

**Consideration of Proposed Amendments to 22 Tex. Admin. Code Chapter 221,
relating to *Advanced Practice Nurses***

Background: In January 2012, the Board issued a charge to the Advanced Practice Nursing Advisory Committee (Committee) to review Chapter 221. The Committee met from July 2012 to September 2013 to review and discuss proposed changes to Chapter 221. After its discussions, the Committee voted to recommend proposed changes to the Board for adoption. The Board considered the proposed changes, the Committee's recommendations, and Staff's recommendations at its April 2014 meeting. Following discussion and deliberation, the Board voted to approve the publication of the proposed changes in the *Texas Register*. The Board received several public comments on the proposal, which were considered by the Board at its July 2014 meeting. The Board, at that time, voted to withdraw the rule amendments for re-consideration at a later date.

The Committee re-convened on May 9, 2018, to again consider the Board's original charge regarding the review of Chapter 221. Attachment "A" contains the Committee's recommended changes to Board Rule 221. The proposed changes are necessary to conform to the APRN Consensus Model, remove obsolete provisions from the rule, re-organize the sections for better readability and clarity, and conform the rule text to the Board's current practices and procedures.

Board Action: Move to approve the proposed amendments to 22 Texas Administrative Code Chapter 221, relating to *Advanced Practice Nurses*, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Texas Administrative Code Chapter 221, relating to *Advanced Practice Nurses*, as proposed.

Attachment "A"

§221.2. APRN Titles and Abbreviations [~~Authorization and Restrictions to Use of Advanced Practice Titles~~].

(a) An advanced practice registered nurse (APRN) must be licensed in one or more of the following roles and population focus areas:

(1) Roles:

(A) Certified Nurse-Midwife (CNM);

(B) Certified Nurse Practitioner (CNP);

(C) Certified Registered Nurse Anesthetist (CRNA); and/or

(D) Clinical Nurse Specialist (CNS);

(2) Population focus areas:

(A) Adult-gerontology:

(i) Acute care; and/or

(ii) Primary care;

(B) Family/individual across the lifespan;

(C) Neonatal;

(D) Pediatrics:

(i) Acute care; and/or

(ii) Primary care;

(E) Psychiatric/mental health; and/or

(F) Women's health/ gender-related.

~~[(a) Effective January 1, 2006, a registered nurse holding him or herself out to be an advanced practice nurse shall be authorized to practice and hold a title in the following categories:]~~

~~[(1) nurse anesthetist;]~~

~~[(2) nurse midwife;]~~

~~[(3) nurse practitioner in the following specialties:]~~

~~[(A) Acute Care Adult;]~~

~~[(B) Acute Care Pediatric;]~~

~~[(C) Adult;]~~

~~[(D) Family;]~~

~~[(E) Gerontological;]~~

~~[(F) Neonatal;]~~

~~[(G) Pediatric;]~~

~~[(H) Psychiatric/Mental Health;]~~

~~[(I) Women's Health; and/or]~~

~~[(4) clinical nurse specialist in the following specialties:]~~

~~[(A) Adult Health/Medical-Surgical Nursing;]~~

~~[(B) Community Health Nursing;]~~

~~[(C) Critical Care Nursing;]~~

~~[(D) Gerontological Nursing;]~~

~~[(E) Pediatric Nursing; and]~~

~~[(F) Psychiatric/ Mental Health Nursing.]~~

(b) A registered nurse who holds current licensure issued by the Board ~~[authorization to practice]~~ as an APRN ~~[advanced practice nurse issued by the board in any of the categories indicated in the previous subsection]~~ shall, at a minimum, use the designation "APRN" and the APRN licensure title granted by the Board ~~[that title when functioning in the advanced practice role. A registered nurse who was granted authorization to practice in an advanced role and specialty not indicated in the previous subsection prior to January 1, 2006, may continue to use the advanced practice title approved by the Board provided all requirements for maintenance of advanced practice authorization are met. "Advanced practice nurse" shall not be used as a title.]~~

(c) When providing care to patients, the APRN shall wear and provide clear identification that indicates the appropriate APRN designation, as specified by this section.

~~(d)[(e)]~~ Unless licensed ~~[authorized]~~ as an APRN ~~[advanced practice nurse]~~ by the Board ~~[board]~~ as provided in ~~[for by §§221.4 - 221.8 of]~~ this chapter ~~[(relating to Full Authorization, Provisional Authorization; Interim Approval; Petitions for Waiver; and Maintaining Active Authorization as an Advanced Practice Nurse)],~~ an individual ~~[a registered nurse]~~ shall not:

(1) claim to be an APRN ~~[advanced practice nurse]~~ or hold himself/herself out to be an APRN ~~[advanced practice nurse]~~ in this state; and/or

(2) use a title or any other designation tending to imply that the person is ~~[authorized as]~~ an APRN ~~[advanced practice nurse]~~.

(d) An individual ~~[A registered nurse]~~ who violates subsection (c) or (d) of this section may be subject to discipline ~~[an administrative penalty]~~ under §301.501 of the Nursing Practice Act and Board rules.

§221.3. APRN Education Requirements for Licensure.

(a) For purposes of this section, the following terms have the following meanings:

(1) Advanced Health Assessment Course--a course that offers content supported by related clinical experience such that students gain the knowledge and skills needed to perform comprehensive assessments to acquire data, make diagnoses of health status, and formulate effective clinical management plans. Content must include assessment of all human systems, advanced assessment techniques, concepts, and approaches.

(2) Advanced Pharmacotherapeutics Course--a course that offers content in pharmacokinetics and pharmacodynamics, pharmacotherapeutics of all broad categories of agents, and the application of drug therapy to the treatment of disease and/or the promotion of health.

(3) Advanced Physiology and Pathophysiology Course- a comprehensive, system-focused pathology course that provides students with the knowledge and skills to analyze the relationship between normal physiology and pathological phenomena produced by altered states across the life span.

