

1-1 By: Truitt, et al. (Senate Sponsor - Deuell) H.B. No. 2426  
1-2 (In the Senate - Received from the House April 23, 2007;  
1-3 April 24, 2007, read first time and referred to Committee on  
1-4 Government Organization; May 18, 2007, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 4,  
1-6 Nays 0; May 18, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2426 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of the practice of nursing and the  
1-11 renaming of the Board of Nurse Examiners as the Texas Board of  
1-12 Nursing.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 301.002(1), Occupations Code, is amended  
1-15 to read as follows:

1-16 (1) "Board" means the Texas Board of Nursing [~~Nurse~~  
1-17 ~~Examiners~~].

1-18 SECTION 2. Section 301.003, Occupations Code, is amended to  
1-19 read as follows:

1-20 Sec. 301.003. APPLICATION OF SUNSET ACT. The Texas Board of  
1-21 Nursing [~~Nurse Examiners~~] is subject to Chapter 325, Government  
1-22 Code (Texas Sunset Act). Unless continued in existence as provided  
1-23 by that chapter, the board is abolished September 1, 2017 [~~2007~~].

1-24 SECTION 3. Section 301.004(a), Occupations Code, is amended  
1-25 to read as follows:

1-26 (a) This chapter does not apply to:

1-27 (1) gratuitous nursing care of the sick that is  
1-28 provided by a friend;

1-29 (2) nursing care provided during a disaster under the  
1-30 state emergency management plan adopted under Section 418.042,  
1-31 Government Code, if the person providing the care does not hold the  
1-32 person out as a nurse unless the person is licensed in another  
1-33 state;

1-34 (3) nursing care in which treatment is solely by  
1-35 prayer or spiritual means;

1-36 (4) an act performed by a person under the delegated  
1-37 authority of a person licensed by the Texas Medical [~~State~~] Board  
1-38 [~~of Medical Examiners~~];

1-39 (5) an act performed by a person licensed by another  
1-40 state agency if the act is authorized by the statute under which the  
1-41 person is licensed;

1-42 (6) the practice of nursing that is incidental to a  
1-43 program of study by a student enrolled in a [~~board-approved~~]  
1-44 nursing education program approved under Section 301.157(d)  
1-45 leading to an initial license as a nurse; or

1-46 (7) the practice of nursing by a person licensed in  
1-47 another state who is in this state on a nonroutine basis for a  
1-48 period not to exceed 72 hours to:

1-49 (A) provide care to a patient being transported  
1-50 into, out of, or through this state;

1-51 (B) provide nursing consulting services; or

1-52 (C) attend or present a continuing nursing  
1-53 education program.

1-54 SECTION 4. Subchapter A, Chapter 301, Occupations Code, is  
1-55 amended by adding Section 301.005 to read as follows:

1-56 Sec. 301.005. REFERENCE IN OTHER LAW. A reference in any  
1-57 other law to the former Board of Nurse Examiners means the Texas  
1-58 Board of Nursing.

1-59 SECTION 5. The heading to Subchapter B, Chapter 301,  
1-60 Occupations Code, is amended to read as follows:

1-61 SUBCHAPTER B. TEXAS BOARD OF NURSING [~~NURSE EXAMINERS~~]

1-62 SECTION 6. Section 301.051(a), Occupations Code, is amended  
1-63 to read as follows:

2-1 (a) The Texas Board of Nursing [~~Nurse Examiners~~] consists of  
2-2 13 members appointed by the governor with the advice and consent of  
2-3 the senate as follows:

2-4 (1) six nurse members, including:  
2-5 (A) one advanced practice nurse;  
2-6 (B) two registered nurses who are not advanced  
2-7 practice nurses or members of a nurse faculty; and  
2-8 (C) three vocational nurses who are not members  
2-9 of a nurse faculty;

2-10 (2) three members who are nurse faculty members of  
2-11 schools of nursing:

2-12 (A) one of whom is a nurse faculty member of a  
2-13 school of nursing offering a baccalaureate degree program in  
2-14 preparing registered nurses;

2-15 (B) one of whom is a nurse faculty member of a  
2-16 school of nursing offering an associate degree program in preparing  
2-17 registered nurses; and

2-18 (C) one of whom is a nurse faculty member of a  
2-19 school of nursing at an institution of higher education preparing  
2-20 vocational nurses; and

2-21 (3) four members who represent the public.

2-22 SECTION 7. Section 301.052(b), Occupations Code, is amended  
2-23 to read as follows:

2-24 (b) A person is not eligible for appointment as a public  
2-25 member of the board if the person or the person's spouse:

2-26 (1) is registered, certified, or licensed by an  
2-27 occupational regulatory agency in the field of health care;

2-28 (2) is employed by or participates in the management  
2-29 of a business entity or other organization that:

2-30 (A) provides health care services; [~~or~~]

2-31 (B) sells, manufactures, or distributes health  
2-32 care supplies or equipment; or

2-33 (C) is regulated by or receives money from the  
2-34 board;

2-35 (3) owns or controls, directly or indirectly, more  
2-36 than a 10 percent interest in a business entity or other  
2-37 organization that:

2-38 (A) provides health care services; [~~or~~]

2-39 (B) sells, manufactures, or distributes health  
2-40 care supplies or equipment; or

2-41 (C) is regulated by or receives money from the  
2-42 board; or

2-43 (4) uses or receives a substantial amount of tangible  
2-44 goods, services, or funds from the board, other than compensation  
2-45 or reimbursement authorized by law for board membership,  
2-46 attendance, or expenses.

2-47 SECTION 8. Section 301.053, Occupations Code, is amended to  
2-48 read as follows:

2-49 Sec. 301.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)  
2-50 In this section, "Texas trade association" means a [~~nonprofit,~~]  
2-51 cooperative[~~7~~] and voluntarily joined statewide association of  
2-52 business or professional competitors in this state designed to  
2-53 assist its members and its industry or profession in dealing with  
2-54 mutual business or professional problems and in promoting their  
2-55 common interest.

2-56 (b) A person may not be a member of the board and may not be a  
2-57 board employee employed in a "bona fide executive, administrative,  
2-58 or professional capacity," as that phrase is used for the purposes  
2-59 of establishing an exemption to the overtime provisions of the  
2-60 federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et  
2-61 seq.), if:

2-62 (1) the person is an [~~An~~] officer, employee, or paid  
2-63 consultant of a Texas trade association in the field of health care;  
2-64 or

2-65 (2) the person's [~~may not be a member of the board and~~  
2-66 ~~may not be an employee of the board who is exempt from the state's~~  
2-67 ~~position classification plan or is compensated at or above the~~  
2-68 ~~amount prescribed by the General Appropriations Act for step 1,~~  
2-69 ~~salary group A17, of the position classification salary schedule.~~

3-1 ~~[(c) A person who is the]~~ spouse is ~~[of]~~ an officer,  
3-2 manager, or paid consultant of a Texas trade association in the  
3-3 field of health care ~~[may not be a member of the board and may not be~~  
3-4 ~~an employee of the board who is exempt from the state's position~~  
3-5 ~~classification plan or is compensated at or above the amount~~  
3-6 ~~prescribed by the General Appropriations Act for step 1, salary~~  
3-7 ~~group A17, of the position classification salary schedule].~~

3-8 (c) ~~[(d)]~~ A person may not be ~~[serve as]~~ a ~~[board]~~ member of  
3-9 the board or act as the general counsel to the board if the person is  
3-10 required to register as a lobbyist under Chapter 305, Government  
3-11 Code, because of the person's activities for compensation on behalf  
3-12 of a profession related to the board's operation.

3-13 SECTION 9. Sections 301.055(a) and (c), Occupations Code,  
3-14 are amended to read as follows:

3-15 (a) It is a ground for removal from the board that a member:

3-16 (1) does not have at the time of taking office  
3-17 ~~[appointment]~~ the qualifications required by Section 301.051(a);

3-18 (2) does not maintain during service on the board the  
3-19 qualifications required by Section 301.051(a);

3-20 (3) is ineligible for membership under ~~[violates a~~  
3-21 ~~prohibition established by]~~ Section 301.053;

3-22 (4) cannot, because of illness or disability,  
3-23 discharge the member's duties for a substantial part of the member's  
3-24 term; or

3-25 (5) is absent from more than half of the regularly  
3-26 scheduled board meetings that the member is eligible to attend  
3-27 during a calendar year unless the absence is excused by majority  
3-28 vote of the board.

3-29 (c) If the executive director has knowledge that a potential  
3-30 ground for removal exists, the executive director shall notify the  
3-31 presiding officer of the board of the potential ground. The  
3-32 presiding officer shall then notify the governor and the attorney  
3-33 general that a potential ground for removal exists. If the  
3-34 potential ground for removal involves the presiding officer, the  
3-35 executive director shall notify the next highest ranking officer of  
3-36 the board, who shall then notify the governor and the attorney  
3-37 general that a potential ground for removal exists.

3-38 SECTION 10. Section 301.056(b), Occupations Code, is  
3-39 amended to read as follows:

3-40 (b) A board member is ~~[not]~~ entitled to reimbursement for  
3-41 travel expenses incurred while conducting board business,  
3-42 including expenses for transportation, meals, and lodging, ~~[other~~  
3-43 ~~than transportation expenses. A member is entitled to~~  
3-44 ~~reimbursement for transportation expenses]~~ as provided by the  
3-45 General Appropriations Act.

3-46 SECTION 11. Sections 301.059(a), (b), and (c), Occupations  
3-47 Code, are amended to read as follows:

3-48 (a) A person who is appointed to and qualifies for office as  
3-49 a member of the board may not vote, deliberate, or be counted in  
3-50 attendance at a meeting of the board until the person completes  
3-51 ~~[Before a board member may assume the member's duties and before the~~  
3-52 ~~member may be confirmed by the senate, the member must complete at~~  
3-53 ~~least one course of]~~ a training program that complies with  
3-54 ~~[established by the board under]~~ this section.

3-55 (b) The training program must ~~[shall]~~ provide the person  
3-56 with information ~~[to a participant]~~ regarding:

3-57 (1) the legislation that created the board and the  
3-58 board's programs, functions, rules, and budget ~~[this chapter];~~

3-59 (2) the results of the most recent formal audit of  
3-60 ~~[programs operated by]~~ the board;

3-61 (3) the requirements of laws relating to open  
3-62 meetings, public information, administrative procedure, and  
3-63 conflicts of interest ~~[role and functions of the board]; and~~

3-64 (4) ~~[the rules of the board, with an emphasis on the~~  
3-65 ~~rules that relate to disciplinary and investigatory authority,~~

3-66 ~~[(5) the current budget for the board,~~  
3-67 ~~[(6) the results of the most recent formal audit of the~~  
3-68 ~~board,~~

3-69 ~~[(7) the requirements of Chapters 551, 552, 2001, and~~

4-1 ~~2002, Government Code,~~

4-2 ~~[(8) the requirements of the conflict of interest laws~~

4-3 ~~and other laws relating to public officials, and~~

4-4 ~~[(9)] any applicable ethics policies adopted by the~~

4-5 board or the Texas Ethics Commission.

4-6 (c) A person appointed to the board is entitled to

4-7 reimbursement, as provided by the General Appropriations Act, for

4-8 the travel expenses incurred in attending the training program

4-9 regardless of whether the attendance at the program occurs before

4-10 or after the person qualifies for office. [In developing the

4-11 training program, the board shall consult with the governor's

4-12 office, the attorney general's office, and the Texas Ethics

4-13 Commission.]

