

## **BILL ANALYSIS**

C.S.H.B. 4355  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There is currently a professional nursing educational program approved by New York State through Excelsior College that is a self-paced, online program for licensed vocational nurses and other health practitioners that substitutes a single assessment of clinical competency at the end of the program for a supervised clinical learning experience model that involves multiple, ongoing assessments and feedback during supervised clinical learning experiences. The Texas Board of Nursing requires Texas programs to follow the supervised clinical learning experience model. However, for a number of years, the board has permitted graduates of the New York program to apply for initial licensure as registered nurses in Texas.

In 2007, a provision was added to the Nursing Practice Act to authorize the board to recognize and accept as an approved program of study school of nursing or educational program operated in another state and approved by a state board of nursing of another state. The provision requires the board to adopt policies to ensure that other states' board standards are substantially equivalent to the Texas board's standards. A question has arisen in light of the 2007 provision as to whether a program that requires only a single assessment of clinical competency meets the requirement that an out-of-state program's standards be substantially equivalent to Texas nursing standards, which require a supervised clinical learning experience.

C.S.H.B. 4355 requires the nursing resource section within the health professionals resource center to conduct a research study to determine if graduates of clinical competency assessment programs are substantially equivalent to graduates of a Texas-approved program with supervised clinical learning experience models involving multiple, ongoing assessments and feedback during supervised clinical learning experiences.

### **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. 4355 amends the Health and Safety Code to require the nursing resource section within the health professions resource center, to the extent funding is available, to conduct a research study to evaluate the competencies of clinical judgment and behaviors that professional nursing students should possess upon graduation from a professional nursing prelicensure program. The bill sets forth specific objectives of the research study. The bill requires the clinical competency assessment program to be a program that meets certain specified criteria. The bill requires the considerations to be used in determining substantial equivalence to include differences between the clinical competency assessment program and the supervised clinical learning experience program in the methods of evaluating students' clinical judgment and behaviors, in performance on standardized clinical exit evaluation tools, in the ability of graduates to transition and assimilate in the registered nurse's role, and in pass rates on the National Council Licensure Examination.

C.S.H.B. 4355 requires the nursing resource section to contract with an independent researcher to develop the research design and conduct the research. The bill requires the independent researcher to be selected by a selection committee and prescribes the composition of the selection committee. The bill requires the nursing resource section to complete the study not later than June 30, 2014, and to submit a report including a research abstract prepared by the independent researcher to the office of the governor, the Senate Committee on Health and Human Services, and the House Committee on Public Health.

C.S.H.B. 4355 authorizes the nurses resource section to cooperate with the Texas Board of Nursing and the Texas Higher Education Coordinating Board in conducting the study. The bill requires the nursing advisory committee formed by the statewide health coordinating council to serve as the oversight committee for the study. The bill sets forth provisions regarding confidentiality of certain collected data and regarding procurement of funding in addition to funds appropriated by the legislature.

C.S.H.B. 4355 defines "clinical competency assessment program," "professional nursing prelicensure program," "research study," and "supervised clinical learning experiences program."

C.S.H.B. 4355 amends the Occupations Code to require the board to assess a surcharge for a registered nurse of not less than \$3 or more than \$5, rather than a surcharge of \$3, and a surcharge for a vocational nurse of not less than \$2 or more than \$3, rather than a surcharge of \$2, for a license holder to renew a license. The bill authorizes the Texas Board of Nursing to recognize and accept a program of study operated in another state that is approved by a regulatory body other than the state board of nursing of that state.

C.S.H.B. 4355 adds a temporary provision, set to expire December 31, 2017, to establish that a nursing program is considered to meet standards substantially equivalent to the board's standards if the program meets certain conditions relating to the program's attachment to an institution of higher education, the program's accreditation, minimum required experience for the program's applicants, and minimum performance standards for the program's graduates. The bill adds a temporary provision set to expire December 31, 2017, to make a graduate of a clinical competency assessment program operated in another state and approved by a state board of nursing or other regulatory body of another state eligible to apply for an initial nursing license if the board allowed graduates of the program to apply for an initial nursing license continuously during the 10-year period preceding January 1, 2007, the program does not make any substantial changes in the length or content of its clinical competency assessment without the board's approval, the program remains in good standing with the state board of nursing or other regulatory body in the other state, and the program participates in the research study of alternate ways to assure clinical competency.