(4) Role preparation--formal didactic and clinical experiences/content that prepares nurses to function in an APRN [~~advanced nursing~~] role.

(5) Clinical major courses--courses that include didactic content and offer clinical experiences in a specific population focus area.

(6) Practicum/Preceptorship/Internship/Residency/Fellowship--a designated portion of a formal APRN education program that is offered in a health care setting and affords students the opportunity to integrate theory and role in both the APRN role and population focus area through direct patient care/client management. Practicums/Preceptorships/Internships/Residencies/Fellowships are planned and monitored by either a designated faculty member or qualified preceptor.

~~(b)(a)~~ In order to be eligible to apply for licensure [~~authorization~~] as an APRN [~~advanced practice nurse~~], the registered nurse must have completed a post-basic advanced educational program of study appropriate for practice in an APRN role and population focus area [~~advanced nursing specialty and role~~] recognized by the Board. RN to BSN programs shall not be considered post-basic programs for the purpose of this rule.

~~(c)(b)~~ Individuals prepared in more than one APRN [~~advanced practice~~] role and/or population focus area [~~specialty~~] (including blended role or dual specialty programs) shall be considered to have completed separate APRN education [~~advanced educational~~] programs of study for each role and/or population focus [~~specialty~~] area.

~~(d)(e)~~ Applicants for licensure [~~to practice~~] in an APRN [~~advanced practice~~] role and population focus area recognized by the Board must submit verification of completion of all requirements of an advanced educational program that meets the following criteria:

(1) Graduation from an APRN graduate or post-graduate program as evidenced by official documentation received directly from an APRN education program accredited by a nursing accrediting body that is recognized by the Board and the U.S. Secretary of Education and/or the Council for Higher Education Accreditation (CHEA), or its successor organization, as recognized by the Board. Programs may be approved by the appropriate licensing body in the state in which the program is located. A state licensing body's accreditation process must meet or exceed the requirements of accrediting bodies specified in Board policy.

~~[(1) Advanced educational programs in the State of Texas shall be approved by the Board or accredited by a national accrediting body recognized by the Board.~~

(2) Programs of study shall be at least one academic year in length and shall include a formal preceptorship. One academic year in length shall be evaluated based on the equivalent of a full time academic load.

~~[(2) Programs in states other than Texas shall be accredited by a national accrediting body recognized by the board or by the appropriate licensing body in that state. A state licensing body's accreditation process must meet or exceed the requirements of accrediting bodies specified in board policy.]~~

(3) Graduates of APRN education programs who were prepared for two population foci or two different APRN roles shall demonstrate that they have completed didactic content and clinical experience in both functional roles and population foci.

~~[(3) Programs of study shall be at least one academic year in length and shall include a formal preceptorship.]~~

~~[(4) Beginning January 1, 2003, the program of study shall be at the master's degree or higher level.]~~

~~[(5) Applicants prepared in more than one advanced practice role and/or specialty shall demonstrate that all curricular requirements set forth in this subsection have been met for each role and/or specialty.]~~

~~(e)~~~~(d)~~ Applicants for licensure as clinical nurse specialists must submit verification of the following requirements, in addition to meeting other APRN requirements for licensure ~~[those specified in subsection (c) of this section]:~~

(1) completion of a minimum of a master's degree ~~[or higher level]~~ in the discipline of nursing, and

(2) completion of a minimum of nine semester credit hours or the equivalent in a specific clinical major. Clinical major courses must include didactic content and ~~[offer]~~ clinical experiences in the clinical nurse specialist role in a specific population focus area. Courses in advanced health assessment, advanced physiology and pathophysiology, and advanced pharmacotherapeutics cannot be counted toward meeting the nine semester credit hour requirement ~~[a specific clinical specialty/practice area].~~

~~(f)~~~~(e)~~ Applicants for APRN licensure shall provide evidence of completion of an APRN education program that prepared the graduate to practice in one of the four APRN [nurse] roles and at least one of the population foci recognized by the Board. The curriculum shall include ~~[Those applicants who completed nurse practitioner or clinical nurse specialist programs on or after January 1, 1998 must demonstrate evidence of completion of the following curricular requirements]:~~

(1) Three separate, dedicated graduate level courses in:
[~~pharmacotherapeutics, advanced assessment and pathophysiology and/or
psychopathology (psychopathology accepted for advanced practice nurses prepared in
the psychiatric/mental health specialty only). These must be graduate level academic
courses;~~]

(A) Advanced health assessment that includes assessment of all
human systems, advanced assessment techniques, concepts and approaches;

(B) Advanced pharmacology that includes pharmacodynamics,
pharmacokinetics, and pharmacotherapeutics of all broad categories of agents; and

(C) Advanced physiology and pathophysiology, including general
principles that apply across the lifespan;

(2) Diagnosis and management of diseases and conditions across practice
settings, including diseases representative of all systems appropriate to the role and
population focus area of licensure;

(3) Preparation that provides a basic understanding of the principles for
decision making in the identified role;

(4)[(2)] Preparation in the core competencies for the identified APRN role
[evidence of theoretical and clinical role preparation];

(5)[(3)] Role preparation in one identified population focus area of practice
[evidence of clinical major courses in the specialty area]; and

~~(6)(4) APRN core content including legal, ethical, and professional responsibilities of the APRN [evidence of a practicum/preceptorship/internship to integrate clinical experiences as reflected in essential content and the clinical major courses].~~

~~[(5) In this subsection, the following terms have the following definitions:~~

~~[(A) Advanced Assessment Course means a course that offers content supported by related clinical experience such that students gain the knowledge and skills needed to perform comprehensive assessments to acquire data, make diagnoses of health status and formulate effective clinical management plans.]~~