4-14 SECTION 12. Subchapter D, Chapter 301, Occupations Code, is

4-15 amended by adding Section 301.1545 to read as follows:

4-16 Sec. 301.1545. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION

4-17 OR DEFERRED ADJUDICATION. (a) The board shall adopt rules and

4-18 guidelines necessary to comply with Chapter 53, except to the

4-19 extent the requirements of this subtitle are stricter than the

4-20 requirements of that chapter.

4-21 (b) In its rules under this section, the board shall list

4-22 the offenses for which a conviction would constitute grounds for

4-23 the board to take action under Section 53.021 or for which placement

4-24 on deferred adjudication community supervision would constitute

4-25 grounds for the board to take action under this chapter.

4-26 SECTION 13. Section 301.157, Occupations Code, is amended

4-27 by amending Subsections (a), (b), and (d) and adding Subsections

4-28 (a-1), (b-1), (d-1) through (d-7), and (h) to read as follows:

4-29 (a) The board shall prescribe three programs of study to

4-30 prepare a person to receive an initial license as a registered nurse

4-31 under this chapter [nurses] as follows:

4-32 (1) a baccalaureate degree program that is conducted

4-33 by an educational unit in nursing that is a part of a senior college

4-34 or university and that leads to a baccalaureate degree in nursing;

4-35 (2) an associate degree program that is conducted by

4-36 an educational unit in nursing within the structure of a college or

4-37 a university and that leads to an associate degree in nursing; and

4-38 (3) a diploma program that is conducted by a

4-39 single-purpose school, usually under the control of a hospital, and

4-40 that leads to a diploma in nursing.

4-41 (a-1) A diploma program of study in this state that leads to

4-42 an initial license as a registered nurse under this chapter and that

4-43 is completed on or after December 31, 2014, must entitle a student

4-44 to receive a degree on the student's successful completion of a

4-45 degree program of a public or private institution of higher

4-46 education accredited by an agency recognized by the Texas Higher

4-47 Education Coordinating Board.

4-48 (b) The board shall:

4-49 (1) prescribe two programs of study to prepare a

4-50 person to receive an initial vocational nurse license under this

4-51 chapter [nurses] as follows:

4-52 (A) a program conducted by an educational unit in

4-53 nursing within the structure of a school, including a college,

4-54 university, or proprietary school; and

4-55 (B) a program conducted by a hospital;

4-56 (2) prescribe and publish the minimum requirements and

4-57 standards for a course of study in each program that prepares

4-58 registered nurses or vocational nurses;

4-59 (3) prescribe other rules as necessary to conduct

4-60 approved schools of nursing and educational programs for the

4-61 preparation of registered nurses or vocational nurses;

4-62 (4) approve schools of nursing and educational

4-63 programs that meet the board's requirements;

4-64 (5) select one or more national nursing accrediting

4-65 agencies, recognized by the United States Department of Education

4-66 and determined by the board to have acceptable standards, to

4-67 accredit schools of nursing and educational programs; and

4-68 (6) [45] deny or withdraw approval from a school of

4-69 nursing or educational program that:

5-1 (A) fails to meet the prescribed course of study  
 5-2 or other standard under which it sought approval by the board;

5-3 (B) fails to meet or maintain accreditation with  
 5-4 the national nursing accrediting agency selected by the board under  
 5-5 Subdivision (5) under which it was approved or sought approval by  
 5-6 the board; or

5-7 (C) fails to maintain the approval of the state  
 5-8 board of nursing of another state and the board under which it was  
 5-9 approved.

5-10 (b-1) The board may not require accreditation of the  
 5-11 governing institution of a school of nursing. The board shall  
 5-12 accept the requirements established by the Texas Higher Education  
 5-13 Coordinating Board for accrediting the governing institution of a  
 5-14 school of nursing. The governing institution of a professional  
 5-15 nursing school, not including a diploma program, must be accredited  
 5-16 by an agency recognized by the Texas Higher Education Coordinating  
 5-17 Board or hold a certificate of authority from the Texas Higher  
 5-18 Education Coordinating Board under provisions leading to  
 5-19 accreditation of the institution in due course.

5-20 (d) A person may not be certified as a graduate of any school  
 5-21 of nursing or educational program unless the person has completed  
 5-22 the requirements of the prescribed course of study, including  
 5-23 clinical practice, of a [an approved] school of nursing or  
 5-24 educational program that:

5-25 (1) is approved by the board;

5-26 (2) is accredited by a national nursing accreditation  
 5-27 agency determined by the board to have acceptable standards; or

5-28 (3) is approved by a state board of nursing of another  
 5-29 state and the board, subject to Subsection (d-4).

5-30 (d-1) A school of nursing or educational program is  
 5-31 considered approved by the board and, except as provided by  
 5-32 Subsection (d-7), is exempt from board rules that require ongoing  
 5-33 approval if the school or program:

5-34 (1) is accredited and maintains accreditation through  
 5-35 a national nursing accrediting agency selected by the board under  
 5-36 Subsection (b)(5); and

5-37 (2) maintains an acceptable pass rate as determined by  
 5-38 the board on the applicable licensing examination under this  
 5-39 chapter.

5-40 (d-2) A school of nursing or educational program that fails  
 5-41 to meet or maintain an acceptable pass rate on applicable licensing  
 5-42 examinations under this chapter is subject to review by the board.  
 5-43 The board may assist the school or program in its effort to achieve  
 5-44 compliance with the board's standards.

5-45 (d-3) A school or program from which approval has been  
 5-46 withdrawn under this section may reapply for approval.

5-47 (d-4) The board may recognize and accept as approved under  
 5-48 this section a school of nursing or educational program operated in  
 5-49 another state and approved by a state board of nursing of another  
 5-50 state. The board shall develop policies to ensure that the other  
 5-51 state board's standards are substantially equivalent to the board's  
 5-52 standards.

5-53 (d-5) The board shall streamline the process for initially  
 5-54 approving a school of nursing or educational program under this  
 5-55 section by identifying and eliminating tasks performed by the board  
 5-56 that duplicate or overlap tasks performed by the Texas Higher  
 5-57 Education Coordinating Board or the Texas Workforce Commission.

5-58 (d-6) The board, in cooperation with the Texas Higher  
 5-59 Education Coordinating Board and the Texas Workforce Commission,  
 5-60 shall establish guidelines for the initial approval of schools of  
 5-61 nursing or educational programs. The guidelines must:

5-62 (1) identify the approval processes to be conducted by  
 5-63 the Texas Higher Education Coordinating Board or the Texas  
 5-64 Workforce Commission;

5-65 (2) require the approval process identified under  
 5-66 Subdivision (1) to precede the approval process conducted by the  
 5-67 board; and

5-68 (3) be made available on the board's Internet website  
 5-69 and in a written form.

6-1 (d-7) A school of nursing or educational program approved  
 6-2 under Subsection (d-1) shall:

6-3 (1) provide the board with copies of any reports  
 6-4 submitted to or received from the national nursing accrediting  
 6-5 agency selected by the board;

6-6 (2) notify the board of any change in accreditation  
 6-7 status; and

6-8 (3) provide other information required by the board as  
 6-9 necessary to evaluate and establish nursing education and workforce  
 6-10 policy in this state.

6-11 (h) The board, in collaboration with the nursing educators,  
 6-12 the Texas Higher Education Coordinating Board, and the Texas Health  
 6-13 Care Policy Council, shall implement, monitor, and evaluate a plan  
 6-14 for the creation of innovative nursing education models that  
 6-15 promote increased enrollment in this state's nursing programs.

6-16 SECTION 14. Subchapter D, Chapter 301, Occupations Code, is  
 6-17 amended by adding Section 301.1595 to read as follows:

6-18 Sec. 301.1595. ADVISORY COMMITTEES. (a) The board may  
 6-19 appoint advisory committees to perform the advisory functions  
 6-20 assigned by the board.

6-21 (b) An advisory committee shall provide independent  
 6-22 expertise on board functions and policies, but may not be involved  
 6-23 in setting board policy.

6-24 (c) The board shall adopt rules regarding the purpose,  
 6-25 structure, and use of advisory committees, including rules on:

6-26 (1) the purpose, role, responsibility, and goal of an  
 6-27 advisory committee;

6-28 (2) the size and quorum requirements for an advisory  
 6-29 committee;

6-30 (3) the composition and representation of an advisory  
 6-31 committee;

6-32 (4) the qualifications of advisory committee members,  
 6-33 such as experience or area of residence;

6-34 (5) the appointment procedures for advisory  
 6-35 committees;

6-36 (6) the terms of service for advisory committee  
 6-37 members;

6-38 (7) the training requirements for advisory committee  
 6-39 members, if necessary;

6-40 (8) the method the board will use to receive public  
 6-41 input on issues addressed by an advisory committee; and

6-42 (9) the development of board policies and procedures  
 6-43 to ensure advisory committees meet the requirements for open  
 6-44 meetings under Chapter 551, Government Code, including  
 6-45 notification requirements.

6-46 (d) A board member may not serve as a member of an advisory  
 6-47 committee, but may serve as a liaison between an advisory committee  
 6-48 and the board. A board member liaison that attends advisory  
 6-49 committee meetings may attend only as an observer and not as a  
 6-50 participant. A board member liaison is not required to attend  
 6-51 advisory committee meetings. The role of a board member liaison is  
 6-52 limited to clarifying the board's charge and intent to the advisory  
 6-53 committee.

6-54 (e) To the extent of any conflict with Chapter 2110,  
 6-55 Government Code, this section and board rules adopted under this  
 6-56 section control.

6-57 SECTION 15. Subchapter D, Chapter 301, Occupations Code, is  
 6-58 amended by adding Sections 301.166 and 301.167 to read as follows:

6-59 Sec. 301.166. USE OF TECHNOLOGY. The board shall implement  
 6-60 a policy requiring the board to use appropriate technological  
 6-61 solutions to improve the board's ability to perform its functions.  
 6-62 The policy must ensure that the public is able to interact with the  
 6-63 board on the Internet.

6-64 Sec. 301.167. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE  
 6-65 RESOLUTION. (a) The board shall develop and implement a policy to  
 6-66 encourage the use of:

6-67 (1) negotiated rulemaking procedures under Chapter  
 6-68 2008, Government Code, for the adoption of board rules; and

6-69 (2) appropriate alternative dispute resolution

7-1 procedures under Chapter 2009, Government Code, to assist in the  
 7-2 resolution of internal and external disputes under the board's  
 7-3 jurisdiction.

7-4 (b) The board's procedures relating to alternative dispute  
 7-5 resolution must conform, to the extent possible, to any model  
 7-6 guidelines issued by the State Office of Administrative Hearings  
 7-7 for the use of alternative dispute resolution by state agencies.

7-8 (c) The board shall designate a trained person to:

7-9 (1) coordinate the implementation of the policy  
 7-10 adopted under Subsection (a);

7-11 (2) serve as a resource for any training needed to  
 7-12 implement the procedures for negotiated rulemaking or alternative  
 7-13 dispute resolution; and

7-14 (3) collect data concerning the effectiveness of those  
 7-15 procedures, as implemented by the board.

