a nurse or asking for a permit to practice, I am simply asking for an opportunity. An opportunity to re-take the NCLEX-RN examination. I completely agree and accept the need for re-education since I did graduate in 1998, however, I am requesting that you allow me to re-educate with board approved refresher course(s) in lieu of repeating an entire nursing program such as what you would allow for a nurse wanting to reactivate an inactive license. I only request this due to the fact that I did successfully complete a nursing program. I

would completely agree with repeating a program if I had dropped out or failed.

At this time, it would be impossible for me to take on the hours and tuition costs required by a full nursing program. The refresher course(s) are not as expensive and provide the same curriculum and the hours would allow me to continue to work as I need to earn income to provide for my family. I currently hold a full time sales position but in an effort to get back into the nursing field, I have recently taken a part time position as a patient care assistant in the women's services unit of Southeast Memorial Hermann Hospital. This would certainly add to the clinical training that would be included in a refresher program. Memorial Hermann is one of the leading teaching healthcare systems in southeast Texas. One that is also board approved in offering a re-fresher program for nurses wishing to re-enter practice after several years. As you may be aware, this program includes both classroom and clinical hours. This is the type of program I am hoping to be authorized to take to become eligible to re-take the NCLEX-RN examination.

Being a patient care assistant, I work under the supervision of a registered nurse. We provide care for post-partum and post-operative reproductive system patients, newborns, post-operative pediatric and plastic surgery patients. Therefore, I am being exposed to the nursing practice regularly and am receiving hands on experience on what is needed to provide the highest level of care for a patient. Once I am successful at the NCLEX-RN examination, I plan on continuing my employment at Southeast Memorial Hermann Hospital and again, they will put me through their own additional training in the RN capacity to ensure safe and efficient nursing practice.

I desperately want and need to get back into the nursing field for many reasons. The most Important reason is my passion for it. I can not think of a more rewarding field, both financial and spiritual, than this one of helping others as you provide for own needs as well. After my failed attempts at the NCLEX-RN exam in 1998, I was forced to abandon my passion in order to financially support myself and my family. A decision I have regretted for the past 11 years. My very first job at the age of 16 was a file clerk after school in a private family practice. Within six months, I was promoted to medical assistant and I knew then, a nurse is what I wanted to be. I continued that job throughout high school and college until I was accepted into the nursing program.

I honestly can not tell you that I my test anxiety is gone and that this outcome will be any different than back then, but, I am praying that you will allow me the opportunity to find out.

As I close, I am pleading, from the bottom of my heart, to appear before the board to petition their consideration to allow for refresher course(s) in lieu of repeating an entire nursing program to obtain eligibility to re-take the NCLEX-RN examination.

Should you have any questions, please do not hesitate to contact me at the number as documented above. I thank you in advance for your time, help, and consideration in this matter.

Regards,  
Melisa Salazar