~~[(B) Pharmacotherapeutics means a course that offers content in pharmacokinetics and pharmacodynamics, pharmacology of current/commonly used medications, and the application of drug therapy to the treatment of disease and/or the promotion of health.]~~

~~[(C) Pathophysiology means a course that offers content that provides a comprehensive, system-focused pathology course that provides students with the knowledge and skills to analyze the relationship between normal physiology and pathological phenomena produced by altered states across the life span.]~~

~~[(D) Role preparation means formal didactic and clinical experiences/content that prepare nurses to function in an advanced nursing role.]~~

~~[(E) Clinical major courses means courses that include didactic content and offer clinical experiences in a specific clinical specialty/practice area.]~~

~~[(F) Clinical specialty area means specialty area of clinical practice based upon formal didactic preparation and clinical experiences.]~~

~~[(G) Essential content means didactic and clinical content essential for the educational preparation of individuals to function within the scope of advanced nursing practice. The essential content includes but is not limited to: advanced assessment, pharmacotherapeutics, role preparation, nursing specialty practice theory, physiology/pathology, diagnosis and clinical management of health status, and research.]~~

~~[(H) Practicum/Preceptorship/Internship means a designated portion of a formal educational program that is offered in a health care setting and affords students the opportunity to integrate theory and role in both the clinical specialty/practice area and advanced nursing practice through direct patient care/client management. Practicums/Preceptorships/Internships are planned and monitored by either a designated faculty member or qualified preceptor.]~~

~~(g)[(f)] The curriculum shall be consistent with competencies of the specific areas of practice. [Those applicants who complete nurse practitioner or clinical nurse specialist programs on or after January 1, 2003 must demonstrate evidence of completion of a minimum of 500 separate, non-duplicated clinical hours for each advanced role and specialty within the advanced educational program.]~~

~~(h) Graduates of APRN education programs who were prepared for two population foci or completed APRN role preparation in more than one role within the same program shall provide such evidence as is required for Board staff to verify that the program~~

included sufficient content and clinical experience to practice the full scope of practice of both functional roles and population foci.

(i) Each instructional track/major shall have a minimum of 500 supervised clinical hours as defined by the Board. The supervised experience shall have been directly related to the role and population focus area of licensure and include pharmacotherapeutic management of patients.

(j) Evidence of recognition of prior learning and advanced placements in the curriculum for individuals who hold a master's degree in nursing and are seeking preparation in a different role and/or population focus area through post-graduate preparation must be provided to the Board for review. Evidence shall be provided demonstrating that the post-master's nursing student completed the requirements of the master's APRN program through a formal graduate level certificate in the desired role and population focus area. Post-master students must demonstrate they have met the same APRN outcome competencies as master level students in the full scope of the role and population focus area.

§221.4. Advanced Practice Registered Nurse Licensure Requirements. (Repeal).

§221.4. Licensure as an APRN. (New)

(a) Application for Initial Licensure as an APRN.

(1) An applicant for licensure as an APRN in this state shall submit to the Board the required fee specified in §223.1 of this title (relating to Fees), verification of licensure or privilege to practice as a registered nurse in Texas, and a completed application that provides the following information:

(A) Graduation from an APRN graduate or post-graduate program, as evidenced by official documentation received directly from an APRN education program accredited by a nursing accrediting body that is recognized by the Board and the U.S. Secretary of Education and/or the Council for Higher Education Accreditation (CHEA), or its successor organization, as recognized by the Board; and

(B) Documentation of education shall verify the date of graduation; credential conferred; number of clinical hours completed; completion of three separate graduate level courses in advanced physiology and pathophysiology; advanced health assessment; advanced pharmacology that includes pharmacodynamics, pharmacokinetics, and pharmacotherapeutics of all broad categories of agents; role and population focus area of the education program; and evidence of meeting the standards of APRN education set forth in this rule.

(2) In order to be licensed in this state, all APRN applicants must be currently licensed as a registered nurse in Texas or hold a current privilege to practice as a registered nurse in Texas.

(3) In order to be licensed in this state, all APRN applicants must take and pass the appropriate APRN national certification examination in the APRN role and population focus congruent with the applicant's educational preparation. Only those national certification examination(s) recognized by the Board for each APRN role and population focus area shall be accepted. Certification must remain current at all times.

(4) Identification of any state, territory, or country in which the applicant holds or previously held a professional license or credential, if applicable, must be provided. Required information includes:

(A) The number, type, and status of the license or credential; and

(B) The original state or country of licensure or credentialing.

(5) An applicant must provide the date and jurisdiction the applicant previously applied for a license in another jurisdiction and either was denied a license, withdrew the application, or allowed the application to expire, as applicable.

(6) An applicant must provide a detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's eligibility for licensure.

(7) An individual who has reason to believe that he or she may be ineligible for APRN licensure or prescriptive authorization may petition the Board for a declaratory order as to his or her eligibility by submitting a petition, on forms provided by the Board, and the fee required in §223.1 of this title (relating to Fees).

(A) The petition shall include:

(i) a statement by the individual indicating the reason(s) and basis of his/her potential ineligibility;

(ii) if the potential ineligibility is due to the individual's criminal history, all court documents, including, but not limited to: indictments, agreements for pre-trial diversion or deferred prosecution, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, as applicable;

(iii) if the potential ineligibility is due to the individual's mental health condition or diminished capacity, verifiable and reliable evidence of controlled

behavior and consistent compliance with recommended treatment, including compliance with a prescribed medication regime, for a reasonable amount of time, as applicable;

(iv) if the potential ineligibility is due to the individual's substance use disorder and/or the abuse/misuse of alcohol or drugs, verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol, which may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance; and

(v) an evaluation that meets the criteria of the Occupations Code §301.4521 and §213.33 of this title (relating to Factors Considered for Imposition of Penalties/Sanctions), if applicable.