7-16 SECTION 16. Section 301.203, Occupations Code, is amended  
 7-17 to read as follows:

7-18 Sec. 301.203. RECORDS AND ANALYSIS OF COMPLAINTS. (a) The  
 7-19 board shall maintain a system to promptly and efficiently act on  
 7-20 complaints ~~[keep an information file about each complaint]~~ filed  
 7-21 with the board. The board shall maintain information about  
 7-22 ~~[information file must be kept current and must contain a record for~~  
 7-23 ~~each complaint of]:~~

7-24 (1) parties to the complaint [each person contacted in  
 7-25 relation to the complaint];

7-26 (2) the subject matter of the complaint [a summary of  
 7-27 findings made at each step of the complaint process];

7-28 (3) a summary of the results of the review or  
 7-29 investigation of the complaint [an explanation of the legal basis  
 7-30 and reason for a complaint that is dismissed]; and

7-31 (4) the complaint's disposition [the schedule  
 7-32 required under Section 301.204 and a notation of any change in the  
 7-33 schedule; and

7-34 ~~[(5) other relevant information].~~

7-35 (b) The board shall make information available describing  
 7-36 its procedures for complaint investigation and resolution.

7-37 (c) The board shall periodically [If a written complaint is  
 7-38 filed with the board that the board has authority to resolve, the  
 7-39 board, at least quarterly and until final disposition of the  
 7-40 complaint, shall] notify the parties to the complaint of the status  
 7-41 of the complaint until final disposition unless notice would  
 7-42 jeopardize an undercover investigation.

7-43 (d) The board shall develop a method for analyzing the  
 7-44 sources and types of complaints and violations and establish  
 7-45 categories for the complaints and violations. The board shall use  
 7-46 the analysis to focus its information and education efforts on  
 7-47 specific problem areas identified through the analysis.

7-48 (e) The board shall analyze complaints filed with the board  
 7-49 to identify any trends or issues related to certain violations,  
 7-50 including:

7-51 (1) the reason for each complaint;

7-52 (2) how each complaint was resolved; and

7-53 (3) the subject matter of each complaint that was not  
 7-54 within the jurisdiction of the board and how the board responded to  
 7-55 the complaint.

7-56 SECTION 17. The heading to Section 301.204, Occupations  
 7-57 Code, is amended to read as follows:

7-58 Sec. 301.204. GENERAL RULES, POLICIES, AND PROCEDURES  
 7-59 REGARDING COMPLAINT INVESTIGATION AND DISPOSITION.

7-60 SECTION 18. Section 301.204, Occupations Code, is amended  
 7-61 by amending Subsection (a) and adding Subsection (f) to read as  
 7-62 follows:

7-63 (a) The board shall adopt rules, policies, and procedures  
 7-64 concerning the investigation of a complaint filed with the board.  
 7-65 The rules, policies, or procedures adopted under this subsection  
 7-66 must:

7-67 (1) distinguish between categories of complaints;

7-68 (2) ensure that complaints are not dismissed without  
 7-69 appropriate consideration;

8-1 (3) require that the board be advised of a complaint  
8-2 that is dismissed and that a letter be sent to the person who filed  
8-3 the complaint explaining the action taken on the dismissed  
8-4 complaint;

8-5 (4) ensure that the person who filed the complaint has  
8-6 an opportunity to explain the allegations made in the complaint;  
8-7 [~~and~~]

8-8 (5) prescribe guidelines concerning the categories of  
8-9 complaints that require the use of a private investigator and the  
8-10 procedures for the board to obtain the services of a private  
8-11 investigator; and

8-12 (6) by rule allow appropriate employees of the board  
8-13 to dismiss a complaint if an investigation demonstrates that:

8-14 (A) a violation did not occur; or

8-15 (B) the subject of the complaint is outside the  
8-16 board's jurisdiction.

8-17 (f) At each public meeting of the board, the executive  
8-18 director shall report to the board each complaint dismissed under  
8-19 Subsection (a)(6) since the board's last public meeting.

8-20 SECTION 19. Section 301.252, Occupations Code, is amended  
8-21 by amending Subsections (a) and (b) and adding Subsection (a-1) to  
8-22 read as follows:

8-23 (a) Each applicant for a registered nurse license or a  
8-24 vocational nurse license must submit to the board a sworn  
8-25 application that demonstrates the applicant's qualifications under  
8-26 this chapter, accompanied by evidence that the applicant:

8-27 (1) has good professional character; [~~and~~]

8-28 (2) has successfully completed a [~~an approved~~] program  
8-29 of professional or vocational nursing education approved under  
8-30 Section 301.157(d); and

8-31 (3) has passed the jurisprudence examination approved  
8-32 by the board as provided by Subsection (a-1).

8-33 (a-1) The jurisprudence examination shall be conducted on  
8-34 the licensing requirements under this chapter and board rules and  
8-35 other laws, rules, or regulations applicable to the nursing  
8-36 profession in this state. The board shall adopt rules for the  
8-37 jurisprudence examination under Subsection (a)(3) regarding:

8-38 (1) the development of the examination;

8-39 (2) applicable fees;

8-40 (3) administration of the examination;

8-41 (4) reexamination procedures;

8-42 (5) grading procedures; and

8-43 (6) notice of results.

8-44 (b) The board may waive the requirement of Subsection (a)(2)  
8-45 for a vocational nurse applicant if the applicant provides  
8-46 satisfactory sworn evidence that the applicant has completed an  
8-47 acceptable level of education in:

8-48 (1) a professional nursing school approved under  
8-49 Section 301.157(d) [~~by the board~~]; or

8-50 (2) a school of professional nurse education located  
8-51 in another state or a foreign country.

8-52 SECTION 20. Section 301.253, Occupations Code, is amended  
8-53 by amending Subsection (b) and adding Subsections (c-1), (f), and  
8-54 (g) to read as follows:

8-55 (b) Each examination administered under this section must  
8-56 be prepared by a national testing service or the board. The board  
8-57 shall ensure that the [~~give the~~] examination is administered in  
8-58 various cities throughout the state.

8-59 (c-1) The board shall:

8-60 (1) adopt policies and guidelines detailing the  
8-61 procedures for the testing process, including test admission, test  
8-62 administration, and national examination requirements; and

8-63 (2) post on the board's Internet website the policies  
8-64 that reference the testing procedures by the national organization  
8-65 selected by the board to administer an examination.

8-66 (f) The board shall develop a written refund policy  
8-67 regarding examination fees that:

8-68 (1) defines the reasonable notification period and the  
8-69 emergencies that would qualify for a refund; and



9-1 (2) does not conflict with any examination fee or  
9-2 refund policy of the testing service involved in administering the  
9-3 examination.

9-4 (g) The board may recommend to a national testing service  
9-5 selected by the board to offer examinations under this section the  
9-6 board's written policy for refunding an examination fee for an  
9-7 applicant who:

9-8 (1) provides advance notice of the applicant's  
9-9 inability to take the examination; or

9-10 (2) is unable to take the examination because of an  
9-11 emergency.

9-12 SECTION 21. Section 301.301, Occupations Code, is amended  
9-13 by amending Subsections (b) and (c) and adding Subsection (c-1) to  
9-14 read as follows:

9-15 (b) A person may renew an unexpired license issued under  
9-16 this chapter on payment to the board of the required renewal fee  
9-17 before the expiration date of the license, payment to the board of  
9-18 any costs assessed under Section 301.461, and compliance with any  
9-19 other renewal requirements adopted by the board. A person whose  
9-20 license has expired may not engage in activities that require a  
9-21 license until the license has been renewed.

9-22 (c) A person whose license has been expired for 90 days or  
9-23 less may renew the license by paying to the board the required  
9-24 renewal fee and a late fee in the amount considered appropriate by  
9-25 the board to encourage timely renewal [~~that is equal to one-half the~~  
9-26 ~~amount charged for examination for the license~~].

9-27 (c-1) A person whose [~~if a~~] license has been expired for  
9-28 more than 90 days but less than one year [~~, the person~~] may renew the  
9-29 license by paying to the board all unpaid renewal fees and a late  
9-30 fee that is equal to twice the amount of a late fee under Subsection  
9-31 (c) [~~the amount charged for examination for the license~~].

9-32 SECTION 22. Section 301.302(a), Occupations Code, is  
9-33 amended to read as follows:

9-34 (a) A [~~The board may renew without examination the expired~~  
9-35 ~~license of a~~] person who was licensed to practice professional  
9-36 nursing or vocational nursing in this state, moved to another  
9-37 state, and is currently licensed and has been in practice in the  
9-38 other state for the two years preceding application may obtain a new  
9-39 license without examination.

9-40 SECTION 23. Section 301.303, Occupations Code, is amended  
9-41 by adding Subsection (g) to read as follows:

9-42 (g) The board by rule may establish guidelines for targeted  
9-43 continuing education required under this chapter. The rules  
9-44 adopted under this subsection must address:

9-45 (1) the nurses who are required to complete the  
9-46 targeted continuing education program;

9-47 (2) the type of courses that satisfy the targeted  
9-48 continuing education requirement;

9-49 (3) the time in which a nurse is required to complete  
9-50 the targeted continuing education;

9-51 (4) the frequency with which a nurse is required to  
9-52 meet the targeted continuing education requirement; and

9-53 (5) any other requirement considered necessary by the  
9-54 board.

9-55 SECTION 24. Section 301.410, Occupations Code, is amended  
9-56 to read as follows:

9-57 Sec. 301.410. REPORT REGARDING IMPAIRMENT BY CHEMICAL  
9-58 DEPENDENCY, [OR] MENTAL ILLNESS, OR DIMINISHED MENTAL CAPACITY.

9-59 (a) A person who is required to report a nurse under this  
9-60 subchapter because the nurse is impaired or suspected of being  
9-61 impaired by chemical dependency or mental illness may report to a  
9-62 peer assistance program approved by the board under Chapter 467,  
9-63 Health and Safety Code, instead of reporting to the board or  
9-64 requesting review by a nursing peer review committee.

9-65 (b) A person who is required to report a nurse under this  
9-66 subchapter because the nurse is impaired or suspected of being  
9-67 impaired by chemical dependency or diminished mental capacity must  
9-68 report to the board if the person believes that an impaired nurse  
9-69 committed a practice violation.

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

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

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

(1) outline the roles and responsibilities of the board and a peer assistance program established or approved by the board under Chapter 467, Health and Safety Code;

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

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

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

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

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

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

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

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

(1) whether the person:

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

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

(2) the seriousness of the violation;

(3) the threat to public safety; and

(4) any mitigating factors.

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

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

(2) Subsection (b)(1)(B), the board shall consider taking a more severe disciplinary action, including revocation of the person's license, than the disciplinary action that would be taken for a person who has not previously been the subject of disciplinary action by the board.

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

11-1 Sec. 301.470. REFUND. (a) Subject to Subsection (b), the  
 11-2 board may order a license holder to pay a refund to a consumer as  
 11-3 provided in an agreement resulting from an informal settlement  
 11-4 conference instead of or in addition to imposing an administrative  
 11-5 penalty under this chapter.

11-6 (b) The amount of a refund ordered as provided in an  
 11-7 agreement resulting from an informal settlement conference may not  
 11-8 exceed the amount the consumer paid to a nurse for a service  
 11-9 regulated by this chapter or the actual amount stolen or defrauded  
 11-10 from a patient by the nurse. The board may not require payment of  
 11-11 other damages or estimate harm in a refund order.

