

By: Truitt, Cook of Navarro, McClendon,
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H.B. No. 2426

Substitute the following for H.B. No. 2426:

By: Delisi

C.S.H.B. No. 2426

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the regulation of the practice of nursing and the
3 renaming of the Board of Nurse Examiners as the Texas Board of
4 Nursing.

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

6 SECTION 1. Section 301.002(1), Occupations Code, is amended
7 to read as follows:

8 (1) "Board" means the Texas Board of Nursing [~~Nurse~~
9 ~~Examiners~~].

10 SECTION 2. Section 301.003, Occupations Code, is amended to
11 read as follows:

12 Sec. 301.003. APPLICATION OF SUNSET ACT. The Texas Board of
13 Nursing [~~Nurse Examiners~~] is subject to Chapter 325, Government
14 Code (Texas Sunset Act). Unless continued in existence as provided
15 by that chapter, the board is abolished September 1, 2017 [~~2007~~].

16 SECTION 3. Section 301.004(a), Occupations Code, is amended
17 to read as follows:

18 (a) This chapter does not apply to:

19 (1) gratuitous nursing care of the sick that is
20 provided by a friend;

21 (2) nursing care provided during a disaster under the
22 state emergency management plan adopted under Section 418.042,
23 Government Code, if the person providing the care does not hold the
24 person out as a nurse unless the person is licensed in another

1 state;

2 (3) nursing care in which treatment is solely by
3 prayer or spiritual means;

4 (4) an act performed by a person under the delegated
5 authority of a person licensed by the Texas Medical [~~State~~] Board
6 [~~of Medical Examiners~~];

7 (5) an act performed by a person licensed by another
8 state agency if the act is authorized by the statute under which the
9 person is licensed;

10 (6) the practice of nursing that is incidental to a
11 program of study by a student enrolled in a [~~board-approved~~]
12 nursing education program approved under Section 301.157(d)
13 leading to an initial license as a nurse; or

14 (7) the practice of nursing by a person licensed in
15 another state who is in this state on a nonroutine basis for a
16 period not to exceed 72 hours to:

17 (A) provide care to a patient being transported
18 into, out of, or through this state;

19 (B) provide nursing consulting services; or

20 (C) attend or present a continuing nursing
21 education program.

22 SECTION 4. Subchapter A, Chapter 301, Occupations Code, is
23 amended by adding Section 301.005 to read as follows:

24 Sec. 301.005. REFERENCE IN OTHER LAW. A reference in any
25 other law to the former Board of Nurse Examiners means the Texas
26 Board of Nursing.

27 SECTION 5. The heading to Subchapter B, Chapter 301,

1 Occupations Code, is amended to read as follows:

2 SUBCHAPTER B. TEXAS BOARD OF NURSING [~~NURSE EXAMINERS~~]

3 SECTION 6. Section 301.051(a), Occupations Code, is amended
4 to read as follows:

5 (a) The Texas Board of Nursing [~~Nurse Examiners~~] consists of
6 13 members appointed by the governor with the advice and consent of
7 the senate as follows:

8 (1) six nurse members, including:

9 (A) one advanced practice nurse;

10 (B) two registered nurses who are not advanced
11 practice nurses or members of a nurse faculty; and

12 (C) three vocational nurses who are not members
13 of a nurse faculty;

14 (2) three members who are nurse faculty members of
15 schools of nursing:

16 (A) one of whom is a nurse faculty member of a
17 school of nursing offering a baccalaureate degree program in
18 preparing registered nurses;

19 (B) one of whom is a nurse faculty member of a
20 school of nursing offering an associate degree program in preparing
21 registered nurses; and

22 (C) one of whom is a nurse faculty member of a
23 school of nursing at an institution of higher education preparing
24 vocational nurses; and

25 (3) four members who represent the public.

26 SECTION 7. Section 301.052(b), Occupations Code, is amended
27 to read as follows:

1 (b) A person is not eligible for appointment as a public
2 member of the board if the person or the person's spouse:

3 (1) is registered, certified, or licensed by an
4 occupational regulatory agency in the field of health care;

5 (2) is employed by or participates in the management
6 of a business entity or other organization that:

7 (A) provides health care services; [~~or~~]

8 (B) sells, manufactures, or distributes health
9 care supplies or equipment; or

10 (C) is regulated by or receives money from the
11 board;

12 (3) owns or controls, directly or indirectly, more
13 than a 10 percent interest in a business entity or other
14 organization that:

15 (A) provides health care services; [~~or~~]

16 (B) sells, manufactures, or distributes health
17 care supplies or equipment; or

18 (C) is regulated by or receives money from the
19 board; or

20 (4) uses or receives a substantial amount of tangible
21 goods, services, or funds from the board, other than compensation
22 or reimbursement authorized by law for board membership,
23 attendance, or expenses.

24 SECTION 8. Section 301.053, Occupations Code, is amended to
25 read as follows:

26 Sec. 301.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
27 In this section, "Texas trade association" means a [~~nonprofit,~~]

1 cooperative~~[7]~~ and voluntarily joined statewide association of
2 business or professional competitors in this state designed to
3 assist its members and its industry or profession in dealing with
4 mutual business or professional problems and in promoting their
5 common interest.

6 (b) A person may not be a member of the board and may not be a
7 board employee employed in a "bona fide executive, administrative,
8 or professional capacity," as that phrase is used for the purposes
9 of establishing an exemption to the overtime provisions of the
10 federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et
11 seq.), if:

12 (1) the person is an ~~[An]~~ officer, employee, or paid
13 consultant of a Texas trade association in the field of health care;
14 or

15 (2) the person's ~~[may not be a member of the board and~~
16 ~~may not be an employee of the board who is exempt from the state's~~
17 ~~position classification plan or is compensated at or above the~~
18 ~~amount prescribed by the General Appropriations Act for step 1,~~
19 ~~salary group A17, of the position classification salary schedule.~~

20 ~~[(c) A person who is the]~~ spouse is ~~[of]~~ an officer,
21 manager, or paid consultant of a Texas trade association in the
22 field of health care ~~[may not be a member of the board and may not be~~
23 ~~an employee of the board who is exempt from the state's position~~
24 ~~classification plan or is compensated at or above the amount~~
25 ~~prescribed by the General Appropriations Act for step 1, salary~~
26 ~~group A17, of the position classification salary schedule].~~

27 (c) ~~[(d)]~~ A person may not be ~~[serve as]~~ a ~~[board]~~ member of

1 the board or act as the general counsel to the board if the person is
2 required to register as a lobbyist under Chapter 305, Government
3 Code, because of the person's activities for compensation on behalf
4 of a profession related to the board's operation.

5 SECTION 9. Sections 301.055(a) and (c), Occupations Code,
6 are amended to read as follows:

7 (a) It is a ground for removal from the board that a member:

8 (1) does not have at the time of taking office
9 ~~[appointment]~~ the qualifications required by Section 301.051(a);

10 (2) does not maintain during service on the board the
11 qualifications required by Section 301.051(a);

12 (3) is ineligible for membership under ~~[violates a~~
13 ~~prohibition established by]~~ Section 301.053;

14 (4) cannot, because of illness or disability,
15 discharge the member's duties for a substantial part of the member's
16 term; or

17 (5) is absent from more than half of the regularly
18 scheduled board meetings that the member is eligible to attend
19 during a calendar year unless the absence is excused by majority
20 vote of the board.

21 (c) If the executive director has knowledge that a potential
22 ground for removal exists, the executive director shall notify the
23 presiding officer of the board of the potential ground. The
24 presiding officer shall then notify the governor and the attorney
25 general that a potential ground for removal exists. If the
26 potential ground for removal involves the presiding officer, the
27 executive director shall notify the next highest ranking officer of

1 the board, who shall then notify the governor and the attorney
2 general that a potential ground for removal exists.

3 SECTION 10. Section 301.056(b), Occupations Code, is
4 amended to read as follows:

5 (b) A board member is [~~not~~] entitled to reimbursement for
6 travel expenses incurred while conducting board business,
7 including expenses for transportation, meals, and lodging, [~~other~~
8 ~~than transportation expenses. A member is entitled to~~
9 ~~reimbursement for transportation expenses]~~ as provided by the
10 General Appropriations Act.

11 SECTION 11. Sections 301.059(a), (b), and (c), Occupations
12 Code, are amended to read as follows:

13 (a) A person who is appointed to and qualifies for office as
14 a member of the board may not vote, deliberate, or be counted in
15 attendance at a meeting of the board until the person completes
16 [~~Before a board member may assume the member's duties and before the~~
17 ~~member may be confirmed by the senate, the member must complete at~~
18 ~~least one course of]~~ a training program that complies with
19 [~~established by the board under]~~ this section.

20 (b) The training program must [~~shall~~] provide the person
21 with information [~~to a participant~~] regarding:

22 (1) the legislation that created the board and the
23 board's programs, functions, rules, and budget [~~this chapter~~];

24 (2) the results of the most recent formal audit of
25 [~~programs operated by]~~ the board;

26 (3) the requirements of laws relating to open
27 meetings, public information, administrative procedure, and

1 conflicts of interest [~~role and functions of the board~~]; and

2 (4) [~~the rules of the board, with an emphasis on the~~
3 ~~rules that relate to disciplinary and investigatory authority,~~

4 [~~(5) the current budget for the board,~~

5 [~~(6) the results of the most recent formal audit of the~~
6 ~~board,~~

7 [~~(7) the requirements of Chapters 551, 552, 2001, and~~
8 ~~2002, Government Code,~~

9 [~~(8) the requirements of the conflict of interest laws~~
10 ~~and other laws relating to public officials, and~~

11 [~~(9)~~] any applicable ethics policies adopted by the
12 board or the Texas Ethics Commission.

13 (c) A person appointed to the board is entitled to
14 reimbursement, as provided by the General Appropriations Act, for
15 the travel expenses incurred in attending the training program
16 regardless of whether the attendance at the program occurs before
17 or after the person qualifies for office. [~~In developing the~~
18 ~~training program, the board shall consult with the governor's~~
19 ~~office, the attorney general's office, and the Texas Ethics~~
20 ~~Commission.]~~

21 SECTION 12. Subchapter D, Chapter 301, Occupations Code, is
22 amended by adding Section 301.1545 to read as follows:

23 Sec. 301.1545. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION
24 OR DEFERRED ADJUDICATION. (a) The board shall adopt rules and
25 guidelines necessary to comply with Chapter 53, except to the
26 extent the requirements of this subtitle are stricter than the
27 requirements of that chapter.

1 (b) In its rules under this section, the board shall list
2 the offenses for which a conviction would constitute grounds for
3 the board to take action under Section 53.021 or for which placement
4 on deferred adjudication community supervision would constitute
5 grounds for the board to take action under this chapter.

6 SECTION 13. Section 301.157, Occupations Code, is amended
7 by amending Subsections (a), (b), and (d) and adding Subsections
8 (a-1), (b-1), (d-1) through (d-7), and (h) to read as follows:

9 (a) The board shall prescribe three programs of study to
10 prepare a person to receive an initial license as a registered nurse
11 under this chapter [~~nurses~~] as follows:

12 (1) a baccalaureate degree program that is conducted
13 by an educational unit in nursing that is a part of a senior college
14 or university and that leads to a baccalaureate degree in nursing;

15 (2) an associate degree program that is conducted by
16 an educational unit in nursing within the structure of a college or
17 a university and that leads to an associate degree in nursing; and

18 (3) a diploma program that is conducted by a
19 single-purpose school, usually under the control of a hospital, and
20 that leads to a diploma in nursing.