(B) Once the Board has received all necessary information, including the information required by subparagraph (A) of this paragraph, an investigation shall be conducted. The investigation will be based upon an evaluation of the individualized factors of the case, the potential risk of harm the individual's practice may pose to patients/clients and/or the public, and the individual's ability to meet the requirements of §213.27 (relating to Good Professional Character), §213.28 (relating to Licensure of Individuals with Criminal History), and §213.29 (relating to Fitness to Practice) of this title, as applicable. Based upon the individualized facts of the case, the Board may approve licensure or prescriptive authorization without encumbrance, impose probationary conditions or restrictions on the individual's ability to practice advanced practice nursing in this state, or limit or deny licensure or prescriptive authorization.

(C) If the Executive Director proposes to find the individual ineligible for licensure or prescriptive authorization, the individual may obtain a hearing before the State Office of Administrative Hearings (SOAH). The Executive Director shall have discretion to set a hearing and give notice of the hearing. The hearing shall be conducted in accordance with §213.22 of this title (relating to Formal Proceedings) and the rules of SOAH. When in conflict, SOAH's rules of procedure will prevail. The decision of the Board shall be rendered in accordance with §213.23 of this title (relating to Decision of the Board).

(D) An individual whose petition is denied may re-petition or seek licensure or prescriptive authorization after the expiration of one year from the date of the proposal to deny eligibility.

(8) An applicant must attest, on forms provided by the Board, to having completed a minimum of 400 hours of current practice with the last 24 calendar months in the APRN role and population focus area for which the applicant is applying, unless the applicant has completed an APRN education program in the advanced practice role and population focus area within the last 24 calendar months.

(A) If less than four years, but more than two years, have lapsed since completion of the APRN education program, and/or the applicant does not have 400 hours of current practice in the APRN role and population focus area during the previous 24 calendar months, the APRN shall be required to demonstrate proof of completion of 400 hours of current practice obtained under the direct supervision of a

qualified preceptor who meets the requirements of §221.10 of this chapter (relating to Reactivation or Reinstatement of APRN Licensure).

(B) If more than four years have lapsed since completion of the APRN educational program, and/or the applicant has not practiced in the APRN role during the previous four years, the applicant shall successfully complete a refresher course or extensive orientation in the appropriate APRN role and population focus area that includes a supervised clinical component by a qualified preceptor who meets the requirements of §221.10 of this chapter.

(i) The course(s)/orientation shall be of sufficient length to satisfy the learning needs of the applicant and to assure that he/she meets the minimum standard for safe, competent care and include a minimum of 400 hours of current practice as described in this paragraph. The course(s)/orientation shall cover the entire scope of the authorized APRN role and population focus area. Content shall comply with the requirements specified in the form titled “Requirements for APRN Refresher Course or Extensive Orientation”, which is adopted by reference in §221.10 of this chapter.

(ii) The preceptor must provide written verification of satisfactory completion of the refresher course/extensive orientation on forms provided by the Board and assurance that the individual has reviewed current practice-related information pertinent to his/her APRN role and population focus area.

(9) An applicant must attest, on forms provided by the Board, to having obtained 20 contact hours of continuing education within the last 24 calendar months appropriate for the APRN role and population focus area for which the applicant is

applying. Continuing education in the APRN role and population focus area must meet the requirements of Chapter 216 of this title (relating to Continuing Competency). The 20 contact hours required for RN licensure may be met by the 20 hours required by this paragraph.

(10) APRN applicants who wish to practice in more than one role and/or population focus area shall complete additional education in the desired area(s) of licensure in compliance with the educational requirements set forth in this chapter and meet all requirements for licensure in each additional role or population focus area. To apply for licensure for more than one role and/or population focus area, the applicant shall submit a separate application and fee for each desired role and/or population focus area. Additional licensure is required for those licensed APRNs seeking to include an additional:

(A) APRN role and population focus area;

(B) Population focus area within the same APRN role; or

(C) APRN role within the same population focus area.

(b) Licensure of an Internationally Educated APRN.

(1) An internationally educated applicant for licensure as an APRN in Texas shall:

(A) Graduate from a graduate or post-graduate level APRN education program equivalent to an APRN education program in the United States that is accepted by the Board. All curricular requirements set forth in this rule must be met.

(B) Submit documentation through an official transcript directly from the international nursing education program and an original Credential Evaluation Service (CES) Full Education course-by-course report, sent directly from an approved organization for the license being sought.

(2) An internationally educated APRN applicant shall meet all other licensure criteria required of applicants educated in the United States.

(c) Application for Licensure by Endorsement.

(1) An applicant for licensure by endorsement as an APRN in this state shall submit to the Board the required fee as specified in §223.1 of this title, verification of licensure or privilege to practice as a registered nurse in Texas, and a completed APRN application that provides the following information:

(A) Graduation from a graduate or post-graduate level APRN education program, as evidenced by an official transcript or other official documentation received directly from a graduate program accredited by a nursing accrediting body that is recognized by the U.S. Secretary of Education and/or Council for Higher Education Accreditation, or its successor organization, as acceptable by the Board.

(B) Documentation of education shall verify the date of graduation; credential conferred; number of clinical hours completed; completion of three separate graduate level courses in advanced physiology and pathophysiology, advanced health assessment, and advanced pharmacology that includes pharmacodynamics, pharmacokinetics, and pharmacotherapeutics of all broad categories of agents; role and population focus area of the education program; and evidence of meeting the standards of nursing education in this rule.

(2) An applicant must provide evidence of current certification by a national certifying body in the APRN role and population focus area appropriate to the APRN educational preparation. National certifications accepted for APRN licensure shall meet the requirements for national certification programs set forth in this rule. Primary source verification of certification is required.

(3) An applicant must attest, on forms provided by the Board, to having completed a minimum of 400 hours of current practice within the last 24 calendar months in the APRN role and population focus area for which the applicant is applying, unless the applicant has completed an APRN education program in the APRN role and population focus area within the last 24 calendar months.

