

**Consideration of Proposed Amendments to 22 Texas Administrative Code
§217.5(h), relating to Temporary License and Endorsement**

Background: House Bill (HB) 139, enacted during the 87th Regular Legislative Session, and effective September 1, 2021, requires a state agency that issues a license that has a residency requirement for license eligibility to adopt rules regarding the documentation necessary for a military spouse applicant to establish residency, including by providing to the agency a copy of the permanent change of station order for the military service member to whom the spouse is married.

Current Board Rule 217.5(h) includes in its eligibility requirements for a military spouse proof of residency in Texas. However, proof of residency in Texas is not necessary for the issuance of single state licensure in Texas. An applicant wishing to obtain a multistate license need only declare Texas as his/her home state on the appropriate application.

In an effort to meet the requirements of HB 139, remove any unnecessary impediments to licensure in Texas for military spouses, and clarify the intent of the existing rule, the proposed amendments eliminate the language in subsection (h)(1)(B) relating to proof of residency.

Board Action: Move to approve the proposed amendments to 22 Texas Administrative Code §217.5(h), relating to *Temporary License and Endorsement*, as set out in Attachment "A", 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 Texas Administrative Code §217.5(h), relating to *Temporary License and Endorsement*, as proposed.

Attachment “A”

§217.5. Temporary License and Endorsement

(a) – (g) (No change).

(h) Out-of-State Licensure of Military Spouse.

(1) Pursuant to Texas Occupations Code §55.0041, a military spouse is eligible to practice nursing in Texas if the military spouse:

(A) (No change.)

(B) submits [~~proof of the military spouse's residency in Texas and~~] a copy of the spouse's military identification card;

(C) – (D) (No change.)

(2) – (4) (No change.)