21 (a-1) A diploma program of study in this state that leads to
22 an initial license as a registered nurse under this chapter and that
23 is completed on or after December 31, 2014, must entitle a student
24 to receive a degree on the student's successful completion of a
25 degree program of an institution of higher education in this state.
26 For purposes of this subsection, "institution of higher education"
27 and "degree program" have the meanings assigned by Section 61.003,

1 Education Code.

2 (b) The board shall:

3 (1) prescribe two programs of study to prepare a
4 person to receive an initial vocational nurse license under this
5 chapter [~~nurses~~] as follows:

6 (A) a program conducted by an educational unit in
7 nursing within the structure of a school, including a college,
8 university, or proprietary school; and

9 (B) a program conducted by a hospital;

10 (2) prescribe and publish the minimum requirements and
11 standards for a course of study in each program that prepares
12 registered nurses or vocational nurses;

13 (3) prescribe other rules as necessary to conduct
14 approved schools of nursing and educational programs for the
15 preparation of registered nurses or vocational nurses;

16 (4) approve schools of nursing and educational
17 programs that meet the board's requirements;

18 (5) select one or more national nursing accrediting
19 agencies, recognized by the United States Department of Education
20 and determined by the board to have acceptable standards, to
21 accredit schools of nursing and educational programs; and

22 (6) [~~(5)~~] deny or withdraw approval from a school of
23 nursing or educational program that:

24 (A) fails to meet the prescribed course of study
25 or other standard under which it sought approval by the board;

26 (B) fails to meet or maintain accreditation with
27 the national nursing accrediting agency selected by the board under

1 Subdivision (5) under which it was approved or sought approval by
2 the board; or

3 (C) fails to maintain the approval of the state
4 board of nursing of another state and the board under which it was
5 approved.

6 (b-1) The board may not require accreditation of the
7 governing institution of a school of nursing. The board shall
8 accept the requirements established by the Texas Higher Education
9 Coordinating Board for accrediting the governing institution of a
10 school of nursing.

11 (d) A person may not be certified as a graduate of any school
12 of nursing or educational program unless the person has completed
13 the requirements of the prescribed course of study, including
14 clinical practice, of a [~~an approved~~] school of nursing or
15 educational program that:

16 (1) is approved by the board;

17 (2) is accredited by a national nursing accreditation
18 agency determined by the board to have acceptable standards; or

19 (3) is approved by a state board of nursing of another
20 state and the board, subject to Subsection (d-4).

21 (d-1) A school of nursing or educational program is
22 considered approved by the board and, except as provided by
23 Subsection (d-7), is exempt from board rules that require ongoing
24 approval if the school or program:

25 (1) is accredited and maintains accreditation through
26 a national nursing accrediting agency selected by the board under
27 Subsection (b)(5); and

1 (2) maintains an acceptable pass rate as determined by
2 the board on the applicable licensing examination under this
3 chapter.

4 (d-2) A school of nursing or educational program that fails
5 to meet or maintain an acceptable pass rate on applicable licensing
6 examinations under this chapter is subject to review by the board.
7 The board may assist the school or program in its effort to achieve
8 compliance with the board's standards.

9 (d-3) A school or program from which approval has been
10 withdrawn under this section may reapply for approval.

11 (d-4) The board may recognize and accept as approved under
12 this section a school of nursing or educational program operated in
13 another state and approved by a state board of nursing of another
14 state. The board shall develop policies to ensure that the other
15 state board's standards are substantially equivalent to the board's
16 standards.

17 (d-5) The board shall streamline the process for initially
18 approving a school of nursing or educational program under this
19 section by identifying and eliminating tasks performed by the board
20 that duplicate or overlap tasks performed by the Texas Higher
21 Education Coordinating Board or the Texas Workforce Commission.

22 (d-6) The board, in cooperation with the Texas Higher
23 Education Coordinating Board and the Texas Workforce Commission,
24 shall establish guidelines for the initial approval of schools of
25 nursing or educational programs. The guidelines must:

26 (1) identify the approval processes to be conducted by
27 the Texas Higher Education Coordinating Board or the Texas

1 Workforce Commission;

2 (2) require the approval process identified under
3 Subdivision (1) to precede the approval process conducted by the
4 board; and

5 (3) be made available on the board's Internet website
6 and in a written form.

7 (d-7) A school of nursing or educational program approved
8 under Subsection (d-1) shall:

9 (1) provide the board with copies of any reports
10 submitted to or received from the national nursing accrediting
11 agency selected by the board;

12 (2) notify the board of any change in accreditation
13 status; and

14 (3) provide other information required by the board as
15 necessary to evaluate and establish nursing education and workforce
16 policy in this state.

17 (h) The board, in collaboration with the nursing educators
18 and the Texas Higher Education Coordinating Board, shall implement
19 a plan for the creation of innovative nursing education models that
20 promote increased enrollment in this state's nursing programs.

21 SECTION 14. Subchapter D, Chapter 301, Occupations Code, is
22 amended by adding Section 301.1595 to read as follows:

23 Sec. 301.1595. ADVISORY COMMITTEES. (a) The board may
24 appoint advisory committees to perform the advisory functions
25 assigned by the board.

26 (b) An advisory committee shall provide independent
27 expertise on board functions and policies, but may not be involved

1 in setting board policy.

2 (c) The board shall adopt rules regarding the purpose,
3 structure, and use of advisory committees, including rules on:

4 (1) the purpose, role, responsibility, and goal of an
5 advisory committee;

6 (2) the size and quorum requirements for an advisory
7 committee;

8 (3) the composition and representation of an advisory
9 committee;

10 (4) the qualifications of advisory committee members,
11 such as experience or area of residence;

12 (5) the appointment procedures for advisory
13 committees;

14 (6) the terms of service for advisory committee
15 members;

16 (7) the training requirements for advisory committee
17 members, if necessary;

18 (8) the method the board will use to receive public
19 input on issues addressed by an advisory committee; and

20 (9) the development of board policies and procedures
21 to ensure advisory committees meet the requirements for open
22 meetings under Chapter 551, Government Code, including
23 notification requirements.

24 (d) A board member may not serve as a member of an advisory
25 committee, but may serve as a liaison between an advisory committee
26 and the board. A board member liaison that attends advisory
27 committee meetings may attend only as an observer and not as a

1 participant. A board member liaison is not required to attend
2 advisory committee meetings. The role of a board member liaison is
3 limited to clarifying the board's charge and intent to the advisory
4 committee.

5 (e) To the extent of any conflict with Chapter 2110,
6 Government Code, this section and board rules adopted under this
7 section control.

8 SECTION 15. Subchapter D, Chapter 301, Occupations Code, is
9 amended by adding Sections 301.166 and 301.167 to read as follows:

10 Sec. 301.166. USE OF TECHNOLOGY. The board shall implement
11 a policy requiring the board to use appropriate technological
12 solutions to improve the board's ability to perform its functions.
13 The policy must ensure that the public is able to interact with the
14 board on the Internet.

15 Sec. 301.167. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
16 RESOLUTION. (a) The board shall develop and implement a policy to
17 encourage the use of:

18 (1) negotiated rulemaking procedures under Chapter
19 2008, Government Code, for the adoption of board rules; and

20 (2) appropriate alternative dispute resolution
21 procedures under Chapter 2009, Government Code, to assist in the
22 resolution of internal and external disputes under the board's
23 jurisdiction.

24 (b) The board's procedures relating to alternative dispute
25 resolution must conform, to the extent possible, to any model
26 guidelines issued by the State Office of Administrative Hearings
27 for the use of alternative dispute resolution by state agencies.

1 (c) The board shall designate a trained person to:

2 (1) coordinate the implementation of the policy
3 adopted under Subsection (a);

4 (2) serve as a resource for any training needed to
5 implement the procedures for negotiated rulemaking or alternative
6 dispute resolution; and

7 (3) collect data concerning the effectiveness of those
8 procedures, as implemented by the board.

9 SECTION 16. Section 301.203, Occupations Code, is amended
10 to read as follows:

11 Sec. 301.203. RECORDS AND ANALYSIS OF COMPLAINTS. (a) The
12 board shall maintain a system to promptly and efficiently act on
13 complaints [~~keep an information file about each complaint~~] filed
14 with the board. The board shall maintain information about
15 [~~information file must be kept current and must contain a record for~~
16 ~~each complaint of~~]:

17 (1) parties to the complaint [~~each person contacted in~~
18 ~~relation to the complaint~~];

19 (2) the subject matter of the complaint [~~a summary of~~
20 ~~findings made at each step of the complaint process~~];

21 (3) a summary of the results of the review or
22 investigation of the complaint [~~an explanation of the legal basis~~
23 ~~and reason for a complaint that is dismissed~~]; and

24 (4) the complaint's disposition [~~the schedule~~
25 ~~required under Section 301.204 and a notation of any change in the~~
26 ~~schedule~~; and

27 [~~(5) other relevant information~~].

1 (b) The board shall make information available describing
2 its procedures for complaint investigation and resolution.

3 (c) The board shall periodically [~~If a written complaint is~~
4 ~~filed with the board that the board has authority to resolve, the~~
5 ~~board, at least quarterly and until final disposition of the~~
6 ~~complaint, shall~~] notify the parties to the complaint of the status
7 of the complaint until final disposition unless notice would
8 jeopardize an undercover investigation.

9 (d) The board shall develop a method for analyzing the
10 sources and types of complaints and violations and establish
11 categories for the complaints and violations. The board shall use
12 the analysis to focus its information and education efforts on
13 specific problem areas identified through the analysis.

14 (e) The board shall analyze complaints filed with the board
15 to identify any trends or issues related to certain violations,
16 including:

- 17 (1) the reason for each complaint;
18 (2) how each complaint was resolved; and
19 (3) the subject matter of each complaint that was not
20 within the jurisdiction of the board and how the board responded to
21 the complaint.

22 SECTION 17. The heading to Section 301.204, Occupations
23 Code, is amended to read as follows:

24 Sec. 301.204. GENERAL RULES, POLICIES, AND PROCEDURES
25 REGARDING COMPLAINT INVESTIGATION AND DISPOSITION.

26 SECTION 18. Section 301.204, Occupations Code, is amended
27 by amending Subsection (a) and adding Subsection (f) to read as

1 follows:

2 (a) The board shall adopt rules, policies, and procedures
3 concerning the investigation of a complaint filed with the board.
4 The rules, policies, or procedures adopted under this subsection
5 must:

6 (1) distinguish between categories of complaints;

7 (2) ensure that complaints are not dismissed without
8 appropriate consideration;

9 (3) require that the board be advised of a complaint
10 that is dismissed and that a letter be sent to the person who filed
11 the complaint explaining the action taken on the dismissed
12 complaint;

13 (4) ensure that the person who filed the complaint has
14 an opportunity to explain the allegations made in the complaint;
15 [~~and~~]

16 (5) prescribe guidelines concerning the categories of
17 complaints that require the use of a private investigator and the
18 procedures for the board to obtain the services of a private
19 investigator; and

20 (6) by rule allow appropriate employees of the board
21 to dismiss a complaint if an investigation demonstrates that:

22 (A) a violation did not occur; or

23 (B) the subject of the complaint is outside the
24 board's jurisdiction.

25 (f) At each public meeting of the board, the executive
26 director shall report to the board each complaint dismissed under
27 Subsection (a)(6) since the board's last public meeting.