(A) If the applicant has not been in clinical practice in the APRN role and population focus area for at least 400 hours within the past two years, the applicant shall provide evidence of:

(i) Satisfactory completion of 20 contact hours of continuing education within the two years prior to applying for licensure; and

(ii) If less than four years but more than two years have lapsed since completion of the APRN education program and/or the applicant does not have 400 hours of current practice in the APRN and population focus area during the previous 24 calendar months, the APRN shall be required to demonstrate proof of completion of 400 hours of current practice obtained under the direct supervision of a qualified preceptor who meets the requirements of §221.10 of this chapter.

(B) If the applicant has not been in clinical practice for more than the past four years, the applicant shall provide evidence of satisfactory completion of 45

contact hours of pharmacotherapeutics within the two years prior to application. The applicant must also successfully complete a refresher course or an extensive orientation in the appropriate APRN role and population focus area that includes a supervised clinical component by a qualified preceptor who meets the requirements of §221.10 of this chapter.

(C) The course(s)/orientation shall be of sufficient length to satisfy the learning needs of the applicant and to assure that he/she meets the minimum standard for safe, competent care and include a minimum of 400 hours of current practice as described in this paragraph. The course(s)/orientation shall cover the entire scope of the authorized APRN role and population focus area. Content shall comply with the requirements specified in the form titled “Requirements for APRN Refresher Course or Extensive Orientation”, which is adopted by reference in §221.10 of this chapter.

(D) The preceptor must provide written verification of satisfactory completion of the refresher course/extensive orientation on forms provided by the Board and assurance that the individual has reviewed current practice-related information pertinent to his/her APRN role and population focus area.

(4) Identification of any state, territory, or country in which the applicant holds a professional license or credential, if applicable, must be provided. Required information includes:

(A) The number, type, and status of the license or credential; and

(B) The original state or country of licensure or credentialing.

(5) An applicant must provide the date and jurisdiction the applicant previously applied for a license in another jurisdiction and either was denied a license, withdrew the application, or allowed the application to expire, as applicable.

(6) An applicant must provide a detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's eligibility for licensure.

(7) An individual who has reason to believe that he or she may be ineligible for APRN licensure or prescriptive authorization may petition the Board for a declaratory order as to his or her eligibility by submitting a petition, on forms provided by the Board, and the fee required in §223.1 of this title (relating to Fees).

(A) The petition shall include:

(i) a statement by the individual indicating the reason(s) and basis of his/her potential ineligibility;

(ii) if the potential ineligibility is due to the individual's criminal history, all court documents, including, but not limited to: indictments, agreements for pre-trial diversion or deferred prosecution, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, as applicable;

(iii) if the potential ineligibility is due to the individual's mental health condition or diminished capacity, verifiable and reliable evidence of controlled behavior and consistent compliance with recommended treatment, including compliance with a prescribed medication regime, for a reasonable amount of time, as applicable;

(iv) if the potential ineligibility is due to the individual's substance use disorder and/or the abuse/misuse of alcohol or drugs, verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol, which may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance; and

(v) an evaluation that meets the criteria of the Occupations Code §301.4521 and §213.33 of this chapter (relating to Factors Considered for Imposition of Penalties/Sanctions), if applicable.

(B) Once the Board has received all necessary information, including the information required by subparagraph (A) of this paragraph, an investigation shall be conducted. The investigation will be based upon an evaluation of the individualized factors of the case, the potential risk of harm the individual's practice may pose to patients/clients and/or the public, and the individual's ability to meet the requirements of §213.27 (relating to Good Professional Character), §213.28 (relating to Licensure of Individuals with Criminal History), and §213.29 (relating to Fitness to Practice) of this title, as applicable. Based upon the individualized facts of the case, the Board may approve licensure or prescriptive authorization without encumbrance, impose probationary conditions or restrictions on the individual's ability to practice advanced practice nursing in this state, or limit or deny licensure or prescriptive authorization.

(C) If the Executive Director proposes to find the individual ineligible for licensure or prescriptive authorization, the individual may obtain a hearing before the State Office of Administrative Hearings (SOAH). The Executive Director shall have

discretion to set a hearing and give notice of the hearing. The hearing shall be conducted in accordance with §213.22 of this title (relating to Formal Proceedings) and the rules of SOAH. When in conflict, SOAH's rules of procedure will prevail. The decision of the Board shall be rendered in accordance with §213.23 of this title (relating to Decision of the Board).

(D) An individual whose petition is denied may re-petition or seek licensure or prescriptive authorization after the expiration of one year from the date of the proposal to deny eligibility.

(8) APRN applicants who wish to practice in more than one role and/or population focus area shall complete additional education in the desired area(s) of licensure in compliance with the educational requirements set forth in this chapter and meet all requirements for licensure in each additional role or population focus area. To apply for licensure for more than one role and/or population focus area, the applicant shall submit a separate application and fee for each desired role and/or population focus area. Addition licensure is required for those licensed APRNs seeking to include an additional:

(A) APRN role and population focus area;

(B) Population focus area within the same APRN role; or

(C) APRN role within the same population focus area.

