

By: Martinez

H.B. No. 2885

A BILL TO BE ENTITLED

AN ACT

relating to determination of the examination pass rate for nursing educational programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 301.157(d-2), Occupations Code, is amended to read as follows:

(d-2) A school of nursing or educational program that fails to meet or maintain an acceptable pass rate on applicable licensing examinations under this chapter is subject to review by the board. The board may assist the school or program in its effort to achieve compliance with the board's standards. In determining the pass rate under Subsection (d-1) and this subsection, the board shall allow an applicant to attempt the examination three times in a 60-day period and shall count an applicant who passes on any attempt as having passed and not failed and an applicant who does not pass on any attempt as having failed once.

SECTION 2. Section 301.255, Occupations Code, is amended to read as follows:

Sec. 301.255. REEXAMINATION. The board by rule shall establish conditions under which an applicant who fails an examination may retake the examination. For an applicant who fails the examination three [~~two~~] or more times, the board may:

(1) require the applicant to fulfill additional educational requirements; or

1 (2) deny the applicant the opportunity to retake the
2 examination.

3 SECTION 3. The change in law made by this Act by the
4 amendment of Section 301.255, Occupations Code, applies only to a
5 person who applies to take an examination on or after the effective
6 date of this Act. A person who first applies to take an examination
7 before the effective date of this Act is governed by the law in
8 effect on the date the person applies, and the former law is
9 continued in effect for that purpose.

10 SECTION 4. This Act takes effect September 1, 2009.