11-12 Sec. 301.471. EMERGENCY CEASE AND DESIST ORDER. (a) If it  
 11-13 appears to the board that a person who is not licensed under this  
 11-14 chapter is violating this chapter, a rule adopted under this  
 11-15 chapter, or another state statute or rule relating to the practice  
 11-16 of professional nursing or vocational nursing and the board  
 11-17 determines that the unauthorized activity constitutes a clear,  
 11-18 imminent, or continuing threat to the public health and safety, the  
 11-19 board may:

11-20 (1) issue an emergency cease and desist order  
 11-21 prohibiting the person from engaging in the activity; and

11-22 (2) report the activity to a local law enforcement  
 11-23 agency or the attorney general for prosecution.

11-24 (b) An order issued under Subsection (a) must:

11-25 (1) be delivered on issuance to the person affected by  
 11-26 the order by personal delivery or registered or certified mail,  
 11-27 return receipt requested, to the person's last known address;

11-28 (2) state the acts or practices alleged to be an  
 11-29 unauthorized activity and require the person immediately to cease  
 11-30 and desist from the unauthorized activity; and

11-31 (3) contain a notice that a request for hearing may be  
 11-32 filed under this section.

11-33 (c) Unless the person against whom the emergency cease and  
 11-34 desist order is directed requests a board hearing in writing before  
 11-35 the 11th day after the date it is served on the person, the order is  
 11-36 final and nonappealable as to that person. A request for a board  
 11-37 hearing must:

11-38 (1) be in writing and directed to the board; and

11-39 (2) state the grounds for the request to set aside or  
 11-40 modify the order.

11-41 (d) On receiving a request for a hearing, the board shall  
 11-42 serve notice of the time and place of the hearing by personal  
 11-43 delivery or registered or certified mail, return receipt requested.  
 11-44 The hearing must be held not later than the 10th day after the date  
 11-45 the board receives the request for a hearing unless the parties  
 11-46 agree to a later hearing date. A hearing under this subsection is  
 11-47 subject to Chapter 2001, Government Code.

11-48 (e) After the hearing, the board shall affirm, modify, or  
 11-49 set aside wholly or partly the emergency cease and desist order. An  
 11-50 order affirming or modifying the emergency cease and desist order  
 11-51 is immediately final for purposes of enforcement and appeal.

11-52 (f) An order under this section continues in effect unless  
 11-53 the order is stayed by the board. The board may impose any  
 11-54 condition before granting a stay of the order.

11-55 (g) The board may release to the public a final cease and  
 11-56 desist order issued under this section or information regarding the  
 11-57 existence of the order if the board determines that the release  
 11-58 would enhance the effective enforcement of the order or will serve  
 11-59 the public interest.

11-60 (h) A violation of an order issued under this section  
 11-61 constitutes grounds for imposing an administrative penalty under  
 11-62 this chapter.

11-63 SECTION 29. Section 301.502(a), Occupations Code, is  
 11-64 amended to read as follows:

11-65 (a) The amount of the administrative penalty may not exceed  
 11-66 \$5,000 [~~\$2,500~~] for each violation. Each day a violation continues  
 11-67 or occurs is a separate violation for purposes of imposing a  
 11-68 penalty.

11-69 SECTION 30. Subtitle E, Title 3, Occupations Code, is

12-1 amended by adding Chapter 305 to read as follows:

12-2 CHAPTER 305. NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

12-3 Sec. 305.001. NCSBN ADVANCED PRACTICE REGISTERED NURSE  
12-4 COMPACT. The NCSBN Advanced Practice Registered Nurse Compact is  
12-5 enacted and entered into with all other jurisdictions that legally  
12-6 join in the compact, which is as follows:

12-7 NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

12-8 ARTICLE 1. FINDINGS AND DECLARATION OF PURPOSE

12-9 (a) The party states find that:

12-10 (1) the health and safety of the public are affected by  
12-11 the degree of compliance with APRN licensure/authority to practice  
12-12 requirements and the effectiveness of enforcement activities  
12-13 related to state APRN licensure/authority to practice laws;

12-14 (2) violations of APRN licensure/authority to  
12-15 practice and other laws regulating the practice of nursing may  
12-16 result in injury or harm to the public;

12-17 (3) the expanded mobility of APRNs and the use of  
12-18 advanced communication technologies as part of our nation's health  
12-19 care delivery system require greater coordination and cooperation  
12-20 among states in the areas of APRN licensure/authority to practice  
12-21 and regulation;

12-22 (4) new practice modalities and technology make  
12-23 compliance with individual state APRN licensure/authority to  
12-24 practice laws difficult and complex;

12-25 (5) the current system of duplicative APRN  
12-26 licensure/authority to practice for APRNs practicing in multiple  
12-27 states is cumbersome and redundant to both APRNs and states;

12-28 (6) uniformity of APRN requirements throughout the  
12-29 states promotes public safety and public health benefits; and

12-30 (7) access to APRN services increases the public's  
12-31 access to health care, particularly in rural and underserved areas.

12-32 (b) The general purposes of this compact are to:

12-33 (1) facilitate the states' responsibilities to protect  
12-34 the public's health and safety;

12-35 (2) ensure and encourage the cooperation of party  
12-36 states in the areas of APRN licensure/authority to practice and  
12-37 regulation, including promotion of uniform licensure requirements;

12-38 (3) facilitate the exchange of information between  
12-39 party states in the areas of APRN regulation, investigation, and  
12-40 adverse actions;

12-41 (4) promote compliance with the laws governing APRN  
12-42 practice in each jurisdiction; and

12-43 (5) invest all party states with the authority to hold  
12-44 an APRN accountable for meeting all state practice laws in the state  
12-45 in which the patient is located at the time care is rendered through  
12-46 the mutual recognition of party state licenses.

12-47 ARTICLE 2. DEFINITIONS

12-48 (a) "Advanced practice registered nurse" or "APRN" means a  
12-49 nurse anesthetist, nurse practitioner, nurse midwife, or clinical  
12-50 nurse specialist to the extent a party state licenses or grants  
12-51 authority to practice in that APRN role and title.

12-52 (b) "Adverse action" means a home or remote state  
12-53 disciplinary action.

12-54 (c) "Alternative program" means a voluntary,  
12-55 non-disciplinary monitoring program approved by a licensing board.

12-56 (d) "APRN licensure/authority to practice" means the  
12-57 regulatory mechanism used by a party state to grant legal authority  
12-58 to practice as an APRN.

12-59 (e) "APRN uniform licensure/authority to practice  
12-60 requirements" means those minimum uniform licensure, education,  
12-61 and examination requirements as agreed to by the compact  
12-62 administrators and adopted by licensing boards for the recognized  
12-63 APRN role and title.

12-64 (f) "Coordinated licensure information system" means an  
12-65 integrated process for collecting, storing, and sharing  
12-66 information on APRN licensure/authority to practice and  
12-67 enforcement activities related to APRN licensure/authority to  
12-68 practice laws, which is administered by a nonprofit organization  
12-69 composed of and controlled by state licensing boards.

13-1 (g) "Current significant investigative information" means:  
13-2 (1) investigative information that a licensing board,  
13-3 after a preliminary inquiry that includes notification and an  
13-4 opportunity for the APRN to respond if required by state law, has  
13-5 reason to believe is not groundless and, if proved true, would  
13-6 indicate more than a minor infraction; or

13-7 (2) investigative information that indicates that the  
13-8 APRN represents an immediate threat to public health and safety  
13-9 regardless of whether the APRN has been notified and had an  
13-10 opportunity to respond.

13-11 (h) "Home state" means the party state that is the APRN's  
13-12 primary state of residence.

13-13 (i) "Home state action" means any administrative, civil,  
13-14 equitable, or criminal action permitted by the home state's laws  
13-15 which are imposed on an APRN by the home state's licensing board or  
13-16 other authority, including actions against an individual's  
13-17 license/authority to practice such as: revocation, suspension,  
13-18 probation, or any other action which affects an APRN's  
13-19 authorization to practice.

13-20 (j) "Licensing board" means a party state's regulatory body  
13-21 responsible for issuing APRN licensure/authority to practice.

13-22 (k) "Multistate advanced practice privilege" means current  
13-23 authority from a remote state permitting an APRN to practice in that  
13-24 state in the same role and title as the APRN is licensed/authorized  
13-25 to practice in the home state to the extent that the remote state  
13-26 laws recognize such APRN role and title. A remote state has the  
13-27 authority, in accordance with existing state due process laws, to  
13-28 take actions against the APRN's privilege, including revocation,  
13-29 suspension, probation, or any other action that affects an APRN's  
13-30 multistate privilege to practice.

13-31 (l) "Party state" means any state that has adopted this  
13-32 compact.

13-33 (m) "Prescriptive authority" means the legal authority to  
13-34 prescribe medications and devices as defined by party state laws.

13-35 (n) "Remote state" means a party state, other than the home  
13-36 state:

13-37 (1) where the patient is located at the time APRN care  
13-38 is provided; or

13-39 (2) in the case of APRN practice not involving a  
13-40 patient, in such party state where the recipient of APRN practice is  
13-41 located.

13-42 (o) "Remote state action" means:

13-43 (1) any administrative, civil, equitable, or criminal  
13-44 action permitted by a remote state's laws which are imposed on an  
13-45 APRN by the remote state's licensing board or other authority,  
13-46 including actions against an individual's multistate advanced  
13-47 practice privilege in the remote state; and

13-48 (2) cease and desist and other injunctive or equitable  
13-49 orders issued by remote states or the licensing boards thereof.

13-50 (p) "State" means a state, territory, or possession of the  
13-51 United States.

13-52 (q) "State practice laws" means a party state's laws and  
13-53 regulations that govern APRN practice, define the scope of advanced  
13-54 nursing practice, including prescriptive authority, and create the  
13-55 methods and grounds for imposing discipline. State practice laws  
13-56 do not include the requirements necessary to obtain and retain APRN  
13-57 licensure/authority to practice as an APRN, except for  
13-58 qualifications or requirements of the home state.

13-59 (r) "Unencumbered" means that a state has no current  
13-60 disciplinary action against an APRN's license/authority to  
13-61 practice.

13-62 ARTICLE 3. GENERAL PROVISIONS AND JURISDICTION

13-63 (a) All party states shall participate in the nurse  
13-64 licensure compact for registered nurses and licensed  
13-65 practical/vocational nurses in order to enter into the APRN  
13-66 compact.

13-67 (b) No state shall enter the APRN compact until the state  
13-68 adopts, at a minimum, the APRN uniform licensure/authority to  
13-69 practice requirements for each APRN role and title recognized by

14-1 the state seeking to enter the APRN compact.

14-2 (c) APRN licensure/authority to practice issued by a home  
 14-3 state to a resident in that state will be recognized by each party  
 14-4 state as authorizing a multistate advanced practice privilege to  
 14-5 the extent that the role and title are recognized by each party  
 14-6 state. To obtain or retain APRN licensure/authority to practice as  
 14-7 an APRN, an applicant must meet the home state's qualifications for  
 14-8 authority or renewal of authority as well as all other applicable  
 14-9 state laws.

14-10 (d) The APRN multistate advanced practice privilege does  
 14-11 not include prescriptive authority, and does not affect any  
 14-12 requirements imposed by states to grant to an APRN initial and  
 14-13 continuing prescriptive authority according to state practice  
 14-14 laws. However, a party state may grant prescriptive authority to an  
 14-15 individual on the basis of a multistate advanced practice privilege  
 14-16 to the extent permitted by state practice laws.