§221.5. Acceptable certification examinations. The Board shall determine whether a certification examination may be used to satisfy a requirement for APRN licensure under this chapter based upon the following standards:

(1) The certification program is national in the scope of its credentialing;

(2) Conditions for taking the certification examination are consistent with acceptable standards of the testing community and are intended to ensure minimal competence to practice at an advanced level of nursing;

(3) Education requirements are consistent with the requirements of the APRN role and population focus area;

(4) The standard methodologies used are acceptable to the testing community, such as incumbent job analysis studies and logical job analysis studies;

(5) Certification examinations are accredited by a national accreditation body as acceptable by the Board;

(6) The examination represents entry-level practice, with minimum, though critical competencies in the APRN role and population focus area;

(7) The examination represents the knowledge, skills, and abilities essential for the delivery of safe and effective advanced nursing care to patients;

(8) Examination items are reviewed for content validity, cultural bias, and correct scoring using an established mechanism, both before use and periodically;

(9) Examinations are evaluated for psychometric performance;

(10) The passing standard is established using acceptable psychometric methods and is re-evaluated periodically;

(11) Examination security is maintained through established procedures;

(12) Certification is issued based upon passing the examination and meeting all other certification requirements;

(13) A retake policy is in place;

(14) A certification maintenance/recertification program that includes review of qualifications and continued competence is in place;

(15) Mechanisms are in place for communication to the Board of timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan, and scope of practice; and

(16) An evaluation process is in place to provide quality assurance in the certification program.

§221.6. Interim Approval. (Repeal)

§221.7. Petitions for Waiver and Exemptions.

(a) A registered nurse who submits a request for waiver from requirements of this rule ~~[the rules]~~ must submit documentation as required by the Board ~~[board]~~ to support his or her petition and assure the Board ~~[board]~~ that he or she possesses the knowledge, skills, and abilities appropriate for the role and population focus area of licensure ~~[specialty]~~ desired. Those petitioners who are under investigation or current Board ~~[board]~~ order are not eligible for waiver.

(b) Petitions for waiver from the program accreditation requirements set forth in ~~[of §221.3 of]~~ this chapter ~~[(relating to Education),]~~ may be granted by the Board ~~[board]~~ for individuals who completed their APRN ~~[educational]~~ programs ~~[on or]~~ before January 1, ~~[December 31,]~~ 1996. Petitioners must meet the length of academic program requirements set forth in ~~[of §221.3 of]~~ this chapter and provide evidence of current

~~[obtain]~~ national certification in the APRN ~~[advanced]~~ role and population focus area
[specialty area].

(c) Petitions for waiver from the current certification requirements of ~~§221.4 of~~
this chapter ~~[(relating to Requirements for Full Authorization to Practice) and §221.8 of~~
this chapter ~~(relating to Maintaining Active Authorization as an Advanced Practice Nurse)]~~
may be granted by the Board ~~[board]~~ as follows:~~[-]~~

(1) Applicants who completed their APRN education programs prior to
January 1, 1996 may be granted an exemption from the national certification requirement,
provided the program was accredited by a national nursing education accrediting body
that is recognized by the Board and the U.S. Secretary of Education and/or the Council
for Higher Education Accreditation (CHEA), or its successor organization, as acceptable
to the Board at the time the applicant completed the program.

~~[(1) Under this section, only those petitioners for which no national~~
~~certification examination within the advanced role and specialty or a related advanced~~
~~specialty exists will be considered for waiver by the board.]~~

(2) Under this section, only those petitioners who completed their APRN
education program on or after January 1, 1996 for whom no national certification
examination within the advanced role and population focus area or a related advanced
specialty exists will be considered for waiver by the Board. The Board reserved the right
to determine an appropriate alternate national certification examination for licensure in
those specialty areas for which no specific examination existed for the specialty area.

~~[(2) The board may determine that an available national certification examination in a related specialty and/or role must be taken in lieu of an examination specific to the advanced specialty area.]~~

(3) A written request for waiver of the national certification requirement must be submitted.

(d) Waivers from the master's degree requirement may ~~[will]~~ be granted to qualified certificate-prepared nurse-midwives and women's health care nurse practitioners who complete their APRN programs on or before ~~[after January 1, 2003 through]~~ December 31, 2006. Applicants must meet all other APRN education requirements as stated in ~~[\S221.4 of]~~ this chapter.

(1) Petitioners ~~[These individuals]~~ approved on the basis of this waiver shall be limited to providing APRN ~~[advanced practice nursing]~~ care within the geographical boundaries of the State of Texas. This shall not prevent the individual from utilizing Nurse Licensure Compact privileges to practice ~~[function]~~ as a registered nurse.

(2) The applicant must submit all required documentation necessary to demonstrate that the requirements (except for the master's degree) for licensure ~~[authorization to practice]~~ have been met.

(3) (No change).

~~[(4) Interim, provisional or full authorization may be granted to qualified certificate-prepared nurse-midwives and women's health care nurse practitioners.]~~

(e) Exemptions granting authorization to utilize licensure titles not otherwise authorized by ~~[\S221.2 of]~~ this chapter may be granted to qualified petitioners ~~[applicants]~~ who completed ~~[complete]~~ their APRN education ~~[advanced educational]~~ programs prior

to the date specified [January 1, 2010]. Petitioners [Applicants] must meet all other education and national certification requirements as stated in [~~§221.4 of~~] this chapter,

(1) The following specialty titles may be considered for exemption [~~if the~~] for individuals who completed their APRN education program prior to January 1, 2010, but are [is] not qualified [for authorization] to utilize a title authorized by [~~§221.2 of~~] this chapter:

(A) – (G) (No change).

~~[(H) Neonatal Clinical Nurse Specialist;]~~

~~(H)[(I)]~~ Oncology Nurse Practitioner or Clinical Nurse Specialist;

~~(I)[(J)]~~ Pediatric Critical Care Nurse Practitioner;

~~(J)[(K)]~~ Perinatal Nurse Practitioner or Clinical Nurse Specialist;

~~(K)[(L)]~~ School Nurse Practitioner; and

~~(L)[(M)]~~ Women's Health Clinical Nurse Specialist.

(2) The following titles may be considered for exemption if the individual is not qualified to utilize a licensure title authorized by this chapter for qualified applicants who completed their APRN education programs prior to January 1, 2015:

(A) Acute Care Adult Nurse Practitioner;

(B) Adult Health Clinical Nurse Specialist;

(C) Adult Nurse Practitioner;

(D) Community Health Clinical Nurse Specialist;

(E) Critical Care Clinical Nurse Specialist;

(F) Gerontological Clinical Nurse Specialist; and

(G) Gerontological Nurse Practitioner.

