

Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.4, relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction

Background: The proposed amendments, which are attached hereto as Attachment "A", are intended to treat foreign educated nurse applicants for initial licensure more similarly to individuals educated within the United States.

Under the proposed amendments, a foreign educated applicant may be eligible for initial licensure in Texas in two circumstances: (i) if the individual has graduated from an approved foreign program within the four years immediately preceding the filing of an application for initial licensure in Texas; or (ii) if an individual graduated more than four years immediately preceding the filing of an application for initial licensure in Texas, but has practiced nursing within the four years immediately preceding the filing of an application for initial licensure in Texas.

Once a foreign educated applicant is approved to test, the proposed amendments make clear that the applicant must pass the NCLEX-PN or NCLEX-RN within four years of his/her graduation date or date of licensure eligibility. If an individual is unable to successfully pass the exam during this period of time, the individual will be required to re-educate. This proposed requirement mirrors the current requirements for individuals educated within the United States and seeking initial licensure in Texas.

Finally, the proposed amendments eliminate any requirement for a foreign educated individual who passes the national licensing examination to complete a refresher course. Currently, the Board's rules require individuals who have not practiced nursing within the four years immediately preceding the filing of an application for initial licensure in Texas to complete a refresher course before being issued a license, despite the fact the individual passed the national licensing exam. The proposed amendments also eliminate any requirement that a foreign educated applicant hold licensure in another country in order to be eligible for licensure in Texas.

Staff Recommendation: Move to approve the proposed amendments to 22 Tex. Administrative Code §217.4, relating to *Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction*, 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. Administrative Code §217.4, relating to *Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction*, as proposed.

Attachment "A"

§217.4 Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction.

(a) Criteria for nurse [~~Nurse~~] applicants for initial licensure applying under this section.

(1) A licensed vocational nurse applicant must:

(A) 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) have either:

(i) successfully completed an approved program for educating vocational/practical (second level general nurses) nurses within the four years immediately preceding the filing of an application for initial licensure in Texas by providing a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF); or

(ii) successfully completed an approved program for educating vocational/practical (second level general nurses) nurses by providing a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF) and practiced as a second level general nurse within the four years immediately preceding the filing of an application for initial licensure in Texas; and

~~[(B) have successfully completed an approved program for educating vocational/practical (second level general nurses) nurses by providing a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF); and]~~

(C) have achieved an approved score on an English proficiency test acceptable to the Board, unless a substantial portion of the applicant's nursing program of study, as determined by the Board, was conducted in English.

(2) A registered nurse applicant must either:

(A) have successfully completed an approved program for educating registered (first level general nurses) nurses within the four years immediately preceding the filing of an application for initial licensure in Texas by providing a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF), which verifies that the applicant:

(i) has the educational credentials equivalent to graduation from a governmentally accredited/approved, post-secondary general nursing program of at least two academic years in length;

(ii) received both theory and clinical education in each of the following: nursing care of the adult which includes both medical and surgical nursing, maternal/infant nursing, nursing care of children, and psychiatric/mental health nursing; and

(iii) has achieved an approved score on an English proficiency test acceptable to the Board, or the equivalent, unless a substantial portion of the

applicant's nursing program of study, as determined by the Board, was conducted in English; or

(B) have practiced as a first level general nurse within the four years immediately preceding the filing of an application for initial licensure in Texas and have successfully completed an approved program for educating registered (first level general nurses) nurses by providing a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF), which verifies that the applicant:

(i) has the educational credentials equivalent to graduation from a governmentally accredited/approved, post-secondary general nursing program of at least two academic years in length;

(ii) received both theory and clinical education in each of the following: nursing care of the adult which includes both medical and surgical nursing, maternal/infant nursing, nursing care of children, and psychiatric/mental health nursing; and

(iii) has achieved an approved score on an English proficiency test acceptable to the Board, or the equivalent, unless a substantial portion of the applicant's nursing program of study, as determined by the Board, was conducted in English.

~~[(2) A registered nurse applicant must provide a Credential Evaluation Service Full Education Course-by-Course Report from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Educational Records Evaluation Service (ERES), or the International Education Research Foundation (IERF) and an English proficiency test~~

acceptable to the Board, or the equivalent which verifies that the applicant:]

~~[(A) has the educational credentials equivalent to graduation from a governmentally accredited/approved, post-secondary general nursing program of at least two academic years in length;]~~

~~[(B) received both theory and clinical education in each of the following: nursing care of the adult which includes both medical and surgical nursing, maternal/infant nursing, nursing care of children, and psychiatric/mental health nursing;]~~

~~[(C) received initial registration/license as a first-level, general nurse in the country where the applicant completed general nursing education;]~~

~~[(D) is currently registered/licensed as a first-level general nurse; and]~~

~~[(E) has achieved an approved score on an English proficiency test acceptable to the Board, unless a substantial portion of the applicant's nursing program of study, as determined by the Board, was conducted in English.]~~

(3) All [all] applicants must file a complete application for registration containing data required by the board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading, and the required application processing fee which is not refundable.[:]

(4) All [all] applicants must pass the NCLEX-PN (LVN applicants) or NCLEX-RN (RN applicants) as a Texas applicant within four years of completion of the requirements for graduation or within four years of the date of eligibility.

~~[(A) within four years of completion of the requirements for graduation from the nursing education program if the applicant has not practiced as a second-level or first-level general nurse since completing the requirements for graduation; or]~~

~~[(B) within four years of the date of eligibility for the NCLEX-PN or NCLEX-RN if the applicant has practiced as a second-level or first-level general nurse at least two years since completing the requirements for graduation;]~~

(5) All ~~[a#]~~ nurse applicants must submit FBI fingerprint cards provided by the Board for a complete criminal background check.~~;~~ ~~and]~~

(6) All ~~[a#]~~ nurse applicants must pass the jurisprudence exam approved by the board, effective September 1, 2008.

~~[(b) An applicant who has completed the requirements for graduation and has practiced as a second-level or first-level general nurse for at least two years but has not practiced as a second-level or first-level general nurse within the four years immediately preceding the filing of an application for initial licensure will be issued a six-month limited permit (temporary authorization) upon passing the NCLEX-PN or NCLEX-RN examination and must complete a nurse refresher course that meets the criteria defined by the Board in order to be eligible for licensure under this section.]~~

~~(b)~~(e) An applicant who has not passed the NCLEX-PN or NCLEX-RN within four years of completion of the requirements for graduation or within four years of the date of eligibility must complete an appropriate nursing education program in order to be eligible to take or retake the examination.

~~(c)~~(d) Should it be ascertained from the application filed, or from other sources, that the applicant should have had an eligibility issue determined by way of a petition for declaratory order pursuant to the Occupations Code §301.257, then the application will be treated and processed as a petition for declaratory order under §213.30 of this title (relating to Declaratory Order of Eligibility for Licensure), and the applicant will be treated as a

petitioner under that section and will be required to pay the non-refundable fee required by that section.

(d)~~(e)~~ Accustomation Permit.

(1) - (3) (No change.)

(e)~~(f)~~ Upon initial licensure by examination, the license is issued for a period ranging from six months to 29 months depending on the birth month. Licensees born in even-numbered years shall renew their licenses in even-numbered years; licensees born in odd-numbered years shall renew their licenses in odd-numbered years.