1 SECTION 19. Section 301.252, Occupations Code, is amended
2 by amending Subsections (a) and (b) and adding Subsection (a-1) to
3 read as follows:

4 (a) Each applicant for a registered nurse license or a
5 vocational nurse license must submit to the board a sworn
6 application that demonstrates the applicant's qualifications under
7 this chapter, accompanied by evidence that the applicant:

8 (1) has good professional character; ~~and~~

9 (2) has successfully completed a ~~[an approved]~~ program
10 of professional or vocational nursing education approved under
11 Section 301.157(d); and

12 (3) has passed the jurisprudence examination approved
13 by the board as provided by Subsection (a-1).

14 (a-1) The jurisprudence examination shall be conducted on
15 the licensing requirements under this chapter and board rules and
16 other laws, rules, or regulations applicable to the nursing
17 profession in this state. The board shall adopt rules for the
18 jurisprudence examination under Subsection (a)(3) regarding:

19 (1) the development of the examination;

20 (2) applicable fees;

21 (3) administration of the examination;

22 (4) reexamination procedures;

23 (5) grading procedures; and

24 (6) notice of results.

25 (b) The board may waive the requirement of Subsection (a)(2)
26 for a vocational nurse applicant if the applicant provides
27 satisfactory sworn evidence that the applicant has completed an

1 acceptable level of education in:

2 (1) a professional nursing school approved under
3 Section 301.157(d) [~~by the board~~]; or

4 (2) a school of professional nurse education located
5 in another state or a foreign country.

6 SECTION 20. Section 301.253, Occupations Code, is amended
7 by amending Subsection (b) and adding Subsections (c-1), (f), and
8 (g) to read as follows:

9 (b) Each examination administered under this section must
10 be prepared by a national testing service or the board. The board
11 shall ensure that the [~~give the~~] examination is administered in
12 various cities throughout the state.

13 (c-1) The board shall:

14 (1) adopt policies and guidelines detailing the
15 procedures for the testing process, including test admission, test
16 administration, and national examination requirements; and

17 (2) post on the board's Internet website the policies
18 that reference the testing procedures by the national organization
19 selected by the board to administer an examination.

20 (f) The board shall develop a written refund policy
21 regarding examination fees that:

22 (1) defines the reasonable notification period and the
23 emergencies that would qualify for a refund; and

24 (2) does not conflict with any examination fee or
25 refund policy of the testing service involved in administering the
26 examination.

27 (g) The board may recommend to a national testing service

1 selected by the board to offer examinations under this section the
2 board's written policy for refunding an examination fee for an
3 applicant who:

4 (1) provides advance notice of the applicant's
5 inability to take the examination; or

6 (2) is unable to take the examination because of an
7 emergency.

8 SECTION 21. Section 301.301, Occupations Code, is amended
9 by amending Subsections (b) and (c) and adding Subsection (c-1) to
10 read as follows:

11 (b) A person may renew an unexpired license issued under
12 this chapter on payment to the board of the required renewal fee
13 before the expiration date of the license, payment to the board of
14 any costs assessed under Section 301.461, and compliance with any
15 other renewal requirements adopted by the board. A person whose
16 license has expired may not engage in activities that require a
17 license until the license has been renewed.

18 (c) A person whose license has been expired for 90 days or
19 less may renew the license by paying to the board the required
20 renewal fee and a late fee in the amount considered appropriate by
21 the board to encourage timely renewal [~~that is equal to one-half the~~
22 ~~amount charged for examination for the license~~].

23 (c-1) A person whose [~~if a~~] license has been expired for
24 more than 90 days but less than one year [~~, the person~~] may renew the
25 license by paying to the board all unpaid renewal fees and a late
26 fee that is equal to twice the amount of a late fee under Subsection
27 (c) [~~the amount charged for examination for the license~~].

1 SECTION 22. Section 301.302(a), Occupations Code, is
2 amended to read as follows:

3 (a) A [~~The board may renew without examination the expired~~
4 ~~license of a~~] person who was licensed to practice professional
5 nursing or vocational nursing in this state, moved to another
6 state, and is currently licensed and has been in practice in the
7 other state for the two years preceding application may obtain a new
8 license without examination.

9 SECTION 23. Section 301.303, Occupations Code, is amended
10 by adding Subsection (g) to read as follows:

11 (g) The board by rule may establish guidelines for targeted
12 continuing education required under this chapter. The rules
13 adopted under this subsection must address:

14 (1) the nurses who are required to complete the
15 targeted continuing education program;

16 (2) the type of courses that satisfy the targeted
17 continuing education requirement;

18 (3) the time in which a nurse is required to complete
19 the targeted continuing education;

20 (4) the frequency in which a nurse is required to meet
21 the targeted continuing education requirement; and

22 (5) any other requirement considered necessary by the
23 board.

24 SECTION 24. Section 301.410, Occupations Code, is amended
25 to read as follows:

26 Sec. 301.410. REPORT REGARDING IMPAIRMENT BY CHEMICAL
27 DEPENDENCY, [OR] MENTAL ILLNESS, OR DIMINISHED MENTAL CAPACITY.

1 (a) A person who is required to report a nurse under this
2 subchapter because the nurse is impaired or suspected of being
3 impaired by chemical dependency or mental illness may report to a
4 peer assistance program approved by the board under Chapter 467,
5 Health and Safety Code, instead of reporting to the board or
6 requesting review by a nursing peer review committee.

7 (b) A person who is required to report a nurse under this
8 subchapter because the nurse is impaired or suspected of being
9 impaired by chemical dependency or diminished mental capacity must
10 report to the board if the person believes that an impaired nurse
11 committed a practice violation.

12 SECTION 25. Subchapter I, Chapter 301, Occupations Code, is
13 amended by adding Sections 301.4105 and 301.4106 to read as
14 follows:

15 Sec. 301.4105. BOARD RESPONSIBILITY FOLLOWING REPORT. The
16 board shall determine whether a nurse violated this chapter or a
17 rule adopted under this chapter for any case reported to the board
18 in which the nurse's ability to perform the practice of nursing was
19 impaired or suspected of being impaired by chemical dependency or
20 diminished mental capacity and in which the nurse is suspected of
21 committing a practice violation. The board, in deciding whether to
22 take disciplinary action against the nurse for a violation of this
23 chapter or board rules, shall balance the need to protect the public
24 and the need to ensure the impaired nurse seeks treatment.

25 Sec. 301.4106. PEER ASSISTANCE PROGRAMS. The board by rule
26 shall develop guidelines to:

27 (1) outline the roles and responsibilities of the

1 board and a peer assistance program established or approved by the
2 board under Chapter 467, Health and Safety Code;

3 (2) outline the process for a peer assistance program
4 to refer to the board complaints alleging a violation of the
5 practice of nursing;

6 (3) establish requirements for successfully
7 completing a peer assistance program and for notification of the
8 board of the successful completion by a nurse the board has ordered
9 to attend or referred to the program; and

10 (4) establish a procedure for evaluating the success
11 of a peer assistance program established or approved by the board
12 under Chapter 467, Health and Safety Code.

13 SECTION 26. Section 301.452, Occupations Code, is amended
14 by adding Subsection (d) to read as follows:

15 (d) The board by rule shall establish guidelines to ensure
16 that any arrest information, in particular information on arrests
17 in which criminal action was not proven or charges were not filed or
18 adjudicated, that is received by the board under this section is
19 used consistently, fairly, and only to the extent the underlying
20 conduct relates to the practice of nursing.

21 SECTION 27. Subchapter J, Chapter 301, Occupations Code, is
22 amended by adding Section 301.4531 to read as follows:

23 Sec. 301.4531. SCHEDULE OF SANCTIONS. (a) The board by
24 rule shall adopt a schedule of the disciplinary sanctions that the
25 board may impose under this chapter. In adopting the schedule of
26 sanctions, the board shall ensure that the severity of the sanction
27 imposed is appropriate to the type of violation or conduct that is

1 the basis for disciplinary action.

2 (b) In determining the appropriate disciplinary action,
3 including the amount of any administrative penalty to assess, the
4 board shall consider:

5 (1) whether the person:

6 (A) is being disciplined for multiple violations
7 of either this chapter or a rule or order adopted under this
8 chapter; or

9 (B) has previously been the subject of
10 disciplinary action by the board and has previously complied with
11 board rules and this chapter;

12 (2) the seriousness of the violation;

13 (3) the threat to public safety; and

14 (4) any mitigating factors.

15 (c) In the case of a person described by:

16 (1) Subsection (b)(1), the board shall consider taking
17 a more severe disciplinary action, including revocation of the
18 person's license, than the disciplinary action that would be taken
19 for a single violation; and

20 (2) Subsection (b)(2), the board shall consider taking
21 a more severe disciplinary action, including revocation of the
22 person's license, than the disciplinary action that would be taken
23 for a person who has not previously been the subject of disciplinary
24 action by the board.

25 SECTION 28. Subchapter J, Chapter 301, Occupations Code, is
26 amended by adding Sections 301.470 and 301.471 to read as follows:

27 Sec. 301.470. REFUND. (a) Subject to Subsection (b), the

1 board may order a license holder to pay a refund to a consumer as
2 provided in an agreement resulting from an informal settlement
3 conference instead of or in addition to imposing an administrative
4 penalty under this chapter.

5 (b) The amount of a refund ordered as provided in an
6 agreement resulting from an informal settlement conference may not
7 exceed the amount the consumer paid to a nurse for a service
8 regulated by this chapter or the actual amount stolen or defrauded
9 from a patient by the nurse. The board may not require payment of
10 other damages or estimate harm in a refund order.

11 Sec. 301.471. EMERGENCY CEASE AND DESIST ORDER. (a) If it
12 appears to the board that a person who is not licensed under this
13 chapter is violating this chapter, a rule adopted under this
14 chapter, or another state statute or rule relating to the practice
15 of professional nursing or vocational nursing and the board
16 determines that the unauthorized activity constitutes a clear,
17 imminent, or continuing threat to the public health and safety, the
18 board may:

19 (1) issue an emergency cease and desist order
20 prohibiting the person from engaging in the activity; and

21 (2) report the activity to a local law enforcement
22 agency or the attorney general for prosecution.

23 (b) An order issued under Subsection (a) must:

24 (1) be delivered on issuance to the person affected by
25 the order by personal delivery or registered or certified mail,
26 return receipt requested, to the person's last known address;

27 (2) state the acts or practices alleged to be an

1 unauthorized activity and require the person immediately to cease
2 and desist from the unauthorized activity; and

3 (3) contain a notice that a request for hearing may be
4 filed under this section.

5 (c) Unless the person against whom the emergency cease and
6 desist order is directed requests a board hearing in writing before
7 the 11th day after the date it is served on the person, the order is
8 final and nonappealable as to that person. A request for a board
9 hearing must:

10 (1) be in writing and directed to the board; and

11 (2) state the grounds for the request to set aside or
12 modify the order.

13 (d) On receiving a request for a hearing, the board shall
14 serve notice of the time and place of the hearing by personal
15 delivery or registered or certified mail, return receipt requested.
16 The hearing must be held not later than the 10th day after the date
17 the board receives the request for a hearing unless the parties
18 agree to a later hearing date. A hearing under this subsection is
19 subject to Chapter 2001, Government Code.

20 (e) After the hearing, the board shall affirm, modify, or
21 set aside wholly or partly the emergency cease and desist order. An
22 order affirming or modifying the emergency cease and desist order
23 is immediately final for purposes of enforcement and appeal.

24 (f) An order under this section continues in effect unless
25 the order is stayed by the board. The board may impose any
26 condition before granting a stay of the order.

27 (g) The board may release to the public a final cease and

1 desist order issued under this section or information regarding the
2 existence of the order if the board determines that the release
3 would enhance the effective enforcement of the order or will serve
4 the public interest.

5 (h) A violation of an order issued under this section
6 constitutes grounds for imposing an administrative penalty under
7 this chapter.