~~(3)~~~~(2)~~ Those individuals licensed ~~[authorized]~~ on the basis of this exemption shall be limited to providing advanced practice nursing care within the geographical boundaries of the State of Texas. This shall not prevent the individual from utilizing Nurse Licensure Compact privileges to function as a registered nurse.

~~(4)~~~~(3)~~ The applicant must submit all required documentation necessary to demonstrate that all requirements for licensure ~~[authorization to practice]~~ have been met.

~~(5)~~~~(4)~~ The applicant must submit a written request for exemption ~~[to §221.2 of this chapter]~~ and indicate the desired title.

~~[(5) Interim, provisional, or full authorization may be granted to qualified applicants.]~~

(6) APRNs licensed ~~[Advanced practice nurses authorized to practice]~~ on the basis of this exemption shall use the APRN ~~[advanced practice]~~ title specified on the licensure document ~~[authorization to practice document]~~ provided by the Board ~~[board]~~.

(f) Exemptions from specific curricular requirements may be granted to otherwise qualified applicants based on the education requirements set forth in Board rules that were in effect at the time the applicants completed their APRN education programs.

(g) Applicants who are endorsing APRN licensure in Texas and have practiced in the APRN role and population focus in another state for a minimum of 24 months following completion of the APRN education program who are required to take a single academic course in order to meet the education requirements for Texas licensure may be issued a six-month temporary permit as specified in §221.10 of this chapter to practice in a limited capacity while completing the academic course.

(1) Only those applicants who need to complete a dedicated, graduate-level course in advanced health assessment, advanced physiology and pathophysiology, or advanced pharmacotherapeutics may be considered for a permit. If more than one course is required, the applicant shall not be eligible for the permit.

(2) Prescriptive authority shall not be granted to applicants who are granted limited authority to practice under this provision.

(3) Applicants who practice under this provision shall practice under the supervision of a qualified preceptor who meets the requirements of §221.10 of this chapter.

(4) The applicant must demonstrate that all other education and licensure requirements set forth in this chapter have been met before the six month temporary permit may be issued.

(5) Six month temporary permits issued for this purpose may be issued one time only. Six month temporary permits issued for the purpose of completion of an academic course cannot be extended or renewed.

(6) The APRN candidate shall submit:

(A) an application for a six-month temporary permit as specified in §221.10 of this chapter to be used for completion of the requirements specified in this chapter; and

(B) evidence of a current, valid license or privilege to practice as a registered nurse in the state of Texas.

§221.8. APRN Licensure Renewal [~~Maintaining Active Authorization as an Advanced Practice Nurse~~].

(a) In conjunction with Texas RN license renewal or at least on a biennial basis, an applicant for license renewal as an APRN shall submit to the Board the required nonrefundable fee for license renewal as specified in §223.1 of this title and a completed license renewal application.

(1) An applicant must provide a detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's eligibility for licensure.

(2) An applicant must attest on forms provided by the Board to maintaining current national certification or recertification as applicable by the national professional certification organization that meets the requirements set forth in this rule and is recognized by the Board. This requirement shall apply to APRNs who:

(A) completed an APRN education program on or after January 1, 1996; or

(B) were licensed as APRNs based upon obtaining national certification.

(3) An applicant must attest, on forms provided by the Board, to having a minimum of 400 hours of current practice within the preceding biennium.

(4) An applicant must attest, on forms provided by the Board, to being in compliance with the requirements of Chapter 216 and Chapter 222 of this title, where applicable.

~~[(a) In conjunction with RN license renewal, the advanced practice nurse seeking to maintain active advanced practice authorization(s) shall:]~~

~~[(1) attest on forms provided by the board to maintaining current national certification by the appropriate certifying body recognized by the board. This requirement shall apply to advanced practice nurses who:]~~

~~[(A) completed an advanced educational program on or after January 1, 1996, or]~~

~~[(B) were authorized as advanced practice nurses based upon obtaining national certification.]~~

~~[(2) attest, on forms provided by the board, to having a minimum of 400 hours of current practice within the preceding biennium;]~~

~~[(3) attest, on forms provided by the board, to having obtained 20 contact hours of continuing education in the advanced specialty area and role within the preceding biennium. Continuing education in the advanced practice specialty and role must meet requirements of Chapter 216 of this title (relating to Continuing Education). The 20 contact hours required for RN licensure may be met by the 20 hours required by this subsection; and]~~

~~[(4) submit the required fee, which is not refundable.]~~

(b) Failure to renew the registered nurse license or to provide the required fee and documentation for maintaining APRN licensure ~~[authorization]~~ shall result in expiration of

the APRN license and [board's authorization as an advanced practice nurse and limited] prescriptive authority, where applicable. The individual whose APRN license [advanced practice authorization] has expired may not practice as an APRN or use any titles to imply that he/she is an APRN [advanced practice nurse].

§221.9. Inactive Status.

(a) An [The] APRN [advanced practice nurse] may choose to change current APRN [advanced practice nurse] status to inactive status by providing a written request for such change. The APRN must meet the requirements of §217.9 of this title (relating to Inactive and Retired Status) in order to place his/her license in inactive status.

(b) Inactive APRN [advanced practice] status means that the registered [professional] nurse may not practice in the APRN [advanced practice specialty and] role and may not hold himself/herself out to be an APRN [advanced practice nurse] by using any titles which imply that he/she is an APRN [advanced practice nurse]. Prescriptive authority shall be placed on inactive status concurrent with inactivation of the APRN license. [The inactive advanced practice nurse may not utilize his/her limited prescriptive authority.]

§221.10. Reactivation or Reinstatement of APRN Licensure [Reinstatement or Reactivation of Advanced Practice Nurse Status].

