

**Report on Survey of Other States Pertaining to
Failure to Renew License After a Significant Passage of Time**

Background:

At the October Board meeting the Board considered agenda item 8.5, the consideration of reinstatement agreed order for Maria Elena Bradley (Francis) and her request to be deemed eligible to reexamine.

Ms. Francis had filed a Petition for Reinstatement of License with the Board in September 2008. She had not been licensed and had been away from patient care for approximately 18 years. The Board did not agree to approve any form of permit or license to practice in the state of Texas or to retake the NCLEX-RN Examination due to the length of time she has been away from patient care.

The Nurse Practice Act, Section 301.301.(d) provides:

The Board by rule shall set a length of time beyond which an expired license may not be renewed. The Board by rule may establish additional requirements that apply to the renewal of a license that has been expired for more than one year but less than the time limit set by the Board beyond which a license may not be renewed. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining a license.

(Emphasis added).

The board does not have a rule “beyond which an expired license **may not be renewed.**”

However, all request for renewal are currently governed by Board Rule 217.6(b) provides:

(b) A nurse who is not practicing nursing and who fails to maintain a current license from any licensing authority for four or more years will be required to:

(1) complete a refresher course or extensive orientation to the practice of nursing, or completion of a nursing program of study. The applicant will submit an application for temporary permit for the limited purpose of completing a refresher course, extensive orientation to the practice of nursing, or program of study;

(2) submit evidence of the successful completion of the requirements of paragraph (1) of this subsection;

(3) submit a completed reactivation application;

(4) submit the current non-refundable licensure fee, plus a late fee and any applicable fines which are not refundable; and

(5) submit evidence of completion of 20 contact hours of acceptable continuing education for the two years immediately preceding the application for relicensure.

Staff was requested to develop a rule that addressed situations beyond which an expired license **may not be renewed.**”

Staff has developed a draft rule for Board review, but is still evaluating whether there is empirical information to support a uniform standard or best practice. The Staff draft rule is attached hereto for Board review and comment.

Although the Board determined at the last Board meeting that 18 years, given Ms. Francis' situation was too long to allow renewal, there is no current uniform standard. Staff has conducted some research and continues to gather data on what length of time is appropriate to require reexamination and complying with the requirements and procedures for obtaining a license.

ATTACHED IS A SURVEY FROM OTHER JURISDICTION AND A DRAFT AMENDMENT TO RULE 217.6

NO ACTION IS REQUIRED.

Here is a summary of the responses I received in regards to the e-mail I sent about how different jurisdictions handle renewal of long-lapsed licenses.

State	length of license expiration	requirement for renewal
Alabama	2 or more years	24 contact hours
Arkansas	5 or more years	Board approved refresher course, then 20 hours CE
California - VN	Any	None
Connecticut	5 or more years	Board approved refresher course and retake (and pass) the NCLEX
Connecticut	3-5 years	Board approved refresher course
Delaware	2-5 years	Board approved refresher course
Florida	2 or more years	24 hours CE
Georgia	1-4 years	proof of practice hours or graduation from nursing program within past 4 years
Georgia	4 or more years	Board approved re-entry program
Hawaii	5 or more years	retake and pass NCLEX or comprehensive refresher course
Indiana	Any	None
Kansas	5 or more years	Board approved refresher course
Michigan	1-3 years	25 hours CE in Board approved activities
Michigan	more than 3 years	verification of licensure in another state and 25 hours CE or retake and pass the NCLEX
Missouri	Any	None
Nebraska	5 or more years*	Board approved refresher course
Nevada	5 or more years (since last date of practice)	Board approved refresher course
New Mexico	4 years	Board approved refresher course
North Dakota	4 years*	Board approved refresher course or clinical nurse course
Ohio	2-5 years	24 contact hours
Ohio	5 or more years	24 contact hours in specific learning objectives

Oklahoma	2 or more years	Board approved refresher course, proof of licensure in another state, retake and pass NCLEX, or 7 credit hours academic credit
Oregon	5 or more years*	Board approved re-entry process under a limited license with 120 hours of instruction and 160 hours of supervised clinicals.
South Dakota	1-6 years*	Board approved refresher course
Texas	4 or more years	Board approved refresher course, then 20 hours CE
Vermont	5 or more years*	Completion of Board approved re-entry program. Board issues limited permit for the re-entry clinical component.
Washington DC	5 or more years	Board approved refresher course
West Virginia - PN	Any	200 hours work under limited license and under direct supervision of an RN or MD, and 12 contact hours CE
West Virginia - RN	Any	refresher course encouraged, but not required

* Regardless of license status, continued competence requirements triggered if the nurse has not practiced a given number of hours in the set period of time

Draft Rule § 217.6. Failure to Renew License.

