

By: Howard of Travis, King of Taylor,
Gonzales, Zerwas, Pitts

H.B. No. 4355

Substitute the following for H.B. No. 4355:

By: Davis of Harris

C.S.H.B. No. 4355

A BILL TO BE ENTITLED

AN ACT

relating to a study of alternate ways to assure clinical competency
of graduates of nursing educational programs.

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

SECTION 1. Chapter 105, Health and Safety Code, is amended
by adding Section 105.008 to read as follows:

Sec. 105.008. STUDY OF ALTERNATE WAYS TO ASSURE CLINICAL
COMPETENCY OF GRADUATES OF NURSING EDUCATIONAL PROGRAMS. (a) In
this section:

(1) "Clinical competency assessment program" means 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.

(2) "Professional nursing prelicensure program" means
a professional nursing educational program that prepares students
to obtain an initial license as a registered nurse.

(3) "Research study" means the study described by
Subsection (b).

(4) "Supervised clinical learning experiences
program" means a professional nursing prelicensure program that
requires students to complete a required number of supervised
clinical learning experiences provided by qualified clinical

1 faculty involving multiple, ongoing assessments and feedback.

2 (b) To the extent funding is available, the nursing resource
3 section established under Section 105.002(b) shall conduct a
4 research study to identify:

5 (1) a set of expected student outcomes in terms of
6 clinical judgment and behaviors that professional nursing students
7 should possess at the time of graduation from a professional
8 nursing prelicensure program;

9 (2) standardized, reliable, and valid clinical exit
10 evaluation tools that could be used to evaluate the competencies in
11 clinical judgment and behaviors that professional nursing students
12 possess at the time of graduation from a professional nursing
13 prelicensure program;

14 (3) any correlation between the success rate of
15 graduates of professional nursing prelicensure programs on
16 standardized clinical exit evaluation tools and their educational
17 and experiential background, including:

18 (A) length and type of health care work
19 experience before entering the professional nursing prelicensure
20 programs;

21 (B) health care work experience during the
22 professional nursing prelicensure programs; and

23 (C) alternative methods of teaching clinical
24 judgment and behaviors, including supervised clinicals and
25 simulation laboratories; and

26 (4) any correlation between the required number of
27 hours in supervised clinical learning experiences and expected

1 student outcomes in terms of clinical judgment and behaviors.

2 (c) In addition to any other objective, the research study
3 must be designed to determine if the graduates of a clinical
4 competency assessment program are substantially equivalent to the
5 graduates of supervised clinical learning experiences programs in
6 terms of clinical judgments and behaviors. For purposes of this
7 subsection, the clinical competency assessment program must be one
8 that:

9 (1) has been requiring a clinical competency
10 assessment for at least 10 years;

11 (2) has students who reside in this state;

12 (3) has graduates who have been considered by the
13 Texas Board of Nursing to be eligible to apply for a registered
14 nurse license as a result of graduating from the program on or
15 before January 1, 2007; and

16 (4) conducts the clinical competency assessment at a
17 facility or facilities located in this state under the supervision
18 of a qualified clinical faculty member who is a registered nurse and
19 who holds a master's or doctoral degree in nursing.

20 (d) Considerations to be used in determining substantial
21 equivalence under Subsection (c) must include the differences
22 between the clinical competency assessment program and the
23 supervised clinical learning experiences program in:

24 (1) the methods of evaluating students' clinical
25 judgment and behaviors;

26 (2) performance on standardized clinical exit
27 evaluation tools;

1 (3) the ability of graduates to transition to and
2 assimilate in the registered nurse's role; and

3 (4) passage rates on the National Council Licensure
4 Examination.

5 (e) The nursing resource section shall contract with an
6 independent researcher to develop the research design and conduct
7 the research. The independent researcher must be selected by a
8 selection committee composed of:

9 (1) one representative elected by a majority of the
10 nursing advisory committee under Section 104.0155 who is the chair
11 of the selection committee;

12 (2) one representative designated by the Texas Health
13 Care Policy Council;

14 (3) the presiding officer of the Texas Board of
15 Nursing;

16 (4) one representative of the Texas Higher Education
17 Coordinating Board, designated by the governor;

18 (5) one representative designated by the Texas
19 Hospital Association;

20 (6) one representative designated by the Texas
21 Association of Business;

22 (7) one representative of a clinical competency
23 assessment program, designated by the governor; and

24 (8) the nurse researcher member of the nursing
25 advisory committee under Section 104.0155.

26 (f) The nursing resource section shall complete the study
27 not later than June 30, 2014, and shall submit a report to the

1 office of the governor, the Senate Committee on Health and Human
2 Services, and the House Committee on Public Health. The report must
3 include a research abstract prepared by the independent researcher.

4 (g) The nursing resource section may cooperate with the
5 Texas Board of Nursing and the Texas Higher Education Coordinating
6 Board in conducting the study.

7 (h) The nursing advisory committee formed under Section
8 104.0155 shall serve as the oversight committee for the study.

9 (i) Any data collected as part of the study that contains
10 information identifying specific students, patients, or health
11 care facilities is confidential, is not subject to disclosure under
12 Chapter 552, Government Code, and may not be released unless all
13 identifying information is removed.

14 (j) In addition to funds appropriated by the legislature,
15 the nursing resource section may solicit, receive, and spend
16 grants, gifts, and donations from public or private sources for the
17 purpose of conducting the study.

18 (k) If grants or other funds are available through the
19 National Council of State Boards of Nursing that could be used to
20 fund the study, the nursing resource section shall apply for the
21 funds to the maximum amount available up to the estimated cost of
22 the study. In making the application or accepting the funding, the
23 nursing resource section may not relinquish any oversight
24 responsibility for the study, including responsibility for
25 designing and conducting the research or developing the findings.

