

By: Howard of Travis

H.B. No. 4355

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conducting of a research study on alternate ways to
3 assure clinical competency of graduates of nursing educational
4 programs.

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

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

8 Sec. 105.008. STUDY OF ALTERNATE WAYS TO ASSURE CLINICAL
9 COMPETENCY OF GRADUATES OF NURSING EDUCATIONAL PROGRAMS.

10 (a) In this section:

11 (1) "Professional nursing prelicensure program" means
12 a professional nursing educational program that prepares students
13 for initial licensure as registered nurses.

14 (2) "Single clinical competency assessment program"
15 means a professional nursing prelicensure program that has a single
16 competency assessment at the end of the program to determine the
17 competency in clinical judgment and behaviors of its graduates.

18 (3) "Study" means the study described under Subsection
19 (b).

20 (4) "Supervised clinical learning experiences
21 program" means a professional nursing prelicensure program that
22 requires students to complete a required number of supervised
23 clinical learning experiences provided by qualified clinical
24 faculty involving multiple, ongoing assessments and feedback.

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

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

8 (2) identify standardized clinical exit evaluation
9 tools that could be used to evaluate the competencies of clinical
10 judgment and behaviors that professional nursing students possess
11 upon graduation from a professional nursing prelicensure program;

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

16 (A) length and type of healthcare work experience
17 prior to entering into the professional nursing prelicensure
18 programs;

19 (B) healthcare work experience during the
20 educational program; and

21 (C) alternate ways to teach clinical judgment and
22 behaviors such as supervised clinicals and simulation
23 laboratories.

24 (c) (1) In addition to any other objective, the study shall
25 be designed to specifically answer the question whether the nursing
26 graduates of a single clinical competency assessment program are
27 able after graduation to practice in a clinical setting at a level

1 substantially equivalent to the graduates of a supervised clinical
2 learning experiences program if the single clinical competency
3 assessment program is one that:

4 (A) has been requiring only a single clinical
5 competency assessment for at least 10 years;

6 (B) has students who reside in this state;

7 (C) has graduates who have been considered by the
8 board to be eligible to apply for a registered nurse license as a
9 result of graduating from the program on or before January 1, 2007;
10 and

11 (D) conducts the single clinical competency
12 assessment at a facility located in this state under the
13 supervision of a registered nurse who holds a master's or doctoral
14 degree in nursing and who has at least five years of experience on
15 the faculty of a nursing program approved to operate in this state.

16 (2) Considerations to be used by the nursing resource
17 section in determining substantial equivalence under Subdivision
18 (1) shall include differences between the single competency
19 assessment program and the supervised clinical learning experience
20 program in:

21 (A) the methods of evaluating students' clinical
22 judgment and behaviors;

23 (B) performance on standardized clinical exit
24 evaluation tools;

25 (C) the ability of graduates to transition and
26 assimilate in the registered nurse's role; and

27 (D) pass rates on the NCLEX licensure exam.

1 (d) The nursing resource section shall complete the study
2 not later than June 30, 2014.

3 (e) The nursing resource center may contract with a third
4 party to conduct the study.

5 (f) The nurses resource section may partner with the Texas
6 Board of Nursing and the Texas Higher Education Coordinating Board
7 in conducting the study.

8 (g) The committee formed under Section 104.0155 shall serve
9 as the oversight committee for the study or may appoint a special
10 committee to provide the oversight.

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

16 (i) (1) In addition to funds appropriated by the
17 legislature, the nursing resource section may solicit, receive, and
18 spend grants, gifts, and donations from public or private sources
19 for the purposes of conducting the study.

20 (2) If grants funds are available through the National
21 Council of State Boards of Nursing that could be used to fund the
22 study, the nursing resource section shall apply for such funds to
23 the maximum amount available up to the estimated costs of the study.
24 In making the application, the nursing resource section shall not
25 relinquish any oversight responsibility for the study.

26 (j) If the study finds that graduates of a nursing
27 educational program that requires students to pass only a single

1 clinical competency assessment are not able after graduation to
2 practice in a clinical setting at a level substantially equivalent
3 to the graduates of a nursing educational program that requires
4 students to complete a required number of supervised clinical
5 learning experiences, the Texas Board of Nursing shall allow a
6 program participating in the study to modify its program, not later
7 than December 31, 2017, to meet any standards required for
8 graduates of the program to be eligible to apply to the board for a
9 license. The board may not disqualify graduates of a program that
10 is modifying its program under this subsection from receiving a
11 license under Chapter 301, Occupations Code before December 31,
12 2017.

13 (k) If funding is not available to conduct the study, the
14 Texas Board of Nursing shall allow graduates of a single clinical
15 competency assessment program that meets the criteria set out in
16 Subsection (c)(1) to be eligible to apply to the board for a license
17 until December 31, 2017.

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

20 (c) The board shall assess a [~~\$3~~] surcharge for a registered
21 nurse of at least \$3 and not more than \$5 and a [~~\$2~~] surcharge for a
22 vocational nurse of at least \$2 and not more than \$3 to the fee
23 established by the board under Subsection (a) for a license holder
24 to renew a license under this chapter. The board may use nine cents
25 of the registered nurse surcharge and six cents of the vocational
26 nurse surcharge to cover the administrative costs of collecting and
27 depositing the surcharge. The board quarterly shall transmit the

1 remainder of each surcharge to the Department of State Health
2 Services to be used only to implement the nursing resource section
3 under Section 105.002, Health and Safety Code. The board is not
4 required to collect the surcharge if the board determines the funds
5 collected are not appropriated for the purpose of funding the
6 nursing resource section.

7 SECTION 3. Section 63.002(f), Education Code is amended to
8 read as follows:

9 (f) Notwithstanding the limitation provided by Subsection
10 (b), grants awarded under Subsection (c) for the state fiscal
11 biennium ending on August 31, 2009, and the fiscal biennium ending
12 on August 31, 2011, by the Texas Higher Education Coordinating
13 Board shall be awarded to programs preparing students for initial
14 licensure as registered nurses or programs preparing qualified
15 faculty members with a master's or doctoral degree for the program,
16 including programs at two-year institutions of higher education,
17 four-year general academic teaching institutions, health science
18 centers, and independent or private institutions of higher
19 education or the nursing resource section established under Section
20 105.002(b), Health and Safety Code. In awarding grants under this
21 subsection, the coordinating board may:

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

26 (2) award grants on a competitive basis; [~~and~~]

27 (3) consider the availability of matching funds and

1 (4) fund a study by the nursing resource section to
2 evaluate the competencies of clinical judgment and behaviors that
3 professional nursing students should possess upon graduation.

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