8 SECTION 29. Section 301.502(a), Occupations Code, is
9 amended to read as follows:

10 (a) The amount of the administrative penalty may not exceed
11 \$5,000 [~~\$2,500~~] for each violation. Each day a violation continues
12 or occurs is a separate violation for purposes of imposing a
13 penalty.

14 SECTION 30. Subtitle E, Title 3, Occupations Code, is
15 amended by adding Chapter 305 to read as follows:

16 CHAPTER 305. NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

17 Sec. 305.001. NCSBN ADVANCED PRACTICE REGISTERED NURSE
18 COMPACT. The NCSBN Advanced Practice Registered Nurse Compact is
19 enacted and entered into with all other jurisdictions that legally
20 join in the compact, which is as follows:

21 NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

22 ARTICLE 1. FINDINGS AND DECLARATION OF PURPOSE

23 (a) The party states find that:

24 (1) the health and safety of the public are affected by
25 the degree of compliance with APRN licensure/authority to practice
26 requirements and the effectiveness of enforcement activities
27 related to state APRN licensure/authority to practice laws;

1 (2) violations of APRN licensure/authority to
2 practice and other laws regulating the practice of nursing may
3 result in injury or harm to the public;

4 (3) the expanded mobility of APRNs and the use of
5 advanced communication technologies as part of our nation's health
6 care delivery system require greater coordination and cooperation
7 among states in the areas of APRN licensure/authority to practice
8 and regulation;

9 (4) new practice modalities and technology make
10 compliance with individual state APRN licensure/authority to
11 practice laws difficult and complex;

12 (5) the current system of duplicative APRN
13 licensure/authority to practice for APRNs practicing in multiple
14 states is cumbersome and redundant to both APRNs and states;

15 (6) uniformity of APRN requirements throughout the
16 states promotes public safety and public health benefits; and

17 (7) access to APRN services increases the public's
18 access to health care, particularly in rural and underserved areas.

19 (b) The general purposes of this compact are to:

20 (1) facilitate the states' responsibilities to protect
21 the public's health and safety;

22 (2) ensure and encourage the cooperation of party
23 states in the areas of APRN licensure/authority to practice and
24 regulation, including promotion of uniform licensure requirements;

25 (3) facilitate the exchange of information between
26 party states in the areas of APRN regulation, investigation, and
27 adverse actions;

1 (4) promote compliance with the laws governing APRN
2 practice in each jurisdiction; and

3 (5) invest all party states with the authority to hold
4 an APRN accountable for meeting all state practice laws in the state
5 in which the patient is located at the time care is rendered through
6 the mutual recognition of party state licenses.

7 ARTICLE 2. DEFINITIONS

8 (a) "Advanced practice registered nurse" or "APRN" means a
9 nurse anesthetist, nurse practitioner, nurse midwife, or clinical
10 nurse specialist to the extent a party state licenses or grants
11 authority to practice in that APRN role and title.

12 (b) "Adverse action" means a home or remote state
13 disciplinary action.

14 (c) "Alternative program" means a voluntary,
15 non-disciplinary monitoring program approved by a licensing board.

16 (d) "APRN licensure/authority to practice" means the
17 regulatory mechanism used by a party state to grant legal authority
18 to practice as an APRN.

19 (e) "APRN uniform licensure/authority to practice
20 requirements" means those minimum uniform licensure, education,
21 and examination requirements as agreed to by the compact
22 administrators and adopted by licensing boards for the recognized
23 APRN role and title.

24 (f) "Coordinated licensure information system" means an
25 integrated process for collecting, storing, and sharing
26 information on APRN licensure/authority to practice and
27 enforcement activities related to APRN licensure/authority to

1 practice laws, which is administered by a nonprofit organization
2 composed of and controlled by state licensing boards.

3 (g) "Current significant investigative information" means:

4 (1) investigative information that a licensing board,
5 after a preliminary inquiry that includes notification and an
6 opportunity for the APRN to respond if required by state law, has
7 reason to believe is not groundless and, if proved true, would
8 indicate more than a minor infraction; or

9 (2) investigative information that indicates that the
10 APRN represents an immediate threat to public health and safety
11 regardless of whether the APRN has been notified and had an
12 opportunity to respond.

13 (h) "Home state" means the party state that is the APRN's
14 primary state of residence.

15 (i) "Home state action" means any administrative, civil,
16 equitable, or criminal action permitted by the home state's laws
17 which are imposed on an APRN by the home state's licensing board or
18 other authority, including actions against an individual's
19 license/authority to practice such as: revocation, suspension,
20 probation, or any other action which affects an APRN's
21 authorization to practice.

22 (j) "Licensing board" means a party state's regulatory body
23 responsible for issuing APRN licensure/authority to practice.

24 (k) "Multistate advanced practice privilege" means current
25 authority from a remote state permitting an APRN to practice in that
26 state in the same role and title as the APRN is licensed/authorized
27 to practice in the home state to the extent that the remote state

1 laws recognize such APRN role and title. A remote state has the
2 authority, in accordance with existing state due process laws, to
3 take actions against the APRN's privilege, including revocation,
4 suspension, probation, or any other action that affects an APRN's
5 multistate privilege to practice.

6 (l) "Party state" means any state that has adopted this
7 compact.

8 (m) "Prescriptive authority" means the legal authority to
9 prescribe medications and devices as defined by party state laws.

10 (n) "Remote state" means a party state, other than the home
11 state:

12 (1) where the patient is located at the time APRN care
13 is provided; or

14 (2) in the case of APRN practice not involving a
15 patient, in such party state where the recipient of APRN practice is
16 located.

17 (o) "Remote state action" means:

18 (1) any administrative, civil, equitable, or criminal
19 action permitted by a remote state's laws which are imposed on an
20 APRN by the remote state's licensing board or other authority,
21 including actions against an individual's multistate advanced
22 practice privilege in the remote state; and

23 (2) cease and desist and other injunctive or equitable
24 orders issued by remote states or the licensing boards thereof.

25 (p) "State" means a state, territory, or possession of the
26 United States.

27 (q) "State practice laws" means a party state's laws and

1 regulations that govern APRN practice, define the scope of advanced
2 nursing practice, including prescriptive authority, and create the
3 methods and grounds for imposing discipline. State practice laws
4 do not include the requirements necessary to obtain and retain APRN
5 licensure/authority to practice as an APRN, except for
6 qualifications or requirements of the home state.

7 (r) "Unencumbered" means that a state has no current
8 disciplinary action against an APRN's license/authority to
9 practice.

10 ARTICLE 3. GENERAL PROVISIONS AND JURISDICTION

11 (a) All party states shall participate in the nurse
12 licensure compact for registered nurses and licensed
13 practical/vocational nurses in order to enter into the APRN
14 compact.

15 (b) No state shall enter the APRN compact until the state
16 adopts, at a minimum, the APRN uniform licensure/authority to
17 practice requirements for each APRN role and title recognized by
18 the state seeking to enter the APRN compact.

19 (c) APRN licensure/authority to practice issued by a home
20 state to a resident in that state will be recognized by each party
21 state as authorizing a multistate advanced practice privilege to
22 the extent that the role and title are recognized by each party
23 state. To obtain or retain APRN licensure/authority to practice as
24 an APRN, an applicant must meet the home state's qualifications for
25 authority or renewal of authority as well as all other applicable
26 state laws.

27 (d) The APRN multistate advanced practice privilege does

1 not include prescriptive authority, and does not affect any
2 requirements imposed by states to grant to an APRN initial and
3 continuing prescriptive authority according to state practice
4 laws. However, a party state may grant prescriptive authority to an
5 individual on the basis of a multistate advanced practice privilege
6 to the extent permitted by state practice laws.

7 (e) A party state may, in accordance with state due process
8 laws, limit or revoke the multistate advanced practice privilege in
9 the party state and may take any other necessary actions under the
10 party state's applicable laws to protect the health and safety of
11 the party state's citizens. If a party state takes action, the
12 party state shall promptly notify the administrator of the
13 coordinated licensure information system. The administrator of the
14 coordinated licensure information system shall promptly notify the
15 home state of any such actions by remote states.

16 (f) An APRN practicing in a party state must comply with the
17 state practice laws and licensing board rules of the state in which
18 the patient is located at the time care is provided. The APRN
19 practice includes patient care and all advanced nursing practice
20 defined by the party state's practice laws. The APRN practice will
21 subject an APRN to the jurisdiction of the licensing board, the
22 courts, and the laws of the party state.

23 (g) Individuals not residing in a party state may apply for
24 APRN licensure/authority to practice as an APRN under the laws of a
25 party state. However, the authority to practice granted to these
26 individuals will not be recognized as granting the privilege to
27 practice as an APRN in any other party state unless explicitly

1 agreed to by that party state.

2 ARTICLE 4. APPLICATIONS FOR APRN LICENSURE/AUTHORITY TO PRACTICE
3 IN A PARTY STATE

4 (a) Once an application for APRN licensure/authority to
5 practice is submitted, a party state shall ascertain, through the
6 coordinated licensure information system, whether:

7 (1) the applicant has held or is the holder of a
8 nursing license/authority to practice issued by another state;

9 (2) the applicant has had a history of previous
10 disciplinary action by any state;

11 (3) an encumbrance exists on any license/authority to
12 practice; and

13 (4) any other adverse action by any other state has
14 been taken against a license/authority to practice.

15 This information may be used in approving or denying an application
16 for APRN licensure/authority to practice.

17 (b) An APRN in a party state shall hold APRN
18 licensure/authority to practice in only one party state at a time,
19 issued by the home state.

20 (c) An APRN who intends to change the APRN's primary state
21 of residence may apply for APRN licensure/authority to practice in
22 the new home state in advance of such change. However, new
23 licensure/authority to practice will not be issued by a party state
24 until after an APRN provides evidence of change in primary state of
25 residence satisfactory to the new home state's licensing board.

26 (d) When an APRN changes primary state of residence by:

27 (1) moving between two party states, and obtains APRN

1 licensure/authority to practice from the new home state, the APRN
2 licensure/authority to practice from the former home state is no
3 longer valid;

4 (2) moving from a nonparty state to a party state, and
5 obtains APRN licensure/authority to practice from the new home
6 state, the individual state license issued by the nonparty state is
7 not affected and will remain in full force if so provided by the
8 laws of the nonparty state; and

9 (3) moving from a party state to a nonparty state, the
10 APRN licensure/authority to practice issued by the prior home state
11 converts to an individual state license, valid only in the former
12 home state, without the multistate licensure privilege to practice
13 in other party states.

14 ARTICLE 5. ADVERSE ACTIONS

15 (a) The licensing board of a remote state shall promptly
16 report to the administrator of the coordinated licensure
17 information system any remote state actions, including the factual
18 and legal basis for such action, if known. The licensing board of a
19 remote state shall also promptly report any significant current
20 investigative information yet to result in a remote state action.
21 The administrator of the coordinated licensure information system
22 shall promptly notify the home state of any such reports.

23 (b) The licensing board of a party state shall have the
24 authority to complete any pending investigations for an APRN who
25 changes primary state of residence during the course of such
26 investigations. It shall also have the authority to take
27 appropriate action, and shall promptly report the conclusions of

1 such investigations to the administrator of the coordinated
2 licensure information system. The administrator of the coordinated
3 licensure information system shall promptly notify the new home
4 state of any such actions.

5 (c) A remote state may take adverse action affecting the
6 multistate advanced practice privilege to practice within that
7 party state. However, only the home state shall have the power to
8 impose adverse action against the APRN licensure/authority to
9 practice issued by the home state.