(a) To reactivate a license that has expired due to non-renewal, the APRN shall meet the requirements for APRN licensure renewal and pay all required fees [To reinstate an authorization which has expired due to non-payment of renewal fees for registered nurse licensure and/or advanced practice authorization, the advanced practice nurse

~~shall meet the requirements as stated in §221.8 of this chapter (relating to Maintaining Active Authorization as an Advanced Practice Nurse) and pay all required fees].~~

(b) If more than two years, but less than four years, have lapsed since completion of the APRN education program, and/or the applicant does not have 400 hours of current practice in the advanced role and population focus area during the previous biennium, the APRN shall meet the requirements for application for APRN licensure renewal and pay all required fees. The applicant shall be required to demonstrate proof of completion of 400 hours of current practice in the APRN role and population focus area, as well as the continuing competency requirement as outlined in Chapter 216 of this title. The 400 hours of current practice shall be obtained under the direct supervision of a qualified preceptor who meets the requirements of subsection (c)(1)(C) of this section.

~~[If less than four years but more than two years have lapsed since completion of the advanced educational program and/or the applicant does not have 400 hours of current practice in the advanced role and specialty during the previous biennium, the advanced practice nurse shall meet the requirements as stated in §221.8 of this chapter and pay all required fees. The applicant shall be required to demonstrate proof of completion of 400 hours of current practice as well as the continuing education requirement as outlined in Chapter 216 of this title (relating to Continuing Education). The 400 hours of current practice shall be obtained under the direct supervision of an advanced practice nurse authorized by the board in the same role and specialty or by a physician the same specialty.]~~

(c) If more than four years have lapsed since completion of the APRN education program and/or the applicant has not practiced in the advanced role and population focus

area during the previous four years, the applicant shall apply for reactivation, meet current requirements for APRN licensure renewal; and

(1) successfully complete a refresher course or extensive orientation in the appropriate APRN population focus area and role that includes a supervised clinical component by a qualified preceptor who meets the requirements of subparagraph (C) of this paragraph.

(A) The course(s)/orientation shall be of sufficient length to satisfy the learning needs of the inactive APRN and to assure that he/she meets the minimum standard for safe, competent care. The course(s)/orientation shall cover the entire scope of the role and population focus area of licensure. Content shall comply with the requirements specified in the form titled "Requirements for APRN Refresher Course or Extensive Orientation", which is adopted by reference in paragraph (2) of this subsection and shall include satisfactory completion of 45 contact hours of pharmacotherapeutics.

(B) The preceptor must provide written verification of satisfactory completion of the course/orientation on forms provided by the Board and assurance that the individual has reviewed current practice-related information pertinent to his/her advanced role and population focus area.

(C) A preceptor must meet the following requirements:

(i) Holds an active, license as an APRN or physician that is not encumbered by a disciplinary order at a level that would prevent appropriate supervision and instruction;

(ii) Practices in a comparable practice focus area; and

(iii) Functions as a supervisor and teacher and evaluates the individual's performance in the clinical setting.

(2) The Board adopts by reference the form titled "Refresher Course/ Extensive Orientation for APRNs returning to practice after 4 years" that comprises the instructions and requirements for a refresher course or extensive orientation in an APRN role and population focus area. This form is available on the Board's website.

(d) An APRN who has not completed an APRN education program in the last 24 calendar months and has not practiced in the APRN role and population focus area in Texas or another jurisdiction within the last 24 calendar months shall apply for a six-month temporary permit as specified in paragraph (5) of this subsection to be used only for the completion of the current practice hours required for reinstatement of the APRN license.

(1) The APRN applicant shall submit:

(A) an application for a six-month temporary permit as specified in paragraph (5) of this subsection to be used for completion of the requirements specified in this chapter; and

(B) evidence of a current, valid license or privilege to practice as a registered nurse in the state of Texas.

(2) The six-month temporary permit for APRNs shall not include prescriptive authority.

(3) The APRN applicant who is completing practice hours on a six-month temporary permit shall use the appropriate APRN licensure credential, followed by the notation “permit”.

(4) The APRN applicant who is completing practice hours on a six-month temporary permit shall practice under the supervision of a qualified preceptor who meets the requirements of subsection (c)(1)(C) of this section.

(5) The Board adopts by reference the form titled Application for Six Month Temporary Permit (APRN) that includes the requirements for completing supervised practice hours on a temporary permit. This form may be found on the Board’s website.

(e) For those individuals applying for licensure reinstatement following disciplinary action, compliance with all Board licensure requirements, as well as any specified requirements set forth in the Board’s disciplinary order, is required. A six-month temporary permit may be issued, as appropriate, while a license is encumbered under a disciplinary order.

~~[If more than four years have lapsed since completion of the advanced practice educational program and/or the applicant has not practiced in the advanced role during the previous four years, the applicant shall apply for reactivation and meet current requirements for maintaining authorization to practice under §221.8 of this chapter and shall:]~~

~~[(1) hold a current, valid, unencumbered license as a registered nurse in the State of Texas or reside in any party state and hold a current, valid, unencumbered registered nurse license in that state; and]~~

~~[(2) successfully complete a refresher course or extensive orientation in the appropriate advanced practice specialty and role which includes a supervised clinical component by a qualified instructor/sponsor.]~~

~~[(A) The course(s)/orientation shall be of sufficient length to satisfy the learning needs of the inactive advanced practice nurse and to assure that he/she meets the minimum standard for safe, competent care. The course(s)/orientation shall cover the entire scope of the authorized advanced specialty area. Content shall include, but not be limited to that which is specified in board guidelines.]~~

~~[(B) The instructor/sponsor must provide written verification of satisfactory completion of the course/orientation on forms provided by the board and assurance that the individual has reviewed current practice-related information pertinent to his/her advanced specialty and role.]~~

§221.11. Identification. (Repeal).