14-17 (e) A party state may, in accordance with state due process  
 14-18 laws, limit or revoke the multistate advanced practice privilege in  
 14-19 the party state and may take any other necessary actions under the  
 14-20 party state's applicable laws to protect the health and safety of  
 14-21 the party state's citizens. If a party state takes action, the  
 14-22 party state shall promptly notify the administrator of the  
 14-23 coordinated licensure information system. The administrator of the  
 14-24 coordinated licensure information system shall promptly notify the  
 14-25 home state of any such actions by remote states.

14-26 (f) An APRN practicing in a party state must comply with the  
 14-27 state practice laws and licensing board rules of the state in which  
 14-28 the patient is located at the time care is provided. The APRN  
 14-29 practice includes patient care and all advanced nursing practice  
 14-30 defined by the party state's practice laws. The APRN practice will  
 14-31 subject an APRN to the jurisdiction of the licensing board, the  
 14-32 courts, and the laws of the party state.

14-33 (g) Individuals not residing in a party state may apply for  
 14-34 APRN licensure/authority to practice as an APRN under the laws of a  
 14-35 party state. However, the authority to practice granted to these  
 14-36 individuals will not be recognized as granting the privilege to  
 14-37 practice as an APRN in any other party state unless explicitly  
 14-38 agreed to by that party state.

14-39 ARTICLE 4. APPLICATIONS FOR APRN LICENSURE/AUTHORITY TO PRACTICE  
 14-40 IN A PARTY STATE

14-41 (a) Once an application for APRN licensure/authority to  
 14-42 practice is submitted, a party state shall ascertain, through the  
 14-43 coordinated licensure information system, whether:

14-44 (1) the applicant has held or is the holder of a  
 14-45 nursing license/authority to practice issued by another state;

14-46 (2) the applicant has had a history of previous  
 14-47 disciplinary action by any state;

14-48 (3) an encumbrance exists on any license/authority to  
 14-49 practice; and

14-50 (4) any other adverse action by any other state has  
 14-51 been taken against a license/authority to practice.

14-52 This information may be used in approving or denying an application  
 14-53 for APRN licensure/authority to practice.

14-54 (b) An APRN in a party state shall hold APRN  
 14-55 licensure/authority to practice in only one party state at a time,  
 14-56 issued by the home state.

14-57 (c) An APRN who intends to change the APRN's primary state  
 14-58 of residence may apply for APRN licensure/authority to practice in  
 14-59 the new home state in advance of such change. However, new  
 14-60 licensure/authority to practice will not be issued by a party state  
 14-61 until after an APRN provides evidence of change in primary state of  
 14-62 residence satisfactory to the new home state's licensing board.

14-63 (d) When an APRN changes primary state of residence by:  
 14-64 (1) moving between two party states, and obtains APRN  
 14-65 licensure/authority to practice from the new home state, the APRN  
 14-66 licensure/authority to practice from the former home state is no  
 14-67 longer valid;

14-68 (2) moving from a nonparty state to a party state, and  
 14-69 obtains APRN licensure/authority to practice from the new home

15-1 state, the individual state license issued by the nonparty state is  
 15-2 not affected and will remain in full force if so provided by the  
 15-3 laws of the nonparty state; and

15-4 (3) moving from a party state to a nonparty state, the  
 15-5 APRN licensure/authority to practice issued by the prior home state  
 15-6 converts to an individual state license, valid only in the former  
 15-7 home state, without the multistate licensure privilege to practice  
 15-8 in other party states.

#### 15-9 ARTICLE 5. ADVERSE ACTIONS

15-10 (a) The licensing board of a remote state shall promptly  
 15-11 report to the administrator of the coordinated licensure  
 15-12 information system any remote state actions, including the factual  
 15-13 and legal basis for such action, if known. The licensing board of a  
 15-14 remote state shall also promptly report any significant current  
 15-15 investigative information yet to result in a remote state action.  
 15-16 The administrator of the coordinated licensure information system  
 15-17 shall promptly notify the home state of any such reports.

15-18 (b) The licensing board of a party state shall have the  
 15-19 authority to complete any pending investigations for an APRN who  
 15-20 changes primary state of residence during the course of such  
 15-21 investigations. It shall also have the authority to take  
 15-22 appropriate action, and shall promptly report the conclusions of  
 15-23 such investigations to the administrator of the coordinated  
 15-24 licensure information system. The administrator of the coordinated  
 15-25 licensure information system shall promptly notify the new home  
 15-26 state of any such actions.

15-27 (c) A remote state may take adverse action affecting the  
 15-28 multistate advanced practice privilege to practice within that  
 15-29 party state. However, only the home state shall have the power to  
 15-30 impose adverse action against the APRN licensure/authority to  
 15-31 practice issued by the home state.

15-32 (d) For purposes of imposing adverse action, the licensing  
 15-33 board of the home state shall give the same priority and effect to  
 15-34 reported conduct received from a remote state as it would if such  
 15-35 conduct had occurred within the home state. In so doing, it shall  
 15-36 apply its own state laws to determine appropriate action.

15-37 (e) The home state may take adverse action based on the  
 15-38 factual findings of the remote state, so long as each state follows  
 15-39 its own procedures for imposing such adverse action.

15-40 (f) Nothing in this compact shall override a party state's  
 15-41 decision that participation in an alternative program may be used  
 15-42 in lieu of adverse action and that such participation shall remain  
 15-43 nonpublic if required by the party state's laws. Party states must  
 15-44 require APRNs who enter any alternative programs to agree not to  
 15-45 practice in any other party state during the term of the alternative  
 15-46 program without prior authorization from such other party state.

15-47 (g) All home state licensing board disciplinary orders,  
 15-48 agreed or otherwise, which limit the scope of the APRN's practice or  
 15-49 require monitoring of the APRN as a condition of the order shall  
 15-50 include the requirements that the APRN will limit her or his  
 15-51 practice to the home state during the pendency of the order. This  
 15-52 requirement may allow the APRN to practice in other party states  
 15-53 with prior written authorization from both the home state and party  
 15-54 state licensing boards.

#### 15-55 ARTICLE 6. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

##### 15-56 LICENSING BOARDS

15-57 (a) Notwithstanding any other powers, party state licensing  
 15-58 boards shall have the authority to:

15-59 (1) if otherwise permitted by state law, recover from  
 15-60 the affected APRN the costs of investigations and disposition of  
 15-61 cases resulting from any adverse action taken against that APRN;

15-62 (2) issue subpoenas for both hearings and  
 15-63 investigations, which require the attendance and testimony of  
 15-64 witnesses, and the production of evidence;

15-65 (3) issue cease and desist orders to limit or revoke an  
 15-66 APRN's privilege or licensure/authority to practice in their state;  
 15-67 and

15-68 (4) promulgate uniform rules and regulations as  
 15-69 provided for in Article 8(c).

16-1 (b) Subpoenas issued by a licensing board in a party state  
16-2 for the attendance and testimony of witnesses, and/or the  
16-3 production of evidence from another party state, shall be enforced  
16-4 in the latter state by any court of competent jurisdiction,  
16-5 according to the practice and procedure of that court applicable to  
16-6 subpoenas issued in proceedings pending before it. The issuing  
16-7 authority shall pay any witness fees, travel expenses, mileage, and  
16-8 other fees required by the service statutes of the state where the  
16-9 witnesses and/or evidence are located.

16-10 ARTICLE 7. COORDINATED LICENSURE INFORMATION SYSTEM

16-11 (a) All party states shall participate in a cooperative  
16-12 effort to create a coordinated database of all APRNs. This system  
16-13 will include information on the APRN licensure/authority to  
16-14 practice and disciplinary history of each APRN, as contributed by  
16-15 party states, to assist in the coordination of APRN  
16-16 licensure/authority to practice and enforcement efforts.

16-17 (b) Notwithstanding any other provision of law, all party  
16-18 states' licensing boards shall promptly report adverse actions,  
16-19 actions against multistate advanced practice privileges, any  
16-20 current significant investigative information yet to result in  
16-21 adverse action, denials of applications, and the reasons for such  
16-22 denials to the coordinated licensure information system.

16-23 (c) Current significant investigative information shall be  
16-24 transmitted through the coordinated licensure information system  
16-25 only to party state licensing boards.

16-26 (d) Notwithstanding any other provision of law, all party  
16-27 states' licensing boards contributing information to the  
16-28 coordinated licensure information system may designate information  
16-29 that may not be shared with nonparty states or disclosed to other  
16-30 entities or individuals without the express permission of the  
16-31 contributing state.

16-32 (e) Any personally identifiable information obtained by a  
16-33 party states' licensing board from the coordinated licensure  
16-34 information system may not be shared with nonparty states or  
16-35 disclosed to other entities or individuals except to the extent  
16-36 permitted by the laws of the party state contributing the  
16-37 information.

16-38 (f) Any information contributed to the coordinated  
16-39 licensure information system that is subsequently required to be  
16-40 expunged by the laws of the party state contributing that  
16-41 information shall also be expunged from the coordinated licensure  
16-42 information system.

16-43 (g) The compact administrators, acting jointly with each  
16-44 other and in consultation with the administrator of the coordinated  
16-45 licensure information system, shall formulate necessary and proper  
16-46 procedures for the identification, collection, and exchange of  
16-47 information under this compact.

16-48 ARTICLE 8. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

16-49 (a) The head of the licensing board, or his/her designee, of  
16-50 each party state shall be the administrator of this compact for  
16-51 his/her state.

16-52 (b) The compact administrator of each party state shall  
16-53 furnish to the compact administrator of each other party state any  
16-54 information and documents including, but not limited to, a uniform  
16-55 data set of investigations, identifying information, licensure  
16-56 data, and disclosable alternative program participation  
16-57 information to facilitate the administration of this compact.

16-58 (c) Compact administrators shall have the authority to  
16-59 develop uniform rules to facilitate and coordinate implementation  
16-60 of this compact. These uniform rules shall be adopted by party  
16-61 states, under the authority invested under Article 6(a)(4).

16-62 ARTICLE 9. IMMUNITY

16-63 No party state or the officers or employees or agents of a party  
16-64 state's licensing board who act in accordance with the provisions  
16-65 of this compact shall be liable on account of any act or omission in  
16-66 good faith while engaged in the performance of their duties under  
16-67 this compact. Good faith in this article shall not include willful  
16-68 misconduct, gross negligence, or recklessness.

16-69 ARTICLE 10. ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT



17-1           (a) This compact shall enter into force and become effective  
 17-2 as to any state when it has been enacted into the laws of that state.  
 17-3 Any party state may withdraw from this compact by enacting a statute  
 17-4 repealing the same, but no such withdrawal shall take effect until  
 17-5 six months after the withdrawing state has given notice of the  
 17-6 withdrawal to the executive heads of all other party states.

17-7           (b) No withdrawal shall affect the validity or  
 17-8 applicability by the licensing boards of states remaining party to  
 17-9 the compact of any report of adverse action occurring prior to the  
 17-10 withdrawal.

17-11           (c) Nothing contained in this compact shall be construed to  
 17-12 invalidate or prevent any APRN licensure/authority to practice  
 17-13 agreement or other cooperative arrangement between a party state  
 17-14 and a nonparty state that is made in accordance with the other  
 17-15 provisions of this compact.

17-16           (d) This compact may be amended by the party states. No  
 17-17 amendment to this compact shall become effective and binding upon  
 17-18 the party states unless and until it is enacted into the laws of all  
 17-19 party states.