10 (d) For purposes of imposing adverse action, the licensing
11 board of the home state shall give the same priority and effect to
12 reported conduct received from a remote state as it would if such
13 conduct had occurred within the home state. In so doing, it shall
14 apply its own state laws to determine appropriate action.

15 (e) The home state may take adverse action based on the
16 factual findings of the remote state, so long as each state follows
17 its own procedures for imposing such adverse action.

18 (f) Nothing in this compact shall override a party state's
19 decision that participation in an alternative program may be used
20 in lieu of adverse action and that such participation shall remain
21 nonpublic if required by the party state's laws. Party states must
22 require APRNs who enter any alternative programs to agree not to
23 practice in any other party state during the term of the alternative
24 program without prior authorization from such other party state.

25 (g) All home state licensing board disciplinary orders,
26 agreed or otherwise, which limit the scope of the APRN's practice or
27 require monitoring of the APRN as a condition of the order shall

1 include the requirements that the APRN will limit her or his
2 practice to the home state during the pendency of the order. This
3 requirement may allow the APRN to practice in other party states
4 with prior written authorization from both the home state and party
5 state licensing boards.

6 ARTICLE 6. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

7 LICENSING BOARDS

8 (a) Notwithstanding any other powers, party state licensing
9 boards shall have the authority to:

10 (1) if otherwise permitted by state law, recover from
11 the affected APRN the costs of investigations and disposition of
12 cases resulting from any adverse action taken against that APRN;

13 (2) issue subpoenas for both hearings and
14 investigations, which require the attendance and testimony of
15 witnesses, and the production of evidence;

16 (3) issue cease and desist orders to limit or revoke an
17 APRN's privilege or licensure/authority to practice in their state;
18 and

19 (4) promulgate uniform rules and regulations as
20 provided for in Article 8(c).

21 (b) Subpoenas issued by a licensing board in a party state
22 for the attendance and testimony of witnesses, and/or the
23 production of evidence from another party state, shall be enforced
24 in the latter state by any court of competent jurisdiction,
25 according to the practice and procedure of that court applicable to
26 subpoenas issued in proceedings pending before it. The issuing
27 authority shall pay any witness fees, travel expenses, mileage, and

1 other fees required by the service statutes of the state where the
2 witnesses and/or evidence are located.

3 ARTICLE 7. COORDINATED LICENSURE INFORMATION SYSTEM

4 (a) All party states shall participate in a cooperative
5 effort to create a coordinated database of all APRNs. This system
6 will include information on the APRN licensure/authority to
7 practice and disciplinary history of each APRN, as contributed by
8 party states, to assist in the coordination of APRN
9 licensure/authority to practice and enforcement efforts.

10 (b) Notwithstanding any other provision of law, all party
11 states' licensing boards shall promptly report adverse actions,
12 actions against multistate advanced practice privileges, any
13 current significant investigative information yet to result in
14 adverse action, denials of applications, and the reasons for such
15 denials to the coordinated licensure information system.

16 (c) Current significant investigative information shall be
17 transmitted through the coordinated licensure information system
18 only to party state licensing boards.

19 (d) Notwithstanding any other provision of law, all party
20 states' licensing boards contributing information to the
21 coordinated licensure information system may designate information
22 that may not be shared with nonparty states or disclosed to other
23 entities or individuals without the express permission of the
24 contributing state.

25 (e) Any personally identifiable information obtained by a
26 party states' licensing board from the coordinated licensure
27 information system may not be shared with nonparty states or

1 disclosed to other entities or individuals except to the extent
2 permitted by the laws of the party state contributing the
3 information.

4 (f) Any information contributed to the coordinated
5 licensure information system that is subsequently required to be
6 expunged by the laws of the party state contributing that
7 information shall also be expunged from the coordinated licensure
8 information system.

9 (g) The compact administrators, acting jointly with each
10 other and in consultation with the administrator of the coordinated
11 licensure information system, shall formulate necessary and proper
12 procedures for the identification, collection, and exchange of
13 information under this compact.

14 ARTICLE 8. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

15 (a) The head of the licensing board, or his/her designee, of
16 each party state shall be the administrator of this compact for
17 his/her state.

18 (b) The compact administrator of each party state shall
19 furnish to the compact administrator of each other party state any
20 information and documents including, but not limited to, a uniform
21 data set of investigations, identifying information, licensure
22 data, and disclosable alternative program participation
23 information to facilitate the administration of this compact.

24 (c) Compact administrators shall have the authority to
25 develop uniform rules to facilitate and coordinate implementation
26 of this compact. These uniform rules shall be adopted by party
27 states, under the authority invested under Article 6(a)(4).

1 ARTICLE 9. IMMUNITY

2 No party state or the officers or employees or agents of a party
3 state's licensing board who act in accordance with the provisions
4 of this compact shall be liable on account of any act or omission in
5 good faith while engaged in the performance of their duties under
6 this compact. Good faith in this article shall not include willful
7 misconduct, gross negligence, or recklessness.

8 ARTICLE 10. ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

9 (a) This compact shall enter into force and become effective
10 as to any state when it has been enacted into the laws of that state.
11 Any party state may withdraw from this compact by enacting a statute
12 repealing the same, but no such withdrawal shall take effect until
13 six months after the withdrawing state has given notice of the
14 withdrawal to the executive heads of all other party states.

15 (b) No withdrawal shall affect the validity or
16 applicability by the licensing boards of states remaining party to
17 the compact of any report of adverse action occurring prior to the
18 withdrawal.

19 (c) Nothing contained in this compact shall be construed to
20 invalidate or prevent any APRN licensure/authority to practice
21 agreement or other cooperative arrangement between a party state
22 and a nonparty state that is made in accordance with the other
23 provisions of this compact.

24 (d) This compact may be amended by the party states. No
25 amendment to this compact shall become effective and binding upon
26 the party states unless and until it is enacted into the laws of all
27 party states.

1 ARTICLE 11. CONSTRUCTION AND SEVERABILITY

2 (a) This compact shall be liberally construed so as to
3 effectuate the purposes thereof. The provisions of this compact
4 shall be severable and if any phrase, clause, sentence, or
5 provision of this compact is declared to be contrary to the
6 constitution of any party state or of the United States or the
7 applicability thereof to any government, agency, person, or
8 circumstance is held invalid, the validity of the remainder of this
9 compact and the applicability thereof to any government, agency,
10 person, or circumstance shall not be affected thereby. If this
11 compact shall be held contrary to the constitution of any state
12 party thereto, the compact shall remain in full force and effect as
13 to the remaining party states and in full force and effect as to the
14 party state affected as to all severable matters.

15 (b) In the event party states find a need for settling
16 disputes arising under this compact:

17 (1) the party states may submit the issues in dispute
18 to an arbitration panel which will be composed of an individual
19 appointed by the compact administrator in the home state, an
20 individual appointed by the compact administrator in the remote
21 state involved, and an individual mutually agreed upon by the
22 compact administrators of all the party states involved in the
23 dispute; and

24 (2) the decision of a majority of the arbitrators
25 shall be final and binding.

26 Sec. 305.002. BOARD AUTHORITY. Notwithstanding any
27 provision of this chapter, the Texas Board of Nursing may establish

1 criteria for recognizing advanced practice registered nurses under
2 the NCSBN APRN Compact.

3 Sec. 305.003. RULES; EXPIRATION OF CHAPTER. (a) The Texas
4 Board of Nursing may adopt rules necessary to implement this
5 chapter.

6 (b) If the board does not adopt rules to implement the
7 compact under this chapter before December 31, 2011, the board may
8 not implement the NCSBN APRN Compact and this chapter expires
9 December 31, 2011.

10 Sec. 305.004. APPLICABILITY OF CHAPTER. If a provision of
11 this chapter or another state's law under the NCSBN APRN Compact
12 conflicts with the laws of this state, the laws of this state
13 prevail.

14 Sec. 305.005. RIGHTS AND OBLIGATIONS. (a) Unless the
15 context indicates otherwise, or doing so would be inconsistent with
16 the NCSBN APRN Compact, nurses practicing in this state under a
17 license issued by a state that is a party to the NCSBN APRN Compact
18 have the same rights and obligations as imposed by the laws of this
19 state on license holders of the Texas Board of Nursing.

20 (b) The Texas Board of Nursing has the authority to
21 determine whether a right or obligation imposed on license holders
22 applies to nurses practicing in this state under a license issued by
23 a state that is a party to the NCSBN APRN Compact unless that
24 determination is inconsistent with the NCSBN APRN Compact.

25 Sec. 305.006. ENFORCEMENT. The Texas Board of Nursing is
26 the state agency responsible for taking action against nurses
27 practicing in this state under a license issued by a state that is a

1 party to the NCSBN APRN Compact as authorized by the NCSBN APRN
2 Compact. The action shall be taken in accordance with the same
3 procedures for taking action against nurses licensed by this state.

4 SECTION 31. Section 101.002, Occupations Code, is amended
5 to read as follows:

6 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists
7 of 14 members, with one member appointed by each of the following:

- 8 (1) the Texas Board of Chiropractic Examiners;
- 9 (2) the State Board of Dental Examiners;
- 10 (3) the Texas Optometry Board;
- 11 (4) the Texas State Board of Pharmacy;
- 12 (5) the Texas State Board of Podiatric Medical
13 Examiners;
- 14 (6) the State Board of Veterinary Medical Examiners;
- 15 (7) the Texas [~~State Board of~~] Medical Board
16 [~~Examiners~~];
- 17 (8) the Texas Board of Nursing [~~Nurse Examiners~~];
- 18 (9) the Texas State Board of Examiners of
19 Psychologists;
- 20 (10) the Texas Funeral Service Commission;
- 21 (11) the entity that regulates the practice of
22 physical therapy;
- 23 (12) the entity that regulates the practice of
24 occupational therapy;
- 25 (13) the health licensing division of the [~~Texas~~]
26 Department of State Health Services; and
- 27 (14) the governor's office.

1 SECTION 32. Section 157.052(3), Occupations Code, is
2 amended to read as follows:

3 (3) "Registered nurse" means a registered nurse
4 recognized by the Texas Board of Nursing [~~Nurse Examiners~~] as
5 having the specialized education and training required under
6 Section 301.152.

7 SECTION 33. Section 157.059(b), Occupations Code, is
8 amended to read as follows:

9 (b) A physician may delegate to a physician assistant
10 offering obstetrical services and certified by the board as
11 specializing in obstetrics or an advanced practice nurse recognized
12 by the Texas Board of Nursing [~~Nurse Examiners~~] as a nurse midwife
13 the act of administering or providing controlled substances to the
14 physician assistant's or nurse midwife's clients during intrapartum
15 and immediate postpartum care.

16 SECTION 34. Section 162.102(c), Occupations Code, is
17 amended to read as follows:

18 (c) The board shall cooperate with the Texas Board of
19 Nursing [~~Nurse Examiners~~] in the adoption of rules under this
20 subchapter to eliminate, to the extent possible, conflicts between
21 the rules adopted by each board.

22 SECTION 35. Section 203.002(2), Occupations Code, is
23 amended to read as follows:

24 (2) "Certified nurse-midwife" means a person who is:
25 (A) a registered nurse under Chapter 301;
26 (B) recognized as an advanced nurse practitioner
27 by the Texas Board of Nursing [~~Nurse Examiners~~]; and

1 (C) certified by the American College of
2 Nurse-Midwives.

