

Consideration of Proposed Amendments to 22 Tex. Admin. Code § 217.17, Relating to the Jurisprudence Exam

Summary of Request:

Consider amendments to Rule 217.17 to implement the recommendations made by the Sunset Advisory Commission regarding the Board of Nursing Jurisprudence Exam. **Attachment A** is a “clean copy” of the rule, with only the recommended new language noted for ease in reading. **Attachment B** denotes all proposed changes to the rule language. Board approval to publish proposed amendments to rule 217.17 is requested.

Historical Perspective:

House Bill 2426 (80th Regular Tex. Legis. Session, 2007, Truitt), in part enacted the requirement in NPA § 301.252 that requires the Board of Nursing (BON) to adopt a rule regarding the development of the examination, applicable fees, administration of the examinations, re-examination procedures, grading procedures, and notice of results. This requirement will effect applications received on or after September 1, 2008, from candidates for initial licensure by examination and those seeking to endorse their nursing license to Texas.

Since the initial adoption of rule 217.17 in November 2007, board staff have continued to work out the details of development and administration of the NJE. In doing so, staff have determined that the original rule language requires revision in order to accurately reflect the processes now being put into place for this new examination.

Pros and Cons:

Pros: The proposed amendments accurately reflect the Nursing Jurisprudence Exam content and processes to be implemented September 1, 2008.

Cons: Current rule language does not accurately reflect NJE content or examination processes, and failure to adopt amendments would result in incomplete and possibly inaccurate rule language in relation to the implementation of the NJE.

Recommendations:

Move to propose amendments to Rule 217.17 and authorize staff to publish it in the Texas Register with a comment period of 30 days. If no negative comments are received, adopt and publish the amendments in the Texas Register. The board authorizes staff legal counsel to make non-substantive language changes, if necessary, for clarification purposes.

Attachment A

Clean Copy Proposed Rule Language for 22TAC §217.17 Nursing Jurisprudence Exam (new language in blue and underlined)

(a) Exam Development

- (1) The Board will develop a Nursing Jurisprudence Exam (NJE) as authorized by NPA 301.252.
- (2) The NJE will be required for each person who submits an application seeking initial licensure on or after September 1, 2008.
- (3) The NJE will be a minimum of 50 questions and shall be psychometrically validated.
- (4) The NJE shall be designed to test the an applicant's knowledge relating to board statutes, rules, position statements, guidelines, disciplinary sanction policies, frequently asked questions, and other resource documents accessible on the board's web page relating to the regulation, licensure, and practice of nursing under the following categories:
 - (A) Nursing Licensure and Regulation in Texas
 - (B) Nursing Ethics
 - (C) Nursing Practice
 - (D) Nursing Peer Review
 - (E) Disciplinary Action

(b) Grading Procedures

- (1) In this chapter, applicants required to take the NJE exam, must achieve a passing score as determined by the Board of Nursing in consultation with a psychometrician. Should an applicant fail to achieve a passing score on the NJE, such applicant shall retake the NJE until such time as a passing score is achieved.
- (2) In accordance with NPA §301.252(a)(3), an applicant for initial nursing licensure in Texas shall not be granted a nursing license until the applicant achieves a passing score on the NJE.
- (3) A person who has passed the NJE shall not be required to retake the NJE for another or similar license, except as a specific requirement of the board.
- (4) A passing grade is valid for purposes of licensure for one year form the date the passing grade is achieved.

(c) Taking the NJE

- (1) An applicant may take the NJE at any time during the application process.
- (2) Should an applicant fail to achieve a minimum passing score on the NJE, such applicant may retake the NJE until such time as a passing score is achieved.

(d) Notice of Results

- (1) Attaining a passing score on the NJE is a requirement of initial licensure in Texas effective September 1, 2008.
- (2) Each applicant will be notified upon successful completion of all requirements for initial licensure.

Source Note: The provisions of this §217.17 adopted to be effective November 15, 2007, 32 TexReg 8167. [[Revisions Proposed July 2008](#)]

Attachment B

Proposed Rule Language 22TAC §217.17 Nursing Jurisprudence Exam

Black Font = Current rule language.
Blue Font/Underline = New Language.
Red Font/Strikeout = Deleted Language

(a) Exam Development

- (1) The Board will develop a Nursing Jurisprudence Exam (NJE) as authorized by NPA 301.252.
- (2) The NJE will be required for each person who submits an application seeking initial licensure on or after September 1, 2008.
- (3) The NJE will be a minimum of 50 questions and shall be psychometrically validated.
- (4) The NJE shall be designed to test an applicant's knowledge relating to board statutes, rules, position statements, guidelines, disciplinary sanction policies, frequently asked questions, and other resource documents accessible on the board's web page relating to the regulation, licensure, and practice of nursing under the following categories:
 - (A) Nursing Licensure and Regulation in Texas
 - (B) Nursing Ethics
 - (C) Nursing Practice
 - (D) Nursing Peer Review
 - (E) Disciplinary Action

(b) Grading Procedures

- (1) In this chapter, ~~when~~ applicants ~~are~~ required to ~~pass~~ take the NJE exam, ~~applicants~~ must ~~pass the NJE with a~~ achieve a passing score ~~of 75 or better as determined by the Board of Nursing in consultation with a psychometrician.~~ Should ~~the~~ an applicant fail to achieve a ~~minimum grade of 75~~ passing score on the NJE, such applicant, ~~in order to be licensed,~~ shall retake the NJE until such time as a ~~grade of 75~~ passing score is achieved.

~~(b) An examinee shall not utilize a proxy or bring books, notes, or other help into the examination room, nor be allowed to communicate by word or sign with another examinee while the examination is in progress.~~

~~(c) Irregularities during an examination such as giving or obtaining unauthorized information or aid as evidenced by observation of subsequent statistical analysis of answer sheets, shall be sufficient cause to terminate an applicant's participation in an examination, invalidate the applicant's examination results, to take other appropriate action.~~

- (2) In accordance with NPA §301.252(a)(3), an applicant for initial nursing licensure

in Texas shall not be granted a nursing license until the applicant achieves a passing score on the NJE.

~~(d)~~ (3) A person who has passed the NJE shall not be required to retake the NJE for another or similar license, except as a specific requirement of the board.

~~(e)~~ ~~If the applicant should fail one of the Nursing Jurisprudence examinations, the grade of the examination which the applicant's initially passed may be used for the purpose of licensure for a period of two years from the date of passing the initial examination~~

(4) A passing grade on the NJE is valid for purposes of licensure for one year form the date the passing grade is achieved.

(c) Taking the NJE

(1) An applicant may take the NJE at any time during the application process.

(2) Should an applicant fail to achieve a minimum passing score on the NJE, such applicant may retake the NJE until such time as a passing score is achieved.

(d) Notice of Results

(1) Attaining a passing score on the NJE is a requirement of initial licensure in Texas effective September 1, 2008.

(2) Each applicant will be notified upon successful completion of all requirements for initial licensure.

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