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S.B. No. 1397

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensure of nurses, including the assessment of
3 fees, the clinical competency of nursing program graduates, and the
4 establishment of the equivalency of certain competency-based
5 nursing education programs in other states.

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

7 SECTION 1. Subsection (c), Section 301.155, Occupations
8 Code, is amended to read as follows:

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

23 SECTION 2. Section 301.157, Occupations Code, is amended by
24 amending Subsection (d-4) and adding Subsections (d-8), (d-9),

1 (d-10), and (d-11) to read as follows:

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

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

11 (1) is part of an institution of higher education
12 located outside this state that is approved by the appropriate
13 regulatory authorities of that state;

14 (2) holds regional accreditation by an accrediting
15 body recognized by the United States secretary of education and the
16 Council for Higher Education Accreditation;

17 (3) holds specialty accreditation by an accrediting
18 body recognized by the United States secretary of education and the
19 Council for Higher Education Accreditation, including the National
20 League for Nursing Accrediting Commission;

21 (4) requires program applicants to be a licensed
22 practical or vocational nurse, a military service corpsman, or a
23 paramedic, or to hold a college degree in a clinically oriented
24 health care field with demonstrated experience providing direct
25 patient care; and

26 (5) graduates students who:

27 (A) achieve faculty-determined program outcomes,

1 including passing criterion-referenced examinations of nursing
2 knowledge essential to beginning a registered nursing practice and
3 transitioning to the role of registered nurse;

4 (B) pass a criterion-referenced summative
5 performance examination developed by faculty subject matter
6 experts that measures clinical competencies essential to beginning
7 a registered nursing practice and that meets nationally recognized
8 standards for educational testing, including the educational
9 testing standards of the American Educational Research
10 Association, the American Psychological Association, and the
11 National Council on Measurement in Education; and

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

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

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

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

25 (3) the program remains in good standing with the
26 state board of nursing or other regulatory body in the other state;
27 and

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

3 (d-10) In this section, the terms "clinical competency
4 assessment program" and "supervised clinical learning experiences
5 program" have the meanings assigned by Section 105.008, Health and
6 Safety Code.

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

11 (1) recommend whether Subsections (d-8) and (d-9)
12 should be extended; and

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

16 SECTION 3. Subsection (f), Section 63.202, Education Code,
17 is amended to read as follows:

18 (f) Notwithstanding the limitation provided by Subsection
19 (b), grants awarded under Subsection (c) for the state fiscal
20 biennium ending on August 31, 2009, and the fiscal biennium ending
21 on August 31, 2011, by the Texas Higher Education Coordinating
22 Board shall be awarded to programs preparing students for initial
23 licensure as registered nurses or programs preparing qualified
24 faculty members with a master's or doctoral degree for the program,
25 including programs at two-year institutions of higher education,
26 four-year general academic teaching institutions, health science
27 centers, and independent or private institutions of higher

1 education, or to the nursing resource section established under
2 Section 105.002(b), Health and Safety Code. In awarding grants
3 under this subsection, the coordinating board may:

4 (1) give priority to institutions proposing to address
5 the shortage of registered nurses by promoting innovation in
6 education, recruitment, and retention of nursing students and
7 qualified faculty;

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

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

10 (4) fund a study by the nursing resource section to
11 evaluate the competencies of clinical judgment and behaviors that
12 professional nursing students should possess at the time of
13 graduation.

14 SECTION 4. Chapter 105, Health and Safety Code, is amended
15 by adding Section 105.008 to read as follows:

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

19 (1) "Clinical competency assessment program" means a
20 professional nursing prelicensure program that employs a
21 criterion-referenced summative performance examination, developed
22 by subject matter experts, to verify its graduates' attainment of
23 the clinical competency necessary for initial licensure as a
24 registered nurse.

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

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

3 (4) "Supervised clinical learning experiences
4 program" means a professional nursing prelicensure program that
5 requires students to complete a required number of supervised
6 clinical learning experiences provided by qualified clinical
7 faculty involving multiple, ongoing assessments and feedback.

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

11 (1) a set of expected student outcomes in terms of
12 clinical judgment and behaviors that professional nursing students
13 should possess at the time of graduation from a professional
14 nursing prelicensure program;

15 (2) standardized, reliable, and valid clinical exit
16 evaluation tools that could be used to evaluate the competencies in
17 clinical judgment and behaviors that professional nursing students
18 possess at the time of graduation from a professional nursing
19 prelicensure program;

20 (3) any correlation between the success rate of
21 graduates of professional nursing prelicensure programs on
22 standardized clinical exit evaluation tools and their educational
23 and experiential background, including:

24 (A) length and type of health care work
25 experience before entering the professional nursing prelicensure
26 programs;

27 (B) health care work experience during the

1 professional nursing prelicensure programs; and

2 (C) alternative methods of teaching clinical
3 judgment and behaviors, including supervised clinicals and
4 simulation laboratories; and

5 (4) any correlation between the required number of
6 hours in supervised clinical learning experiences and expected
7 student outcomes in terms of clinical judgment and behaviors.

8 (c) In addition to any other objective, the research study
9 must be designed to determine if the graduates of a clinical
10 competency assessment program are substantially equivalent to the
11 graduates of supervised clinical learning experiences programs in
12 terms of clinical judgments and behaviors. For purposes of this
13 subsection, the clinical competency assessment program must be one
14 that:

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

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

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

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

26 (d) Considerations to be used in determining substantial
27 equivalence under Subsection (c) must include the differences

1 between the clinical competency assessment program and the
2 supervised clinical learning experiences program in:

3 (1) the methods of evaluating students' clinical
4 judgment and behaviors;

5 (2) performance on standardized clinical exit
6 evaluation tools;

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

9 (4) passage rates on the National Council Licensure
10 Examination for Registered Nurses.

11 (e) The nursing resource section shall contract with an
12 independent researcher to develop the research design and conduct
13 the research. The independent researcher must be selected by a
14 selection committee composed of:

15 (1) one representative elected by a majority of the
16 nursing advisory committee under Section 104.0155, who is the chair
17 of the selection committee;

18 (2) one representative designated by the Texas Health
19 Care Policy Council;

20 (3) the presiding officer of the Texas Board of
21 Nursing;

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

24 (5) one representative designated by the Texas
25 Hospital Association;

26 (6) one representative designated by the Texas
27 Association of Business;

1 (7) one representative designated by a clinical
2 competency assessment program that meets the requirements of
3 Section 301.157(d-8), Occupations Code; and

4 (8) the nurse researcher member of the nursing
5 advisory committee under Section 104.0155.

6 (f) The nursing resource section shall complete the study
7 not later than June 30, 2014, and shall submit a report to the
8 office of the governor, the Senate Committee on Health and Human
9 Services, and the House Committee on Public Health. The report must
10 include a research abstract prepared by the independent researcher.

11 (g) The nursing resource section may cooperate with the
12 Texas Board of Nursing and the Texas Higher Education Coordinating
13 Board in conducting the study.

14 (h) The nursing advisory committee formed under Section
15 104.0155 shall serve as the oversight committee for the study.

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

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

25 (k) If grants or other funds are available through the
26 National Council of State Boards of Nursing that could be used to
27 fund the study, the nursing resource section shall apply for the

1 funds to the maximum amount available up to the estimated cost of
2 the study. In making the application or accepting the funding, the
3 nursing resource section may not relinquish any oversight
4 responsibility for the study, including responsibility for
5 designing and conducting the research or developing the findings.

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