

**Consideration of Proposed Amendments to 22 Texas Administrative Code §217.5,  
Relating to Temporary License and Endorsement**

**Background:** At the April 2017 Board meeting, the Board charged the Advisory Committee on Education (ACE) with recommending rules to: (1) define *substantially equivalent education* standards for the purpose of ensuring out of state nursing education programs are substantially equivalent to Board standards for licensure purposes; and (2) provide a pathway for initial licensure for graduates of out of state programs that are not substantially equivalent to Board standards for Texas education programs. These charges were the result of the Sunset Advisory Commission's adopted recommendations, codified in House Bill (HB) 2950, and amending Tex. Occ. Code §301.157 (effective September 1, 2017).

ACE met on June 22, 2017; July 25, 2017; and September 25, 2017, to consider the Board's charges. The Board reviewed ACE's recommendations at the October 2017 Board meeting and approved rule amendments to Board Rule 217.2 for publication in the *Texas Register* for public comment. The Board considered the written comments it received at its January 2018 Board meeting and voted to adopt the proposed amendments with changes. The adopted rule amendments to Board Rule 217.2 were published in the *Texas Register* and became effective on February 28, 2018.

The proposed amendments to Board Rule 217.5 are attached as Attachment "A" and are consistent with those adopted in 2018 by the Board that apply to initial licensure by examination. The proposed amendments to Board Rule 217.5 will apply to initial licensure by endorsement. Tex. Occ. Code §301.157 authorizes the Board to adopt rules that provide a pathway for initial licensure in Texas for students enrolled in a school of nursing operated in another state that does not meet standards substantially equivalent to the Board's education standards. Initial licensure in Texas includes both avenues - licensure by examination and licensure by endorsement. The proposed amendments provide necessary clarity in this regard.

**Board Action:** Move to approve the proposal of amendments to 22 Texas Administrative Code §217.5, 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 amendments to 22 Texas Administrative Code §217.5, relating to *Temporary License and Endorsement*, as proposed.

## Attachment “A”

### §217.5. Temporary License and Endorsement.

(a) A nurse who has practiced nursing in another state within the four years immediately preceding a request for temporary licensure and/or permanent licensure by endorsement may obtain a non-renewable temporary license, which is valid for 120 days, and/or a permanent license for endorsement by meeting the following requirements:

(1) Graduation from an approved Texas nursing education program or a program with substantially equivalent education standards to a Texas approved nursing program as defined below.

(A) A professional nursing education program operated in another state may be determined to have substantially equivalent education standards to a Texas approved nursing program if:

(i) the program is approved by a state board of nursing or other governmental entity to offer a pre-licensure professional nursing program of study that awards a nursing diploma or degree upon completion;

(ii) the program includes general education courses providing a sound foundation for nursing education for the level of preparation;

(iii) the program's nursing courses include didactic content and supervised clinical learning experiences in medical-surgical, maternal/child health, pediatrics, geriatrics, and mental health nursing that teach students to use a systematic approach to clinical decision-making and safe patient care across the life span; and

(iv) for baccalaureate degree nursing programs, nursing courses must also include didactic content and supervised clinical learning experiences, as appropriate, in community, research, and leadership.

(B) A vocational nursing education program operated in another state may be determined to have substantially equivalent education standards to a Texas approved nursing program if:

(i) the program is approved by a state board of nursing or other governmental entity to offer a pre-licensure vocational/practical nursing program of study that awards a vocational/practical nursing certificate, diploma, or degree upon completion;

(ii) the program's nursing courses include didactic and supervised clinical learning experiences in medical-surgical, maternal/child health, pediatrics, geriatrics, and mental health nursing that teach students to use a systematic approach to clinical decision-making and safe patient care across the life span; and

(iii) the program includes support courses providing a sound foundation for nursing education for the level of preparation.

(C) A clinical competency assessment program shall be deemed substantially equivalent to a Texas approved nursing program while compliant with Tex. Occ. Code §301.157(d-8) and (d-9). A clinical competency assessment program will be deemed to not be substantially equivalent to a Texas approved nursing program if the program fails to meet applicable requirements of Tex. Occ. Code §301.157(d-11) and (d-12).

(D) If an applicant does not have substantially equivalent education under paragraph (A) or (B), the applicant may become eligible for licensure if the applicant enrolls in an approved Texas program and completes the necessary educational requirements.

(E) If an applicant for licensure as a registered nurse has completed a clinical competency assessment program which is deemed not to be substantially equivalent to Board standards for Texas programs under paragraph (C), the Board may issue a provisional license to the applicant once the applicant has passed the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). The applicant will be eligible for full licensure if the applicant completes the requirements of clause (i) or (ii) below:

(i) The applicant completes 500 hours of clinical practice under the direct supervision of an approved preceptor. The applicant, prior to beginning practice, must submit the name and license number of a potential preceptor for Board approval. After completion of 500 hours of clinical practice under direct supervision of the approved preceptor and the preceptor's signature that the applicant is competent and safe to practice nursing, the applicant may be eligible for full licensure.

(ii) The applicant completes an educational program at an approved Texas program which is designed to assess and improve clinical skills for applicants who have not completed supervised clinical experiences in their prior educational program. The applicant must seek and receive the Board's approval prior to entering into the program to ensure that the program will allow the applicant may be eligible for full licensure. The applicant must provide the Board evidence of completion of the approved program.

(F) If an applicant for licensure as a registered nurse has completed a clinical competency assessment program which is deemed not to be substantially equivalent to Board standards for Texas programs under paragraph (C), in lieu of

completing the requirements of paragraph (E), an applicant may be eligible for full licensure by submitting proof, for Board review and approval, of at least 500 hours of clinical practice as a nurse in a single employment setting that is verified by a licensed nursing supervisor. The licensed nursing supervisor's signature shall evidence that the applicant is competent and safe to practice nursing;

(2) – (8) (No change.)

(b) – (h) (No change.)