(a) A nurse who is not practicing nursing in Texas and who fails to maintain a current Texas license for a period of time less than four years may bring his or her license up-to-date by filing such forms as the board may require, showing evidence of having completed 20 contact hours of acceptable continuing education within two years immediately preceding the application for relicensure, and paying the current licensure fee plus a late fee and any applicable fines, which are not refundable.

(b) A nurse who is not practicing nursing and who fails to maintain a current license from any licensing authority for more than four or more years but less than eight years will be required to:

(1) complete a refresher course or extensive orientation to the practice of nursing, or completion of a nursing program of study. The applicant will submit an application for temporary permit for the limited purpose of completing a refresher course, extensive orientation to the practice of nursing, or program of study;

(2) submit evidence of the successful completion of the requirements of paragraph (1) of this subsection;

(3) submit a completed reactivation application;

(4) submit the current non-refundable licensure fee, plus a late fee and any applicable fines which are not refundable; and

(5) submit evidence of completion of 20 contact hours of acceptable continuing education for the two years immediately preceding the application for relicensure.

(c) A nurse who fails to maintain a current Texas license for four years or more and who is licensed and has practiced in another state during the previous four years preceding the application for relicensure in Texas, shall be exempt from requirements of subsection (b)(1) and (2) of this section.

(d) The issuance of a license renewal may be refused to an individual who:

(1) fails to submit an application for renewal; or

(2) submits an application which:

(A) is incomplete;

(B) does not show that the person meets the requirements for renewal; or

(C) is not accompanied by the correct fee(s).

(e) The refusal to renew the license for reasons in subsection (d)(1) and (2) of this section does not entitle the individual to a hearing.

(f) The individual refused a license renewal who wishes to reactivate his or her license will be required to:

(1) correctly complete the reactivation application form;

(2) show evidence of meeting all current requirements for licensure, including 20 contact hours of continuing education according to requirements in Chapter 216 of this title (relating to Continuing Education); and

(3) submit payment of the correct non-refundable reactivation fee as follows:

(A) if the license has been delinquent less than 90 days, the required fee will equal the renewal fee plus one-half the examination fee (see §223.1), plus any applicable fines;

or

(B) if the license has been delinquent for more than 90 days, the required fee will equal the renewal fee plus the full examination fee (see §223.1), plus any applicable fines.

(g) Special Reactivation Provisions for Actively Deployed Nurses.

(1) If a nurse's license lapses and becomes delinquent while serving in the military whenever the United States is engaged in active military operations against any foreign power, the license may be reactivated without penalty or payment of the reactivation late renewal fee(s) under the following conditions:

(A) The license was active at the time of deployment.

(B) The application for reactivation is made while still in the armed services or no later than three months after discharge from active service or return to inactive military status.

(C) A copy of the military activation orders or other proof of active military service accompanies the application;

(D) The renewal fee is paid; and

(E) If the required continuing education contact hours were not earned for renewal during the earning period, the nurse shall be required to complete the required continuing education hours needed for renewal no later than three months after discharge from active service, return to inactive military status, or return to the United States from an active war zone.

(2) The continuing education contact hours used for reactivation may not be used for the next license renewal.

(3) The continuing education contact hours for the next license renewal following reactivation may not be prorated.

(h) Renewal Not Allowed After Eight Years of Inactivity.

(1) A nurse who is not practicing nursing and who fails to maintain a current license from any licensing authority for more than eight years may not renew the license.

(2) A person who is refused a license renewal under subsection (h)(1) may obtain a new licence by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.