

BILL ANALYSIS

C.S.H.B. 4353
By: Gonzales
Border & Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a foreign-educated person applying for a license to practice nursing in Texas must pass a series of examinations, including the Test of English as a Foreign Language (TOEFL). Virtually the entire area along the Texas-Mexico border is classified as a medically underserved area and has a shortage of nurses. However, even though current law requires passage of other examination components that are in English, such as the National Council Licensure Examination, some qualified nurses are prevented from acquiring a license in Texas because of the score requirement on the TOEFL.

C.S.H.B. 4353 authorizes the Texas Board of Nursing to issue a special one-year license to a person currently licensed to practice nursing in Mexico for the purpose of practicing nursing in a county that borders Mexico. The bill establishes the licensing requirements as the same as those of a standard license with the exception of a required score of 475 on the TOEFL. The bill limits the special license to a single issuance and authorizes the holder to apply for another type of nursing license under Texas law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4353 amends the Occupations Code to set forth temporary provisions, set to expire September 1, 2013, to authorize the Texas Board of Nursing to issue a special nursing license to a person licensed to practice nursing in Mexico if the person graduated from an accredited nursing program in Mexico; provides a report acceptable to the board issued by a board-approved credentials evaluation service; applies on a form prescribed by the board and pays the fee required by the board; has received a score of at least 475 on a Test of English as a Foreign Language examination; has received a score acceptable to the board on an English language version of the appropriate National Council Licensure Examination; is eligible for employment in the United States; and will practice nursing in a county that borders Mexico.

C.S.H.B. 4353 establishes a license issued under these provisions as valid for one year and prohibits such a license from being renewed. The bill authorizes a person who holds or has held such a license to apply for another type of license under state law regarding nurses and authorizes a person who holds such a license to practice nursing only as an employee of a hospital located in a county that borders Mexico. The bill establishes that a person who holds such a license is not entitled to a multistate licensing privilege to practice under the Nurse Licensure Compact.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4353 adds provisions not in the original requiring a person to have graduated from an accredited nursing program in Mexico and to provide a report acceptable to the Texas Board of Nursing issued by a board-approved credentials evaluation service, in addition to the original's requirements, to be eligible for a board-issued special nursing license. The substitute prohibits the renewal of the license following a one-year period of validity, rather than authorizing its renewal by the board as in the original. The substitute adds provisions not in the original authorizing a person who holds or has held a special nursing license to apply for another type of nursing license, excluding a person who holds a special nursing license from entitlement to a multistate licensing privilege to practice under the Nurse Licensure Compact, and applying an expiration date of September 1, 2013, to the substitute's provisions.