#### 17-20           ARTICLE 11. CONSTRUCTION AND SEVERABILITY

17-21           (a) This compact shall be liberally construed so as to  
 17-22 effectuate the purposes thereof. The provisions of this compact  
 17-23 shall be severable and if any phrase, clause, sentence, or  
 17-24 provision of this compact is declared to be contrary to the  
 17-25 constitution of any party state or of the United States or the  
 17-26 applicability thereof to any government, agency, person, or  
 17-27 circumstance is held invalid, the validity of the remainder of this  
 17-28 compact and the applicability thereof to any government, agency,  
 17-29 person, or circumstance shall not be affected thereby. If this  
 17-30 compact shall be held contrary to the constitution of any state  
 17-31 party thereto, the compact shall remain in full force and effect as  
 17-32 to the remaining party states and in full force and effect as to the  
 17-33 party state affected as to all severable matters.

17-34           (b) In the event party states find a need for settling  
 17-35 disputes arising under this compact:

17-36           (1) the party states may submit the issues in dispute  
 17-37 to an arbitration panel which will be composed of an individual  
 17-38 appointed by the compact administrator in the home state, an  
 17-39 individual appointed by the compact administrator in the remote  
 17-40 state involved, and an individual mutually agreed upon by the  
 17-41 compact administrators of all the party states involved in the  
 17-42 dispute; and

17-43           (2) the decision of a majority of the arbitrators  
 17-44 shall be final and binding.

17-45           Sec. 305.002. BOARD AUTHORITY. Notwithstanding any  
 17-46 provision of this chapter, the Texas Board of Nursing may establish  
 17-47 criteria for recognizing advanced practice registered nurses under  
 17-48 the NCSBN APRN Compact.

17-49           Sec. 305.003. RULES; EXPIRATION OF CHAPTER. (a) The Texas  
 17-50 Board of Nursing may adopt rules necessary to implement this  
 17-51 chapter.

17-52           (b) If the board does not adopt rules to implement the  
 17-53 compact under this chapter before December 31, 2011, the board may  
 17-54 not implement the NCSBN APRN Compact and this chapter expires  
 17-55 December 31, 2011.

17-56           Sec. 305.004. APPLICABILITY OF CHAPTER. If a provision of  
 17-57 this chapter or another state's law under the NCSBN APRN Compact  
 17-58 conflicts with the laws of this state, the laws of this state  
 17-59 prevail.

17-60           Sec. 305.005. RIGHTS AND OBLIGATIONS. (a) Unless the  
 17-61 context indicates otherwise, or doing so would be inconsistent with  
 17-62 the NCSBN APRN Compact, nurses practicing in this state under a  
 17-63 license issued by a state that is a party to the NCSBN APRN Compact  
 17-64 have the same rights and obligations as imposed by the laws of this  
 17-65 state on license holders of the Texas Board of Nursing.

17-66           (b) The Texas Board of Nursing has the authority to  
 17-67 determine whether a right or obligation imposed on license holders  
 17-68 applies to nurses practicing in this state under a license issued by  
 17-69 a state that is a party to the NCSBN APRN Compact unless that

18-1 determination is inconsistent with the NCSBN APRN Compact.

18-2 Sec. 305.006. ENFORCEMENT. The Texas Board of Nursing is  
 18-3 the state agency responsible for taking action against nurses  
 18-4 practicing in this state under a license issued by a state that is a  
 18-5 party to the NCSBN APRN Compact as authorized by the NCSBN APRN  
 18-6 Compact. The action shall be taken in accordance with the same  
 18-7 procedures for taking action against nurses licensed by this state.

18-8 SECTION 31. Section 101.002, Occupations Code, is amended  
 18-9 to read as follows:

18-10 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists  
 18-11 of 14 members, with one member appointed by each of the following:

- 18-12 (1) the Texas Board of Chiropractic Examiners;  
 18-13 (2) the State Board of Dental Examiners;  
 18-14 (3) the Texas Optometry Board;  
 18-15 (4) the Texas State Board of Pharmacy;  
 18-16 (5) the Texas State Board of Podiatric Medical  
 18-17 Examiners;  
 18-18 (6) the State Board of Veterinary Medical Examiners;  
 18-19 (7) the Texas [~~State Board of~~] Medical Board  
 18-20 [~~Examiners~~];  
 18-21 (8) the Texas Board of Nursing [~~Nurse Examiners~~];  
 18-22 (9) the Texas State Board of Examiners of  
 18-23 Psychologists;  
 18-24 (10) the Texas Funeral Service Commission;  
 18-25 (11) the entity that regulates the practice of  
 18-26 physical therapy;  
 18-27 (12) the entity that regulates the practice of  
 18-28 occupational therapy;  
 18-29 (13) the health licensing division of the [~~Texas~~]  
 18-30 Department of State Health Services; and  
 18-31 (14) the governor's office.

18-32 SECTION 32. Section 157.052(a)(3), Occupations Code, is  
 18-33 amended to read as follows:

18-34 (3) "Registered nurse" means a registered nurse  
 18-35 recognized by the Texas Board of Nursing [~~Nurse Examiners~~] as  
 18-36 having the specialized education and training required under  
 18-37 Section 301.152.

18-38 SECTION 33. Section 157.059(b), Occupations Code, is  
 18-39 amended to read as follows:

18-40 (b) A physician may delegate to a physician assistant  
 18-41 offering obstetrical services and certified by the board as  
 18-42 specializing in obstetrics or an advanced practice nurse recognized  
 18-43 by the Texas Board of Nursing [~~Nurse Examiners~~] as a nurse midwife  
 18-44 the act of administering or providing controlled substances to the  
 18-45 physician assistant's or nurse midwife's clients during intrapartum  
 18-46 and immediate postpartum care.

18-47 SECTION 34. Section 162.102(c), Occupations Code, is  
 18-48 amended to read as follows:

18-49 (c) The board shall cooperate with the Texas Board of  
 18-50 Nursing [~~Nurse Examiners~~] in the adoption of rules under this  
 18-51 subchapter to eliminate, to the extent possible, conflicts between  
 18-52 the rules adopted by each board.

18-53 SECTION 35. Section 203.002(2), Occupations Code, is  
 18-54 amended to read as follows:

- 18-55 (2) "Certified nurse-midwife" means a person who is:  
 18-56 (A) a registered nurse under Chapter 301;  
 18-57 (B) recognized as an advanced nurse practitioner  
 18-58 by the Texas Board of Nursing [~~Nurse Examiners~~]; and  
 18-59 (C) certified by the American College of  
 18-60 Nurse-Midwives.

18-61 SECTION 36. Section 203.402, Occupations Code, is amended  
 18-62 to read as follows:

18-63 Sec. 203.402. PROHIBITED REPRESENTATION. A midwife may  
 18-64 not:

- 18-65 (1) except as provided by Section 203.403, use in  
 18-66 connection with the midwife's name a title, abbreviation, or  
 18-67 designation tending to imply that the midwife is a "registered" or  
 18-68 "certified" midwife as opposed to one who is licensed under this  
 18-69 chapter;

19-1 (2) advertise or represent that the midwife is a  
 19-2 physician or a graduate of a medical school unless the midwife is  
 19-3 licensed to practice medicine by the Texas [~~State Board of~~] Medical  
 19-4 Board [~~Examiners~~];

19-5 (3) use advertising or an identification statement  
 19-6 that is false, misleading, or deceptive; or

19-7 (4) except as authorized by rules adopted by the Texas  
 19-8 Board of Nursing [~~Nurse Examiners~~], use in combination with the  
 19-9 term "midwife" the term "nurse" or another title, initial, or  
 19-10 designation that implies that the midwife is licensed as a  
 19-11 registered nurse or vocational nurse.

19-12 SECTION 37. Section 258.001, Occupations Code, is amended  
 19-13 to read as follows:

19-14 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may  
 19-15 not delegate:

19-16 (1) an act to an individual who, by board order, is  
 19-17 prohibited from performing the act;

19-18 (2) any of the following acts to a person not licensed  
 19-19 as a dentist or dental hygienist:

19-20 (A) the removal of calculus, deposits, or  
 19-21 accretions from the natural and restored surfaces of exposed human  
 19-22 teeth and restorations in the human mouth;

19-23 (B) root planing or the smoothing and polishing  
 19-24 of roughened root surfaces or exposed human teeth; or

19-25 (C) any other act the delegation of which is  
 19-26 prohibited by board rule;

19-27 (3) any of the following acts to a person not licensed  
 19-28 as a dentist:

19-29 (A) comprehensive examination or diagnosis and  
 19-30 treatment planning;

19-31 (B) a surgical or cutting procedure on hard or  
 19-32 soft tissue;

19-33 (C) the prescription of a drug, medication, or  
 19-34 work authorization;

19-35 (D) the taking of an impression for a final  
 19-36 restoration, appliance, or prosthesis;

19-37 (E) the making of an intraoral occlusal  
 19-38 adjustment;

19-39 (F) direct pulp capping, pulpotomy, or any other  
 19-40 endodontic procedure;

19-41 (G) the final placement and intraoral adjustment  
 19-42 of a fixed or removable appliance; or

19-43 (H) the placement of any final restoration; or

19-44 (4) the authority to an individual to administer a  
 19-45 local anesthetic agent, inhalation sedative agent, parenteral  
 19-46 sedative agent, or general anesthetic agent if the individual is  
 19-47 not licensed as:

19-48 (A) a dentist with a permit issued by the board  
 19-49 for the procedure being performed, if a permit is required;

19-50 (B) a certified registered nurse anesthetist  
 19-51 licensed by the Texas Board of Nursing [~~Nurse Examiners~~], only if  
 19-52 the delegating dentist holds a permit issued by the board for the  
 19-53 procedure being performed, if a permit is required; or

19-54 (C) a physician anesthesiologist licensed by the  
 19-55 Texas [~~State Board of~~] Medical Board [~~Examiners~~].

19-56 SECTION 38. Section 303.001(1), Occupations Code, is  
 19-57 amended to read as follows:

19-58 (1) "Board" means the Texas Board of Nursing [~~Nurse~~  
 19-59 ~~Examiners~~].

19-60 SECTION 39. Sections 304.002 and 304.003, Occupations Code,  
 19-61 are amended to read as follows:

19-62 Sec. 304.002. ADMINISTRATION OF COMPACT. The executive  
 19-63 director of the Texas Board of Nursing [~~Nurse Examiners~~] is the  
 19-64 Nurse Licensure Compact administrator for this state.

19-65 Sec. 304.003. RULES. The Texas Board of Nursing [~~Nurse~~  
 19-66 ~~Examiners~~] may adopt rules necessary to implement this chapter.

19-67 SECTION 40. Sections 304.004(b) and (c), Occupations Code,  
 19-68 are amended to read as follows:

19-69 (b) Unless the context indicates otherwise or doing so would

20-1 be inconsistent with the Nurse Licensure Compact, nurses practicing  
20-2 in this state under a license issued by a state that is a party to  
20-3 the Nurse Licensure Compact have the same rights and obligations as  
20-4 imposed by the laws of this state on license holders of the Texas  
20-5 Board of Nursing [~~Nurse Examiners~~].