3 SECTION 36. Section 203.402, Occupations Code, is amended
4 to read as follows:

5 Sec. 203.402. PROHIBITED REPRESENTATION. A midwife may
6 not:

7 (1) except as provided by Section 203.403, use in
8 connection with the midwife's name a title, abbreviation, or
9 designation tending to imply that the midwife is a "registered" or
10 "certified" midwife as opposed to one who is licensed under this
11 chapter;

12 (2) advertise or represent that the midwife is a
13 physician or a graduate of a medical school unless the midwife is
14 licensed to practice medicine by the Texas [~~State Board of~~ Medical
15 Board [~~Examiners~~];

16 (3) use advertising or an identification statement
17 that is false, misleading, or deceptive; or

18 (4) except as authorized by rules adopted by the Texas
19 Board of Nursing [~~Nurse Examiners~~], use in combination with the
20 term "midwife" the term "nurse" or another title, initial, or
21 designation that implies that the midwife is licensed as a
22 registered nurse or vocational nurse.

23 SECTION 37. Section 258.001, Occupations Code, is amended
24 to read as follows:

25 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
26 delegate:

27 (1) an act to an individual who, by board order, is

1 prohibited from performing the act;

2 (2) any of the following acts to a person not licensed
3 as a dentist or dental hygienist:

4 (A) the removal of calculus, deposits, or
5 accretions from the natural and restored surfaces of exposed human
6 teeth and restorations in the human mouth;

7 (B) root planing or the smoothing and polishing
8 of roughened root surfaces or exposed human teeth; or

9 (C) any other act the delegation of which is
10 prohibited by board rule;

11 (3) any of the following acts to a person not licensed
12 as a dentist:

13 (A) comprehensive examination or diagnosis and
14 treatment planning;

15 (B) a surgical or cutting procedure on hard or
16 soft tissue;

17 (C) the prescription of a drug, medication, or
18 work authorization;

19 (D) the taking of an impression for a final
20 restoration, appliance, or prosthesis;

21 (E) the making of an intraoral occlusal
22 adjustment;

23 (F) direct pulp capping, pulpotomy, or any other
24 endodontic procedure;

25 (G) the final placement and intraoral adjustment
26 of a fixed or removable appliance; or

27 (H) the placement of any final restoration; or

1 (4) the authority to an individual to administer a
2 local anesthetic agent, inhalation sedative agent, parenteral
3 sedative agent, or general anesthetic agent if the individual is
4 not licensed as:

5 (A) a dentist with a permit issued by the board
6 for the procedure being performed, if a permit is required;

7 (B) a certified registered nurse anesthetist
8 licensed by the Texas Board of Nursing [~~Nurse Examiners~~], only if
9 the delegating dentist holds a permit issued by the board for the
10 procedure being performed, if a permit is required; or

11 (C) a physician anesthesiologist licensed by the
12 Texas [~~State Board of~~ Medical Board [~~Examiners~~].

13 SECTION 38. Section 303.001(1), Occupations Code, is
14 amended to read as follows:

15 (1) "Board" means the Texas Board of Nursing [~~Nurse~~
16 ~~Examiners~~].

17 SECTION 39. Sections 304.002 and 304.003, Occupations Code,
18 are amended to read as follows:

19 Sec. 304.002. ADMINISTRATION OF COMPACT. The executive
20 director of the Texas Board of Nursing [~~Nurse Examiners~~] is the
21 Nurse Licensure Compact administrator for this state.

22 Sec. 304.003. RULES. The Texas Board of Nursing [~~Nurse~~
23 ~~Examiners~~] may adopt rules necessary to implement this chapter.

24 SECTION 40. Sections 304.004(b) and (c), Occupations Code,
25 are amended to read as follows:

26 (b) Unless the context indicates otherwise or doing so would
27 be inconsistent with the Nurse Licensure Compact, nurses practicing

1 in this state under a license issued by a state that is a party to
2 the Nurse Licensure Compact have the same rights and obligations as
3 imposed by the laws of this state on license holders of the Texas
4 Board of Nursing [~~Nurse Examiners~~].

5 (c) The Texas Board of Nursing [~~Nurse Examiners~~] has the
6 authority to determine whether a right or obligation imposed on
7 license holders applies to nurses practicing in this state under a
8 license issued by a state that is a party to the Nurse Licensure
9 Compact unless that determination is inconsistent with the Nurse
10 Licensure Compact.

11 SECTION 41. Section 304.005, Occupations Code, is amended
12 to read as follows:

13 Sec. 304.005. ENFORCEMENT. The Texas Board of Nursing
14 [~~Nurse Examiners~~] is the state agency responsible for taking action
15 against registered and vocational nurses practicing in this state
16 under a license issued by a state that is a party to the Nurse
17 Licensure Compact as authorized by the Nurse Licensure Compact.
18 The action shall be taken in accordance with the same procedures for
19 taking action against registered and vocational nurses licensed by
20 this state.

21 SECTION 42. Section 304.006(a), Occupations Code, is
22 amended to read as follows:

23 (a) On request and payment of a reasonable fee, the Texas
24 Board of Nursing [~~Nurse Examiners~~] shall provide a registered or
25 vocational nurse licensed by this state with a copy of information
26 regarding the nurse maintained by the coordinated licensure
27 information system under Article 7 of the Nurse Licensure Compact.

1 SECTION 43. Section 304.007, Occupations Code, is amended
2 to read as follows:

3 Sec. 304.007. ACCESS TO PRACTICE-RELATED INFORMATION.
4 Practice-related information provided by the Texas Board of Nursing
5 [~~Nurse Examiners~~] to registered or vocational nurses licensed by
6 this state shall be made available by the board on request and at a
7 reasonable cost to nurses practicing in this state under a license
8 issued by a state that is a party to the Nurse Licensure Compact.

9 SECTION 44. Section 304.008(a), Occupations Code, is
10 amended to read as follows:

11 (a) In reporting information to the coordinated licensure
12 information system under Article 7 of the Nurse Licensure Compact,
13 the Texas Board of Nursing [~~Nurse Examiners~~] may disclose
14 personally identifiable information about the nurse, including
15 social security number.

16 SECTION 45. Section 304.009(a), Occupations Code, is
17 amended to read as follows:

18 (a) The governor may withdraw this state from the Nurse
19 Licensure Compact if the Texas Board of Nursing [~~Nurse Examiners~~]
20 notifies the governor that a state that is party to the compact
21 changed, after January 1, 1999, the state's requirements for
22 licensing a nurse and that the state's requirements, as changed,
23 are substantially lower than the requirements for licensing a nurse
24 in this state.

25 SECTION 46. Section 401.052, Occupations Code, is amended
26 to read as follows:

27 Sec. 401.052. NURSES. This chapter does not prevent or

1 restrict a communication, speech, language, or hearing screening,
2 as defined by board rule, from being conducted by a registered
3 nurse:

- 4 (1) licensed in this state; and
- 5 (2) practicing in accordance with the standards of
6 professional conduct and ethics established by rules adopted by the
7 Texas Board of Nursing [~~Nurse Examiners~~].

8 SECTION 47. Section 601.002(11), Occupations Code, is
9 amended to read as follows:

- 10 (11) "Registered nurse" means a person licensed by the
11 Texas Board of Nursing [~~Nurse Examiners~~] to practice professional
12 nursing.

13 SECTION 48. Section 601.251, Occupations Code, is amended
14 to read as follows:

15 Sec. 601.251. APPLICABILITY. This subchapter applies to
16 the:

- 17 (1) Texas Board of Nursing [~~Nurse Examiners~~];
- 18 (2) Texas Board of Chiropractic Examiners;
- 19 (3) State Board of Dental Examiners;
- 20 (4) Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- 21 and
- 22 (5) Texas State Board of Podiatric Medical Examiners.

23 SECTION 49. Section 601.252(a), Occupations Code, is
24 amended to read as follows:

- 25 (a) Each agency subject to this subchapter, other than the
26 Texas Board of Nursing [~~Nurse Examiners~~], shall adopt rules to
27 regulate the manner in which a person who holds a license issued by

1 the agency may order, instruct, or direct another authorized person
2 in the performance of a radiologic procedure.

3 SECTION 50. Section 601.253, Occupations Code, is amended
4 to read as follows:

5 Sec. 601.253. TEXAS BOARD OF NURSING [~~NURSE EXAMINERS~~].

6 (a) The Texas Board of Nursing [~~Nurse Examiners~~] may adopt rules
7 governing registered nurses performing radiologic procedures under
8 Section 601.151 or 601.154 and shall require registered nurses
9 performing radiologic procedures under Section 601.151 to register
10 with the Texas Board of Nursing [~~Nurse Examiners~~] and to identify
11 the practitioner ordering the procedures.

12 (b) The Texas Board of Nursing [~~Nurse Examiners~~] shall
13 notify the agency licensing the practitioner that the nurse has
14 registered under this section.

15 SECTION 51. Sections 61.657(a) and (b), Education Code, are
16 amended to read as follows:

17 (a) The board shall appoint a 10-member advisory committee
18 to advise the board concerning assistance provided under this
19 subchapter to professional nursing students. The advisory
20 committee consists of:

21 (1) a chair named by the board;

22 (2) one representative named by the Texas Nurses
23 Association;

24 (3) one representative named by the Texas Organization
25 of Nurse Executives;

26 (4) one representative named by the Texas Board of
27 Nursing [~~Nurse Examiners~~];

1 (5) a head of each of the three types of professional
2 nursing educational programs, named by the deans and directors of
3 nursing programs in this state;

4 (6) a representative of graduate nursing education
5 named by the deans and directors of nursing programs in this state;

6 (7) one representative named by the Texas Health Care
7 Association; and

8 (8) one representative named by the Texas Association
9 of Homes for the Aging.

10 (b) The board shall appoint an eight-member advisory
11 committee to advise the board concerning assistance provided under
12 this subchapter to vocational nursing students. The advisory
13 committee consists of:

14 (1) a chair named by the board;

15 (2) one representative named by the Licensed
16 Vocational Nurses Association of Texas;

17 (3) one representative named by the Texas Organization
18 of Nurse Executives;

19 (4) one representative named by the Texas Board of
20 Nursing [~~Nurse Examiners~~];

21 (5) two representatives of vocational nursing
22 educational programs named by the Texas Association of Vocational
23 Nurse Educators;

24 (6) one representative named by the Texas Health Care
25 Association; and

26 (7) one representative named by the Texas Association
27 of Homes for the Aging.

1 SECTION 52. Section 61.9623(a), Education Code, is amended
2 to read as follows:

3 (a) A grant from the professional nursing shortage
4 reduction program to a professional nursing program or other entity
5 involved with a professional nursing program in the preparation of
6 students for initial licensure as registered nurses must be:

7 (1) expended exclusively on costs related to:

8 (A) enrolling additional students;

9 (B) nursing faculty enhancement in accordance
10 with Section 61.96231;

11 (C) encouraging innovation in the recruitment
12 and retention of students, including the recruitment and retention
13 of Spanish-speaking and bilingual students; or

14 (D) identifying, developing, or implementing
15 innovative methods to make the most effective use of limited
16 professional nursing program faculty, instructional or clinical
17 space, and other resources, including:

18 (i) sharing administrative or
19 instructional personnel, facilities, and responsibilities between
20 two or more professional nursing programs located in the same
21 region of this state; and

22 (ii) using preceptors to provide clinical
23 instruction in order to reduce the number of new faculty needed to
24 accommodate increased student enrollment in the professional
25 nursing program;

26 (2) contingent on the professional nursing program's
27 having been approved as a professional nursing program by the board

1 or the Texas Board of Nursing [~~Nurse Examiners~~], as appropriate, by
2 September 1, 2001;

3 (3) contingent on the professional nursing program's
4 not being on probation with the Texas Board of Nursing [~~Nurse~~
5 ~~Examiners~~] or other accrediting body; and

6 (4) if granted to increase enrollments, contingent on
7 the professional nursing program's ability to enroll additional
8 students, including having the necessary classroom space and
9 clinical slots.