C.S.H.B. 4355 adds a temporary provision set to expire December 31, 2017, to require the Sunset Advisory Commission, as part of the first review of the board conducted under the Texas Sunset Act after September 1, 2009, to recommend whether the expiration date of the temporary provisions relating to recognizing a nursing program of another state as meeting the board's standards and application for an initial license by a graduate of a clinical competency assessment program operated in another state should be extended and to recommend any changes relating to the eligibility for a license of such a graduate.

C.S.H.B. 4355 amends the Education Code to add the nursing resource section to the programs eligible to receive certain grants awarded by the coordinating board, and authorizes the coordinating board, in awarding such grants, to fund a study by the nursing resource section to evaluate the competencies of clinical judgment and behaviors that professional nursing students should possess upon graduation, in addition to the other authorized considerations for funding.

## **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 4355 differs from the original by defining "clinical competency assessment program" to mean a professional nursing prelicensure program that employs a criterion-referenced summative performance examination, developed by subject matter experts, to verify its graduates' attainment of the clinical competency necessary for initial licensure as a registered nurse. The substitute omits a definition in the original defining "single competency assessment program" to mean a professional nursing prelicensure program that has a single competency assessment at the end of the program to determine the competency in clinical judgment and behaviors of its graduates. The substitute makes a nonsubstantive change to define "research study" rather than "study" as in the original. The substitute differs from the original by making clarifications and conforming changes to the objectives of the research study to be conducted by the nursing resource section within the health professions resource center. The substitute clarifies that the clinical exit evaluation tools required to be identified by the study are to be standardized, reliable, and valid, rather than only standardized as in the original. The substitute makes a conforming change to include a reference to a professional nursing prelicensure program rather than an educational program as in the original. The substitute adds an objective not included in the original to require the study to identify any correlation between the required number of hours in supervised clinical learning experiences and expected student outcomes in terms of clinical judgment and behaviors. The substitute differs from the original by changing the requirements that qualify a clinical competency assessment program to be a part of the study. The substitute omits a five year minimum experience requirement for a registered nurse who supervises the clinical competency assessment conducted by such a program and instead requires the assessment to be conducted under the supervision of a qualified clinical faculty member. The substitute differs from the original by requiring the nursing resource section to contract with an independent researcher to develop the research study design and conduct the research, rather than authorizing the nursing resource section to contract with a third party to conduct the study as in the original.

C.S.H.B. 4355 adds provisions not in the original specifying the composition of the selection committee required to choose the independent researcher, and requiring a report on the results of the study to be submitted to the governor, the Senate Committee on Health and Human Services, and the House Committee on Public Health. The substitute differs from the original by authorizing the nursing resource section to cooperate, rather than partner, with the Texas Board of Nursing and the Texas Higher Education Coordinating Board in conducting the study.

C.S.H.B. 4355 omits a provision included in the original authorizing the nursing advisory committee to appoint a special committee to provide oversight for the research study. The substitute omits provisions included in the original requiring the board to allow a program participating in the study to modify its program within a specified timeframe if graduates of the program are found by the study to be not substantially equivalent to graduates of a supervised clinical learning experiences program, and prohibiting the board from disqualifying such graduates as candidates for state licensure before the specified deadline. The substitute omits a provision in the original requiring the board to allow graduates of a program that meet certain criteria to be eligible to apply for a license until a certain date if funding is not available to conduct the study.

C.S.H.B. 4355 adds temporary provisions not in the original relating to conditions under which an out-of-state nursing program is considered to meet the board's standards, when a graduate of such a program is eligible to apply for an initial nursing license in Texas, and the board's sunset review.