26 SECTION 2. Section 301.155(c), Occupations Code, is amended
27 to read as follows:

1 (c) The board shall assess a [~~\$3~~] surcharge of not less than
2 \$3 or more than \$5 for a registered nurse and a [~~\$2~~] surcharge of not
3 less than \$2 or more than \$3 for a vocational nurse to the fee
4 established by the board under Subsection (a) for a license holder
5 to renew a license under this chapter. The board may use nine cents
6 of the registered nurse surcharge and six cents of the vocational
7 nurse surcharge to cover the administrative costs of collecting and
8 depositing the surcharge. The board quarterly shall transmit the
9 remainder of each surcharge to the Department of State Health
10 Services to be used only to implement the nursing resource section
11 under Section 105.002, Health and Safety Code. The board is not
12 required to collect the surcharge if the board determines the funds
13 collected are not appropriated for the purpose of funding the
14 nursing resource section.

15 SECTION 3. Section 301.157, Occupations Code, is amended by
16 amending Subsection (d-4) and adding Subsections (d-8), (d-9),
17 (d-10), and (d-11) to read as follows:

18 (d-4) The board may recognize and accept as approved under
19 this section a school of nursing or educational program operated in
20 another state and approved by a state board of nursing or other
21 regulatory body of that [~~another~~] state. The board shall develop
22 policies to ensure that the other state's [~~state board's~~] standards
23 are substantially equivalent to the board's standards.

24 (d-8) For purposes of Subsection (d-4), a nursing program
25 is considered to meet standards substantially equivalent to the
26 board's standards if the program:

27 (1) is part of an institution of higher education

1 located outside this state that is approved by the appropriate
2 regulatory authorities of that state;

3 (2) holds regional accreditation by an accrediting
4 body recognized by the United States Secretary of Education and the
5 Council for Higher Education Accreditation;

6 (3) holds specialty accreditation by an accrediting
7 body recognized by the United States Secretary of Education and the
8 Council for Higher Education Accreditation, including the National
9 League for Nursing Accrediting Commission;

10 (4) requires program applicants to be a licensed
11 practical or vocational nurse, a military service corpsman, or a
12 paramedic, or to hold a college degree in a clinically oriented
13 health care field with demonstrated experience providing direct
14 patient care; and

15 (5) graduates students who:

16 (A) achieve faculty-determined program outcomes,
17 including passing criterion-referenced examinations of nursing
18 knowledge essential to beginning a registered nursing practice and
19 transitioning to the role of registered nurse;

20 (B) pass a criterion-referenced summative
21 performance examination developed by faculty subject matter
22 experts that measures clinical competencies essential to beginning
23 a registered nursing practice and that meets nationally recognized
24 standards for educational testing, including the educational
25 testing standards of the American Educational Research
26 Association, the American Psychological Association, and the
27 National Council on Measurement in Education; and

1 (C) pass the National Council Licensure
2 Examination for Registered Nurses at a rate equivalent to the
3 passage rate for students of approved in-state programs.

4 (d-9) A graduate of a clinical competency assessment
5 program operated in another state and approved by a state board of
6 nursing or other regulatory body of another state is eligible to
7 apply for an initial license under this chapter if:

8 (1) the board allowed graduates of the program to
9 apply for an initial license under this chapter continuously during
10 the 10-year period preceding January 1, 2007;

11 (2) the program does not make any substantial changes
12 in the length or content of its clinical competency assessment
13 without the board's approval;

14 (3) the program remains in good standing with the
15 state board of nursing or other regulatory body in the other state;
16 and

17 (4) the program participates in the research study
18 under Section 105.008, Health and Safety Code.

19 (d-10) In this section, the terms "clinical competency
20 assessment program" and "supervised clinical learning experiences
21 program" have the meanings assigned by Section 105.008, Health and
22 Safety Code.

23 (d-11) Subsections (d-8), (d-9), (d-10), and (d-11) expire
24 December 31, 2017. As part of the first review conducted under
25 Section 301.003 after September 1, 2009, the Sunset Advisory
26 Commission shall:

27 (1) recommend whether Subsections (d-8) and (d-9)

1 should be extended; and

2 (2) recommend any changes to Subsections (d-8) and
3 (d-9) relating to the eligibility for a license of graduates of a
4 clinical competency assessment program operated in another state.

5 SECTION 4. Section 63.202(f), Education Code, is amended to
6 read as follows:

7 (f) Notwithstanding the limitation provided by Subsection
8 (b), grants awarded under Subsection (c) for the state fiscal
9 biennium ending on August 31, 2009, and the fiscal biennium ending
10 on August 31, 2011, by the Texas Higher Education Coordinating
11 Board shall be awarded to programs preparing students for initial
12 licensure as registered nurses or programs preparing qualified
13 faculty members with a master's or doctoral degree for the program,
14 including programs at two-year institutions of higher education,
15 four-year general academic teaching institutions, health science
16 centers, and independent or private institutions of higher
17 education, or to the nursing resource section established under
18 Section 105.002(b), Health and Safety Code. In awarding grants
19 under this subsection, the coordinating board may:

20 (1) give priority to institutions proposing to address
21 the shortage of registered nurses by promoting innovation in
22 education, recruitment, and retention of nursing students and
23 qualified faculty;

24 (2) award grants on a competitive basis; ~~and~~

25 (3) consider the availability of matching funds; and

26 (4) fund a study by the nursing resource section to
27 evaluate the competencies of clinical judgment and behaviors that

1 professional nursing students should possess at the time of
2 graduation.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.