10 SECTION 53. Section 232.002, Family Code, is amended to
11 read as follows:

12 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
13 The following are licensing authorities subject to this chapter:

- 14 (1) Department of Agriculture;
- 15 (2) Texas Alcoholic Beverage Commission;
- 16 (3) Texas Appraiser Licensing and Certification
17 Board;
- 18 (4) Texas Board of Architectural Examiners;
- 19 (5) Texas Board of Chiropractic Examiners;
- 20 (6) Comptroller of Public Accounts;
- 21 (7) Court Reporters Certification Board;
- 22 (8) State Board of Dental Examiners;
- 23 (9) Texas State Board of Examiners of Dietitians;
- 24 (10) Texas Funeral Service Commission;
- 25 (11) Department of State Health Services;
- 26 (12) Department of Aging and Disability Services;
- 27 (13) Texas Board of Professional Land Surveying;

- 1 (14) Texas Department of Licensing and Regulation;
- 2 (15) Texas State Board of Examiners of Marriage and
3 Family Therapists;
- 4 (16) Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- 5 (17) Midwifery Board;
- 6 (18) Texas Commission on Environmental Quality;
- 7 (19) Texas Board of Nursing [~~Nurse Examiners~~];
- 8 (20) Texas Board of Occupational Therapy Examiners;
- 9 (21) Texas Optometry Board;
- 10 (22) Parks and Wildlife Department;
- 11 (23) Texas State Board of Examiners of Perfusionists;
- 12 (24) Texas State Board of Pharmacy;
- 13 (25) Texas Board of Physical Therapy Examiners;
- 14 (26) Texas State Board of Plumbing Examiners;
- 15 (27) Texas State Board of Podiatric Medical Examiners;
- 16 (28) Polygraph Examiners Board;
- 17 (29) Texas Private Security Board;
- 18 (30) Texas State Board of Examiners of Professional
19 Counselors;
- 20 (31) Texas Board of Professional Engineers;
- 21 (32) Department of Family and Protective Services;
- 22 (33) Texas State Board of Examiners of Psychologists;
- 23 (34) Texas State Board of Public Accountancy;
- 24 (35) Department of Public Safety of the State of
25 Texas;
- 26 (36) Public Utility Commission of Texas;
- 27 (37) Railroad Commission of Texas;

- 1 (38) Texas Real Estate Commission;
- 2 (39) State Bar of Texas;
- 3 (40) Texas State Board of Social Worker Examiners;
- 4 (41) State Board of Examiners for Speech-Language
- 5 Pathology and Audiology;
- 6 (42) Texas Structural Pest Control Board;
- 7 (43) Board of Tax Professional Examiners;
- 8 (44) Secretary of State;
- 9 (45) Supreme Court of Texas;
- 10 (46) Texas Transportation Commission;
- 11 (47) State Board of Veterinary Medical Examiners;
- 12 (48) Texas Ethics Commission;
- 13 (49) Advisory Board of Athletic Trainers;
- 14 (50) State Committee of Examiners in the Fitting and
- 15 Dispensing of Hearing Instruments;
- 16 (51) Texas Board of Licensure for Professional Medical
- 17 Physicists;
- 18 (52) Texas Department of Insurance;
- 19 (53) Texas Board of Orthotics and Prosthetics;
- 20 (54) savings and loan commissioner;
- 21 (55) Texas Juvenile Probation Commission; and
- 22 (56) Texas Lottery Commission under Chapter 466,
- 23 Government Code.

24 SECTION 54. Section 411.081(i), Government Code, is amended

25 to read as follows:

26 (i) A criminal justice agency may disclose criminal history

27 record information that is the subject of an order of nondisclosure

1 to the following noncriminal justice agencies or entities only:

2 (1) the State Board for Educator Certification;

3 (2) a school district, charter school, private school,
4 regional education service center, commercial transportation
5 company, or education shared service arrangement;

6 (3) the Texas [~~State Board of~~] Medical Board
7 [~~Examiners~~];

8 (4) the Texas School for the Blind and Visually
9 Impaired;

10 (5) the Board of Law Examiners;

11 (6) the State Bar of Texas;

12 (7) a district court regarding a petition for name
13 change under Subchapter B, Chapter 45, Family Code;

14 (8) the Texas School for the Deaf;

15 (9) the Department of Family and Protective Services;

16 (10) the Texas Youth Commission;

17 (11) the Department of Assistive and Rehabilitative
18 Services;

19 (12) the Department of State Health Services, a local
20 mental health service, a local mental retardation authority, or a
21 community center providing services to persons with mental illness
22 or retardation;

23 (13) the Texas Private Security Board;

24 (14) a municipal or volunteer fire department;

25 (15) the Texas Board of Nursing [~~Nurse Examiners~~];

26 (16) a safe house providing shelter to children in
27 harmful situations;

1 (17) a public or nonprofit hospital or hospital
2 district;

3 (18) the Texas Juvenile Probation Commission;

4 (19) the securities commissioner, the banking
5 commissioner, the savings and loan commissioner, or the credit
6 union commissioner;

7 (20) the Texas State Board of Public Accountancy;

8 (21) the Texas Department of Licensing and Regulation;

9 (22) the Health and Human Services Commission; and

10 (23) the Department of Aging and Disability Services.

11 SECTION 55. Section 411.125, Government Code, is amended to
12 read as follows:

13 Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD
14 INFORMATION: TEXAS BOARD OF NURSING [~~NURSE EXAMINERS~~]. [~~(a)~~] The
15 Texas Board of Nursing [~~Nurse Examiners~~] is entitled to obtain from
16 the department criminal history record information maintained by
17 the department that relates to a person who:

18 (1) is an applicant for or the holder of a license
19 issued by the board;

20 (2) has requested a determination of eligibility for a
21 license from the board; or

22 (3) is subject to investigation by the board in
23 connection with a complaint or formal charge against the person.

24 SECTION 56. Section 487.101(3), Government Code, is amended
25 to read as follows:

26 (3) "Postsecondary educational institution" means:

27 (A) an institution of higher education, as

1 defined by Section 61.003, Education Code;

2 (B) a nonprofit, independent institution
3 approved under Section 61.222, Education Code; or

4 (C) a nonprofit, health-related school or
5 program accredited by the Southern Association of Colleges and
6 Schools, the Liaison Committee on Medical Education, the American
7 Osteopathic Association, the Texas Board of Nursing [~~Nurse~~
8 ~~Examiners~~], or, in the case of allied health, an accrediting body
9 recognized by the United States Department of Education.

10 SECTION 57. Section 487.151(2), Government Code, is amended
11 to read as follows:

12 (2) "Postsecondary educational institution" means:

13 (A) an institution of higher education, as
14 defined by Section 61.003, Education Code;

15 (B) a nonprofit, independent institution
16 approved under Section 61.222, Education Code; or

17 (C) a nonprofit, health-related school or
18 program accredited by the Southern Association of Colleges and
19 Schools, the Liaison Committee on Medical Education, the American
20 Osteopathic Association, the Texas Board of Nursing [~~Nurse~~
21 ~~Examiners~~], or, in the case of allied health, an accrediting body
22 recognized by the United States Department of Education.

23 SECTION 58. Section 531.02172(b), Government Code, is
24 amended to read as follows:

25 (b) The advisory committee must include:

26 (1) representatives of health and human services
27 agencies and other state agencies concerned with the use of

1 telemedical consultations in the Medicaid program and the state
2 child health plan program, including representatives of:

3 (A) the commission;

4 (B) the [~~Texas~~] Department of State Health
5 Services;

6 (C) the Office of Rural Community Affairs;

7 (D) the Telecommunications Infrastructure Fund
8 Board;

9 (E) the Texas Department of Insurance;

10 (F) the Texas [~~State Board of~~] Medical Board
11 [~~Examiners~~];

12 (G) the Texas Board of Nursing [~~Nurse Examiners~~];

13 and

14 (H) the Texas State Board of Pharmacy;

15 (2) representatives of health science centers in this
16 state;

17 (3) experts on telemedicine, telemedical
18 consultation, and telemedicine medical services or telehealth
19 services; and

20 (4) representatives of consumers of health services
21 provided through telemedical consultations and telemedicine
22 medical services or telehealth services.

23 SECTION 59. Section 2054.352(a), Government Code, is
24 amended to read as follows:

25 (a) The following licensing entities shall participate in
26 the system established under Section 2054.353:

27 (1) Texas Board of Chiropractic Examiners;

- 1 (2) Court Reporters Certification Board;
- 2 (3) State Board of Dental Examiners;
- 3 (4) Texas Funeral Service Commission;
- 4 (5) Texas Board of Professional Land Surveying;
- 5 (6) Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- 6 (7) Texas Board of Nursing [~~Nurse Examiners~~];
- 7 (8) Texas Optometry Board;
- 8 (9) Texas Structural Pest Control Board;
- 9 (10) Texas State Board of Pharmacy;
- 10 (11) Executive Council of Physical Therapy and
- 11 Occupational Therapy Examiners;
- 12 (12) Texas State Board of Plumbing Examiners;
- 13 (13) Texas State Board of Podiatric Medical Examiners;
- 14 (14) Board of Tax Professional Examiners;
- 15 (15) Polygraph Examiners Board;
- 16 (16) Texas State Board of Examiners of Psychologists;
- 17 (17) State Board of Veterinary Medical Examiners;
- 18 (18) Texas Real Estate Commission;
- 19 (19) Texas Appraiser Licensing and Certification
- 20 Board;
- 21 (20) Texas Department of Licensing and Regulation;
- 22 (21) Texas State Board of Public Accountancy;
- 23 (22) State Board for Educator Certification;
- 24 (23) Texas Board of Professional Engineers;
- 25 (24) Department of State Health Services;
- 26 (25) Texas Board of Architectural Examiners;
- 27 (26) Texas Racing Commission;

1 (27) Commission on Law Enforcement Officer Standards
2 and Education; and

3 (28) Texas Private Security Board.

4 SECTION 60. Section 47.001(3), Health and Safety Code, is
5 amended to read as follows:

6 (3) "Health care provider" means a registered nurse
7 recognized as an advanced practice nurse by the Texas Board of
8 Nursing [~~Nurse Examiners~~] or a physician assistant licensed by the
9 Texas [~~State Board of~~] Physician Assistant Board [~~Examiners~~].

10 SECTION 61. Section 81.010(c), Health and Safety Code, is
11 amended to read as follows:

12 (c) The council consists of one representative from each of
13 the following agencies appointed by the executive director or
14 commissioner of each agency:

15 (1) the department;

16 (2) the Texas Department of Mental Health and Mental
17 Retardation;

18 (3) the Texas Department of Human Services;

19 (4) the Texas Commission on Alcohol and Drug Abuse;

20 (5) the Texas Rehabilitation Commission;

21 (6) the Texas Youth Commission;

22 (7) the Texas Department of Criminal Justice;

23 (8) the Texas Juvenile Probation Commission;

24 (9) the Texas Commission for the Blind;

25 (10) the Texas Commission for the Deaf and Hard of
26 Hearing;

27 (11) the Department of Protective and Regulatory

1 Services;

2 (12) the Texas Education Agency;

3 (13) the Texas Medical [~~State~~] Board [~~of Medical~~
4 ~~Examiners~~];

5 (14) the Texas Board of Nursing [~~Nurse Examiners~~];

6 (15) the State Board of Dental Examiners;

7 (16) the Health and Human Services Commission;

8 (17) the Texas Department on Aging; and

9 (18) the Texas Workforce Commission.