20-6 (c) The Texas Board of Nursing [~~Nurse Examiners~~] has the  
20-7 authority to determine whether a right or obligation imposed on  
20-8 license holders applies to nurses practicing in this state under a  
20-9 license issued by a state that is a party to the Nurse Licensure  
20-10 Compact unless that determination is inconsistent with the Nurse  
20-11 Licensure Compact.

20-12 SECTION 41. Section 304.005, Occupations Code, is amended  
20-13 to read as follows:

20-14 Sec. 304.005. ENFORCEMENT. The Texas Board of Nursing  
20-15 [~~Nurse Examiners~~] is the state agency responsible for taking action  
20-16 against registered and vocational nurses practicing in this state  
20-17 under a license issued by a state that is a party to the Nurse  
20-18 Licensure Compact as authorized by the Nurse Licensure Compact.  
20-19 The action shall be taken in accordance with the same procedures for  
20-20 taking action against registered and vocational nurses licensed by  
20-21 this state.

20-22 SECTION 42. Section 304.006(a), Occupations Code, is  
20-23 amended to read as follows:

20-24 (a) On request and payment of a reasonable fee, the Texas  
20-25 Board of Nursing [~~Nurse Examiners~~] shall provide a registered or  
20-26 vocational nurse licensed by this state with a copy of information  
20-27 regarding the nurse maintained by the coordinated licensure  
20-28 information system under Article 7 of the Nurse Licensure Compact.

20-29 SECTION 43. Section 304.007, Occupations Code, is amended  
20-30 to read as follows:

20-31 Sec. 304.007. ACCESS TO PRACTICE-RELATED INFORMATION.  
20-32 Practice-related information provided by the Texas Board of Nursing  
20-33 [~~Nurse Examiners~~] to registered or vocational nurses licensed by  
20-34 this state shall be made available by the board on request and at a  
20-35 reasonable cost to nurses practicing in this state under a license  
20-36 issued by a state that is a party to the Nurse Licensure Compact.

20-37 SECTION 44. Section 304.008(a), Occupations Code, is  
20-38 amended to read as follows:

20-39 (a) In reporting information to the coordinated licensure  
20-40 information system under Article 7 of the Nurse Licensure Compact,  
20-41 the Texas Board of Nursing [~~Nurse Examiners~~] may disclose  
20-42 personally identifiable information about the nurse, including  
20-43 social security number.

20-44 SECTION 45. Section 304.009(a), Occupations Code, is  
20-45 amended to read as follows:

20-46 (a) The governor may withdraw this state from the Nurse  
20-47 Licensure Compact if the Texas Board of Nursing [~~Nurse Examiners~~]  
20-48 notifies the governor that a state that is party to the compact  
20-49 changed, after January 1, 1999, the state's requirements for  
20-50 licensing a nurse and that the state's requirements, as changed,  
20-51 are substantially lower than the requirements for licensing a nurse  
20-52 in this state.

20-53 SECTION 46. Section 401.052, Occupations Code, is amended  
20-54 to read as follows:

20-55 Sec. 401.052. NURSES. This chapter does not prevent or  
20-56 restrict a communication, speech, language, or hearing screening,  
20-57 as defined by board rule, from being conducted by a registered  
20-58 nurse:

- 20-59 (1) licensed in this state; and  
20-60 (2) practicing in accordance with the standards of  
20-61 professional conduct and ethics established by rules adopted by the  
20-62 Texas Board of Nursing [~~Nurse Examiners~~].

20-63 SECTION 47. Section 601.002(11), Occupations Code, is  
20-64 amended to read as follows:

20-65 (11) "Registered nurse" means a person licensed by the  
20-66 Texas Board of Nursing [~~Nurse Examiners~~] to practice professional  
20-67 nursing.

20-68 SECTION 48. Section 601.251, Occupations Code, is amended  
20-69 to read as follows:

21-1 Sec. 601.251. APPLICABILITY. This subchapter applies to  
21-2 the:

- 21-3 (1) Texas Board of Nursing [~~Nurse Examiners~~];
- 21-4 (2) Texas Board of Chiropractic Examiners;
- 21-5 (3) State Board of Dental Examiners;
- 21-6 (4) Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- 21-7 and
- 21-8 (5) Texas State Board of Podiatric Medical Examiners.

21-9 SECTION 49. Section 601.252(a), Occupations Code, is  
21-10 amended to read as follows:

21-11 (a) Each agency subject to this subchapter, other than the  
21-12 Texas Board of Nursing [~~Nurse Examiners~~], shall adopt rules to  
21-13 regulate the manner in which a person who holds a license issued by  
21-14 the agency may order, instruct, or direct another authorized person  
21-15 in the performance of a radiologic procedure.

21-16 SECTION 50. Section 601.253, Occupations Code, is amended  
21-17 to read as follows:

21-18 Sec. 601.253. TEXAS BOARD OF NURSING [~~NURSE~~  
21-19 ~~EXAMINERS~~]. (a) The Texas Board of Nursing [~~Nurse Examiners~~] may  
21-20 adopt rules governing registered nurses performing radiologic  
21-21 procedures under Section 601.151 or 601.154 and shall require  
21-22 registered nurses performing radiologic procedures under Section  
21-23 601.151 to register with the Texas Board of Nursing [~~Nurse~~  
21-24 ~~Examiners~~] and to identify the practitioner ordering the  
21-25 procedures.

21-26 (b) The Texas Board of Nursing [~~Nurse Examiners~~] shall  
21-27 notify the agency licensing the practitioner that the nurse has  
21-28 registered under this section.

21-29 SECTION 51. Sections 61.657(a) and (b), Education Code, are  
21-30 amended to read as follows:

21-31 (a) The board shall appoint a 10-member advisory committee  
21-32 to advise the board concerning assistance provided under this  
21-33 subchapter to professional nursing students. The advisory  
21-34 committee consists of:

- 21-35 (1) a chair named by the board;
- 21-36 (2) one representative named by the Texas Nurses  
21-37 Association;
- 21-38 (3) one representative named by the Texas Organization  
21-39 of Nurse Executives;
- 21-40 (4) one representative named by the Texas Board of  
21-41 Nursing [~~Nurse Examiners~~];
- 21-42 (5) a head of each of the three types of professional  
21-43 nursing educational programs, named by the deans and directors of  
21-44 nursing programs in this state;
- 21-45 (6) a representative of graduate nursing education  
21-46 named by the deans and directors of nursing programs in this state;
- 21-47 (7) one representative named by the Texas Health Care  
21-48 Association; and
- 21-49 (8) one representative named by the Texas Association  
21-50 of Homes for the Aging.

21-51 (b) The board shall appoint an eight-member advisory  
21-52 committee to advise the board concerning assistance provided under  
21-53 this subchapter to vocational nursing students. The advisory  
21-54 committee consists of:

- 21-55 (1) a chair named by the board;
- 21-56 (2) one representative named by the Licensed  
21-57 Vocational Nurses Association of Texas;
- 21-58 (3) one representative named by the Texas Organization  
21-59 of Nurse Executives;
- 21-60 (4) one representative named by the Texas Board of  
21-61 Nursing [~~Nurse Examiners~~];
- 21-62 (5) two representatives of vocational nursing  
21-63 educational programs named by the Texas Association of Vocational  
21-64 Nurse Educators;
- 21-65 (6) one representative named by the Texas Health Care  
21-66 Association; and
- 21-67 (7) one representative named by the Texas Association  
21-68 of Homes for the Aging.

21-69 SECTION 52. Section 61.9623(a), Education Code, is amended

22-1 to read as follows:

22-2 (a) A grant from the professional nursing shortage  
22-3 reduction program to a professional nursing program or other entity  
22-4 involved with a professional nursing program in the preparation of  
22-5 students for initial licensure as registered nurses must be:

22-6 (1) expended exclusively on costs related to:  
22-7 (A) enrolling additional students;  
22-8 (B) nursing faculty enhancement in accordance  
22-9 with Section 61.96231;

22-10 (C) encouraging innovation in the recruitment  
22-11 and retention of students, including the recruitment and retention  
22-12 of Spanish-speaking and bilingual students; or

22-13 (D) identifying, developing, or implementing  
22-14 innovative methods to make the most effective use of limited  
22-15 professional nursing program faculty, instructional or clinical  
22-16 space, and other resources, including:

22-17 (i) sharing administrative or  
22-18 instructional personnel, facilities, and responsibilities between  
22-19 two or more professional nursing programs located in the same  
22-20 region of this state; and

22-21 (ii) using preceptors to provide clinical  
22-22 instruction in order to reduce the number of new faculty needed to  
22-23 accommodate increased student enrollment in the professional  
22-24 nursing program;

22-25 (2) contingent on the professional nursing program's  
22-26 having been approved as a professional nursing program by the board  
22-27 or the Texas Board of Nursing [~~Nurse Examiners~~], as appropriate, by  
22-28 September 1, 2001;

22-29 (3) contingent on the professional nursing program's  
22-30 not being on probation with the Texas Board of Nursing [~~Nurse  
22-31 Examiners~~] or other accrediting body; and

22-32 (4) if granted to increase enrollments, contingent on  
22-33 the professional nursing program's ability to enroll additional  
22-34 students, including having the necessary classroom space and  
22-35 clinical slots.

22-36 SECTION 53. Section 232.002, Family Code, is amended to  
22-37 read as follows:

22-38 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.  
22-39 The following are licensing authorities subject to this chapter:

22-40 (1) Department of Agriculture;  
22-41 (2) Texas Alcoholic Beverage Commission;  
22-42 (3) Texas Appraiser Licensing and Certification  
22-43 Board;

22-44 (4) Texas Board of Architectural Examiners;

22-45 (5) Texas Board of Chiropractic Examiners;

22-46 (6) Comptroller of Public Accounts;

22-47 (7) Court Reporters Certification Board;

22-48 (8) State Board of Dental Examiners;

22-49 (9) Texas State Board of Examiners of Dietitians;

22-50 (10) Texas Funeral Service Commission;

22-51 (11) Department of State Health Services;

22-52 (12) Department of Aging and Disability Services;

22-53 (13) Texas Board of Professional Land Surveying;

22-54 (14) Texas Department of Licensing and Regulation;

22-55 (15) Texas State Board of Examiners of Marriage and  
22-56 Family Therapists;

22-57 (16) Texas [~~State Board of~~] Medical Board [~~Examiners~~];

22-58 (17) Midwifery Board;

22-59 (18) Texas Commission on Environmental Quality;

22-60 (19) Texas Board of Nursing [~~Nurse Examiners~~];

22-61 (20) Texas Board of Occupational Therapy Examiners;

22-62 (21) Texas Optometry Board;

22-63 (22) Parks and Wildlife Department;

22-64 (23) Texas State Board of Examiners of Perfusionists;

22-65 (24) Texas State Board of Pharmacy;

22-66 (25) Texas Board of Physical Therapy Examiners;

22-67 (26) Texas State Board of Plumbing Examiners;

22-68 (27) Texas State Board of Podiatric Medical Examiners;

22-69 (28) Polygraph Examiners Board;

- 23-1 (29) Texas Private Security Board;
- 23-2 (30) Texas State Board of Examiners of Professional
- 23-3 Counselors;
- 23-4 (31) Texas Board of Professional Engineers;
- 23-5 (32) Department of Family and Protective Services;
- 23-6 (33) Texas State Board of Examiners of Psychologists;
- 23-7 (34) Texas State Board of Public Accountancy;
- 23-8 (35) Department of Public Safety of the State of
- 23-9 Texas;
- 23-10 (36) Public Utility Commission of Texas;
- 23-11 (37) Railroad Commission of Texas;
- 23-12 (38) Texas Real Estate Commission;
- 23-13 (39) State Bar of Texas;
- 23-14 (40) Texas State Board of Social Worker Examiners;
- 23-15 (41) State Board of Examiners for Speech-Language
- 23-16 Pathology and Audiology;
- 23-17 (42) Texas Structural Pest Control Board;
- 23-18 (43) Board of Tax Professional Examiners;
- 23-19 (44) Secretary of State;
- 23-20 (45) Supreme Court of Texas;
- 23-21 (46) Texas Transportation Commission;
- 23-22 (47) State Board of Veterinary Medical Examiners;
- 23-23 (48) Texas Ethics Commission;
- 23-24 (49) Advisory Board of Athletic Trainers;
- 23-25 (50) State Committee of Examiners in the Fitting and
- 23-26 Dispensing of Hearing Instruments;
- 23-27 (51) Texas Board of Licensure for Professional Medical
- 23-28 Physicists;
- 23-29 (52) Texas Department of Insurance;
- 23-30 (53) Texas Board of Orthotics and Prosthetics;
- 23-31 (54) savings and loan commissioner;
- 23-32 (55) Texas Juvenile Probation Commission; and
- 23-33 (56) Texas Lottery Commission under Chapter 466,
- 23-34 Government Code.