10 SECTION 62. Section 105.002(c), Health and Safety Code, is
11 amended to read as follows:

12 (c) If the nursing resource section established under
13 Subsection (b) is funded from surcharges collected under Section
14 301.155(c), Occupations Code, the council shall provide the Texas
15 Board of Nursing [~~Nurse Examiners~~] with an annual accounting of the
16 money received from the board. The council may expend a reasonable
17 amount of the money to pay administrative costs of maintaining the
18 nursing resource section.

19 SECTION 63. Section 142.001(22), Health and Safety Code, is
20 amended to read as follows:

21 (22) "Personal assistance service" means routine
22 ongoing care or services required by an individual in a residence or
23 independent living environment that enable the individual to engage
24 in the activities of daily living or to perform the physical
25 functions required for independent living, including respite
26 services. The term includes:

27 (A) personal care;

1 (B) health-related services performed under
2 circumstances that are defined as not constituting the practice of
3 professional nursing by the Texas Board of Nursing [~~Nurse~~
4 ~~Examiners~~] through a memorandum of understanding with the
5 department in accordance with Section 142.016; and

6 (C) health-related tasks provided by unlicensed
7 personnel under the delegation of a registered nurse or that a
8 registered nurse determines do not require delegation.

9 SECTION 64. Sections 142.016(a) and (b), Health and Safety
10 Code, are amended to read as follows:

11 (a) The Texas Board of Nursing [~~Nurse Examiners~~] and the
12 department shall adopt a memorandum of understanding governing the
13 circumstances under which the provision of health-related tasks or
14 services do not constitute the practice of professional nursing.
15 The agencies periodically shall review and shall renew or modify
16 the memorandum as necessary.

17 (b) The Texas Board of Nursing [~~Nurse Examiners~~] and the
18 department shall consult with an advisory committee in developing,
19 modifying, or renewing the memorandum of understanding. The
20 advisory committee shall be appointed by the Texas Board of Nursing
21 [~~Nurse Examiners~~] and the department and at a minimum shall
22 include:

23 (1) one representative from the Texas Board of Nursing
24 [~~Nurse Examiners~~] and one representative from the department to
25 serve as cochairmen;

26 (2) one representative from the Texas Department of
27 Mental Health and Mental Retardation;

1 (3) one representative from the Texas Nurses
2 Association;

3 (4) one representative from the Texas Association for
4 Home Care, Incorporated, or its successor;

5 (5) one representative from the Texas Hospice
6 Organization, Incorporated, or its successor;

7 (6) one representative of the Texas Respite Resource
8 Network or its successor; and

9 (7) two representatives of organizations such as the
10 Personal Assistance Task Force or the Disability Consortium that
11 advocate for clients in community-based settings.

12 SECTION 65. Section 142.021, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 142.021. ADMINISTRATION OF MEDICATION. A person may
15 not administer medication to a client of a home and community
16 support services agency unless the person:

17 (1) holds a license under state law that authorizes
18 the person to administer medication;

19 (2) holds a permit issued under Section 142.025 and
20 acts under the delegated authority of a person who holds a license
21 under state law that authorizes the person to administer
22 medication;

23 (3) administers a medication to a client of a home and
24 community support service agency in accordance with rules of the
25 Texas Board of Nursing [~~Nurse Examiners~~] that permit delegation of
26 the administration of medication to a person not holding a permit
27 under Section 142.025; or

1 (4) administers noninjectable medication under
2 circumstances authorized by the memorandum of understanding
3 adopted under Section 142.016.

4 SECTION 66. Section 142.022, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 142.022. EXEMPTIONS FOR NURSING STUDENTS AND
7 MEDICATION AIDE TRAINEES. (a) Sections 142.021 and 142.029 do not
8 apply to:

9 (1) a graduate nurse holding a temporary permit issued
10 by the Texas Board of Nursing [~~Nurse Examiners~~];

11 (2) a student enrolled in an accredited school of
12 nursing or program for the education of registered nurses who is
13 administering medications as part of the student's clinical
14 experience;

15 (3) a graduate vocational nurse holding a temporary
16 permit issued by the Texas Board of Nursing [~~Nurse Examiners~~];

17 (4) a student enrolled in an accredited school of
18 vocational nursing or program for the education of vocational
19 nurses who is administering medications as part of the student's
20 clinical experience; or

21 (5) a trainee in a medication aide training program
22 approved by the department under Section 142.024 who is
23 administering medications as part of the trainee's clinical
24 experience.

25 (b) The administration of medications by persons exempted
26 under Subdivisions (1) through (4) of Subsection (a) is governed by
27 the terms of the memorandum of understanding executed by the

1 department and the Texas Board of Nursing [~~Nurse Examiners~~].

2 SECTION 67. Section 241.003(1), Health and Safety Code, is
3 amended to read as follows:

4 (1) "Advanced practice nurse" means a registered nurse
5 recognized as an advanced practice nurse by the Texas Board of
6 Nursing [~~Nurse Examiners~~].

7 SECTION 68. Section 241.026(a), Health and Safety Code, is
8 amended to read as follows:

9 (a) The board shall adopt and enforce rules to further the
10 purposes of this chapter. The rules at a minimum shall address:

11 (1) minimum requirements for staffing by physicians
12 and nurses;

13 (2) hospital services relating to patient care;

14 (3) fire prevention, safety, and sanitation
15 requirements in hospitals;

16 (4) patient care and a patient bill of rights;

17 (5) compliance with other state and federal laws
18 affecting the health, safety, and rights of hospital patients; and

19 (6) compliance with nursing peer review under
20 Subchapter I, Chapter 301, and Chapter 303, Occupations Code, and
21 the rules of the Texas Board of Nursing [~~Nurse Examiners~~] relating
22 to peer review.

23 SECTION 69. Section 242.607, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 242.607. EXEMPTIONS FOR NURSING STUDENTS AND
26 MEDICATION AIDE TRAINEES. (a) Sections 242.606 and 242.614 do not
27 apply to:

1 (1) a graduate nurse holding a temporary permit issued
2 by the Texas Board of Nursing [~~Nurse Examiners~~];

3 (2) a student enrolled in an accredited school of
4 nursing or program for the education of registered nurses who is
5 administering medications as part of the student's clinical
6 experience;

7 (3) a graduate vocational nurse holding a temporary
8 permit issued by the Texas Board of Nursing [~~Nurse Examiners~~];

9 (4) a student enrolled in an accredited school of
10 vocational nursing or program for the education of vocational
11 nurses who is administering medications as part of the student's
12 clinical experience; or

13 (5) a trainee in a medication aide training program
14 approved by the department under this subchapter who is
15 administering medications as part of the trainee's clinical
16 experience.

17 (b) The administration of medications by persons exempted
18 under Subdivisions (1) through (4) of Subsection (a) is governed by
19 the terms of the memorandum of understanding executed by the
20 department and the Texas Board of Nursing [~~Nurse Examiners~~].

21 SECTION 70. Section 36.132(a)(2), Human Resources Code, is
22 amended to read as follows:

23 (2) "Licensing authority" means:

24 (A) the Texas [~~State Board of~~] Medical Board
25 [~~Examiners~~];

26 (B) the State Board of Dental Examiners;

27 (C) the Texas State Board of Examiners of

1 Psychologists;

2 (D) the Texas State Board of Social Worker
3 Examiners;

4 (E) the Texas Board of Nursing [~~Nurse Examiners~~];

5 (F) the Texas Board of Physical Therapy
6 Examiners;

7 (G) the Texas Board of Occupational Therapy
8 Examiners; or

9 (H) another state agency authorized to regulate a
10 provider who receives or is eligible to receive payment for a health
11 care service under the Medicaid program.

12 SECTION 71. Section 1451.001(2), Insurance Code, is amended
13 to read as follows:

14 (2) "Advanced practice nurse" means an individual
15 licensed by the Texas Board of Nursing [~~Nurse Examiners~~] as a
16 registered nurse and recognized by that board as an advanced
17 practice nurse.

18 SECTION 72. The following laws are repealed:

19 (1) Section 301.059(d), Occupations Code;

20 (2) Sections 301.160(f), (g), and (h), Occupations
21 Code; and

22 (3) Section 301.1606, Occupations Code.

23 SECTION 73. (a) On the effective date of this Act, the name
24 of the Board of Nurse Examiners is changed to the Texas Board of
25 Nursing.

26 (b) A member serving on the Board of Nurse Examiners on the
27 effective date of this Act may continue to serve as a member of the

1 Texas Board of Nursing for the remainder of the member's term.

2 (c) The Texas Board of Nursing shall:

3 (1) comply with and implement any nonstatutory
4 recommendations regarding the board adopted by the Sunset Advisory
5 Commission as a result of its review of the board; and

6 (2) report to the commission the information the
7 commission requires regarding the board's implementation of the
8 commission's nonstatutory recommendations not later than November
9 1, 2008.

10 SECTION 74. (a) Not later than January 1, 2008, the Texas
11 Board of Nursing shall:

12 (1) adopt the policies required by Sections 301.166
13 and 301.167, Occupations Code, as added by this Act; and

14 (2) adopt the rules required by Chapter 301,
15 Occupations Code, as amended by this Act.

16 (b) Not later than September 1, 2008, the Texas Board of
17 Nursing shall:

18 (1) develop the jurisprudence examination required by
19 Section 301.252, Occupations Code, as amended by this Act; and

20 (2) implement the plan for creating innovative nursing
21 education models as required under Section 301.157(h), Occupations
22 Code, as added by this Act, and report to the Sunset Advisory
23 Commission regarding the plan and the board's effort to increase
24 enrollment in nursing education programs.

25 SECTION 75. The requirement to pass a jurisprudence
26 examination under Section 301.252, Occupations Code, as amended by
27 this Act, applies only to an individual who applies for a license as

1 a nurse under Chapter 301, Occupations Code, on or after September
2 1, 2008.

3 SECTION 76. (a) The changes in law made by Sections 301.052
4 and 301.053, Occupations Code, as amended by this Act, regarding
5 the prohibitions on or qualifications of members of the Texas Board
6 of Nursing do not affect the entitlement of a member serving on the
7 Board of Nurse Examiners immediately before September 1, 2007, to
8 continue to serve and function as a member of the Texas Board of
9 Nursing for the remainder of the member's term. The changes in law
10 made by those sections apply only to a member appointed on or after
11 September 1, 2007.

12 (b) The changes in law made by this Act related to the
13 filing, investigation, or resolution of a complaint under Chapter
14 301, Occupations Code, as amended by this Act, apply only to a
15 complaint filed with the Texas Board of Nursing on or after the
16 effective date of this Act. A complaint filed before the effective
17 date of this Act is governed by the law as it existed immediately
18 before that date, and the former law is continued in effect for that
19 purpose.

20 (c) The changes in law made by this Act governing the
21 authority of the Texas Board of Nursing to issue, renew, or revoke a
22 license under Chapter 301, Occupations Code, apply only to an
23 application for an original or renewal license filed with the board
24 under Chapter 301, Occupations Code, as amended by this Act, on or
25 after the effective date of this Act. A license application filed
26 before the effective date of this Act is governed by the law in
27 effect at the time the application was filed, and the former law is

1 continued in effect for that purpose.

2 (d) The change in law made by this Act with respect to
3 conduct that is grounds for imposition of a disciplinary sanction,
4 including a refund, temporary license suspension, or cease and
5 desist order, applies only to conduct that occurs on or after the
6 effective date of this Act. Conduct that occurs before the
7 effective date of this Act is governed by the law in effect on the
8 date the conduct occurred, and the former law is continued in effect
9 for that purpose.

10 SECTION 77. This Act takes effect September 1, 2007.