SECTION 54. Section 411.081(i), Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to the following noncriminal justice agencies or entities only:

- 23-40 (1) the State Board for Educator Certification;
- 23-41 (2) a school district, charter school, private school,
- 23-42 regional education service center, commercial transportation
- 23-43 company, or education shared service arrangement;
- 23-44 (3) the Texas [~~State Board of~~] Medical Board
- 23-45 [~~Examiners~~];
- 23-46 (4) the Texas School for the Blind and Visually
- 23-47 Impaired;
- 23-48 (5) the Board of Law Examiners;
- 23-49 (6) the State Bar of Texas;
- 23-50 (7) a district court regarding a petition for name
- 23-51 change under Subchapter B, Chapter 45, Family Code;
- 23-52 (8) the Texas School for the Deaf;
- 23-53 (9) the Department of Family and Protective Services;
- 23-54 (10) the Texas Youth Commission;
- 23-55 (11) the Department of Assistive and Rehabilitative
- 23-56 Services;
- 23-57 (12) the Department of State Health Services, a local
- 23-58 mental health service, a local mental retardation authority, or a
- 23-59 community center providing services to persons with mental illness
- 23-60 or retardation;
- 23-61 (13) the Texas Private Security Board;
- 23-62 (14) a municipal or volunteer fire department;
- 23-63 (15) the Texas Board of Nursing [~~Nurse Examiners~~];
- 23-64 (16) a safe house providing shelter to children in
- 23-65 harmful situations;
- 23-66 (17) a public or nonprofit hospital or hospital
- 23-67 district;
- 23-68 (18) the Texas Juvenile Probation Commission;
- 23-69 (19) the securities commissioner, the banking

24-1 commissioner, the savings and loan commissioner, or the credit  
24-2 union commissioner;

- 24-3 (20) the Texas State Board of Public Accountancy;
- 24-4 (21) the Texas Department of Licensing and Regulation;
- 24-5 (22) the Health and Human Services Commission; and
- 24-6 (23) the Department of Aging and Disability Services.

24-7 SECTION 55. Section 411.125, Government Code, is amended to  
24-8 read as follows:

24-9 Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD  
24-10 INFORMATION: TEXAS BOARD OF NURSING [~~NURSE EXAMINERS~~]. [~~(a)~~] The  
24-11 Texas Board of Nursing [~~Nurse Examiners~~] is entitled to obtain from  
24-12 the department criminal history record information maintained by  
24-13 the department that relates to a person who:

- 24-14 (1) is an applicant for or the holder of a license  
24-15 issued by the board;
- 24-16 (2) has requested a determination of eligibility for a  
24-17 license from the board; or
- 24-18 (3) is subject to investigation by the board in  
24-19 connection with a complaint or formal charge against the person.

24-20 SECTION 56. Section 487.101(3), Government Code, is amended  
24-21 to read as follows:

- 24-22 (3) "Postsecondary educational institution" means:
- 24-23 (A) an institution of higher education, as  
24-24 defined by Section 61.003, Education Code;
- 24-25 (B) a nonprofit, independent institution  
24-26 approved under Section 61.222, Education Code; or
- 24-27 (C) a nonprofit, health-related school or  
24-28 program accredited by the Southern Association of Colleges and  
24-29 Schools, the Liaison Committee on Medical Education, the American  
24-30 Osteopathic Association, the Texas Board of Nursing [~~Nurse  
24-31 Examiners~~], or, in the case of allied health, an accrediting body  
24-32 recognized by the United States Department of Education.

24-33 SECTION 57. Section 487.151(2), Government Code, is amended  
24-34 to read as follows:

- 24-35 (2) "Postsecondary educational institution" means:
- 24-36 (A) an institution of higher education, as  
24-37 defined by Section 61.003, Education Code;
- 24-38 (B) a nonprofit, independent institution  
24-39 approved under Section 61.222, Education Code; or
- 24-40 (C) a nonprofit, health-related school or  
24-41 program accredited by the Southern Association of Colleges and  
24-42 Schools, the Liaison Committee on Medical Education, the American  
24-43 Osteopathic Association, the Texas Board of Nursing [~~Nurse  
24-44 Examiners~~], or, in the case of allied health, an accrediting body  
24-45 recognized by the United States Department of Education.

24-46 SECTION 58. Section 531.02172(b), Government Code, is  
24-47 amended to read as follows:

- 24-48 (b) The advisory committee must include:
- 24-49 (1) representatives of health and human services  
24-50 agencies and other state agencies concerned with the use of  
24-51 telemedical consultations in the Medicaid program and the state  
24-52 child health plan program, including representatives of:
- 24-53 (A) the commission;
- 24-54 (B) the [~~Texas~~] Department of State Health  
24-55 Services;
- 24-56 (C) the Office of Rural Community Affairs;
- 24-57 (D) the Telecommunications Infrastructure Fund  
24-58 Board;
- 24-59 (E) the Texas Department of Insurance;
- 24-60 (F) the Texas [~~State Board of~~] Medical Board  
24-61 [~~Examiners~~];
- 24-62 (G) the Texas Board of Nursing [~~Nurse Examiners~~];  
24-63 and
- 24-64 (H) the Texas State Board of Pharmacy;
- 24-65 (2) representatives of health science centers in this  
24-66 state;
- 24-67 (3) experts on telemedicine, telemedical  
24-68 consultation, and telemedicine medical services or telehealth  
24-69 services; and



25-1 (4) representatives of consumers of health services  
25-2 provided through telemedical consultations and telemedicine  
25-3 medical services or telehealth services.

25-4 SECTION 59. Section 2054.352(a), Government Code, is  
25-5 amended to read as follows:

25-6 (a) The following licensing entities shall participate in  
25-7 the system established under Section 2054.353:

- 25-8 (1) Texas Board of Chiropractic Examiners;
- 25-9 (2) Court Reporters Certification Board;
- 25-10 (3) State Board of Dental Examiners;
- 25-11 (4) Texas Funeral Service Commission;
- 25-12 (5) Texas Board of Professional Land Surveying;
- 25-13 (6) Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~;
- 25-14 (7) Texas Board of Nursing ~~[Nurse Examiners]~~;
- 25-15 (8) Texas Optometry Board;
- 25-16 (9) Texas Structural Pest Control Board;
- 25-17 (10) Texas State Board of Pharmacy;
- 25-18 (11) Executive Council of Physical Therapy and  
25-19 Occupational Therapy Examiners;
- 25-20 (12) Texas State Board of Plumbing Examiners;
- 25-21 (13) Texas State Board of Podiatric Medical Examiners;
- 25-22 (14) Board of Tax Professional Examiners;
- 25-23 (15) Polygraph Examiners Board;
- 25-24 (16) Texas State Board of Examiners of Psychologists;
- 25-25 (17) State Board of Veterinary Medical Examiners;
- 25-26 (18) Texas Real Estate Commission;
- 25-27 (19) Texas Appraiser Licensing and Certification  
25-28 Board;
- 25-29 (20) Texas Department of Licensing and Regulation;
- 25-30 (21) Texas State Board of Public Accountancy;
- 25-31 (22) State Board for Educator Certification;
- 25-32 (23) Texas Board of Professional Engineers;
- 25-33 (24) Department of State Health Services;
- 25-34 (25) Texas Board of Architectural Examiners;
- 25-35 (26) Texas Racing Commission;
- 25-36 (27) Commission on Law Enforcement Officer Standards  
25-37 and Education; and
- 25-38 (28) Texas Private Security Board.

25-39 SECTION 60. Section 47.001(3), Health and Safety Code, is  
25-40 amended to read as follows:

25-41 (3) "Health care provider" means a registered nurse  
25-42 recognized as an advanced practice nurse by the Texas Board of  
25-43 Nursing ~~[Nurse Examiners]~~ or a physician assistant licensed by the  
25-44 Texas ~~[State Board of]~~ Physician Assistant Board ~~[Examiners]~~.

25-45 SECTION 61. Section 81.010(c), Health and Safety Code, is  
25-46 amended to read as follows:

25-47 (c) The council consists of one representative from each of  
25-48 the following agencies appointed by the executive director or  
25-49 commissioner of each agency:

- 25-50 (1) the department;
- 25-51 (2) the Texas Department of Mental Health and Mental  
25-52 Retardation;
- 25-53 (3) the Texas Department of Human Services;
- 25-54 (4) the Texas Commission on Alcohol and Drug Abuse;
- 25-55 (5) the Texas Rehabilitation Commission;
- 25-56 (6) the Texas Youth Commission;
- 25-57 (7) the Texas Department of Criminal Justice;
- 25-58 (8) the Texas Juvenile Probation Commission;
- 25-59 (9) the Texas Commission for the Blind;
- 25-60 (10) the Texas Commission for the Deaf and Hard of  
25-61 Hearing;
- 25-62 (11) the Department of Protective and Regulatory  
25-63 Services;
- 25-64 (12) the Texas Education Agency;
- 25-65 (13) the Texas Medical ~~[State]~~ Board ~~[of Medical~~  
25-66 ~~Examiners]~~;
- 25-67 (14) the Texas Board of Nursing ~~[Nurse Examiners]~~;
- 25-68 (15) the State Board of Dental Examiners;
- 25-69 (16) the Health and Human Services Commission;

26-1 (17) the Texas Department on Aging; and  
26-2 (18) the Texas Workforce Commission.

26-3 SECTION 62. Section 105.002(c), Health and Safety Code, is  
26-4 amended to read as follows:

26-5 (c) If the nursing resource section established under  
26-6 Subsection (b) is funded from surcharges collected under Section  
26-7 301.155(c), Occupations Code, the council shall provide the Texas  
26-8 Board of Nursing [~~Nurse Examiners~~] with an annual accounting of the  
26-9 money received from the board. The council may expend a reasonable  
26-10 amount of the money to pay administrative costs of maintaining the  
26-11 nursing resource section.

26-12 SECTION 63. Section 142.001(22), Health and Safety Code, is  
26-13 amended to read as follows:

26-14 (22) "Personal assistance service" means routine  
26-15 ongoing care or services required by an individual in a residence or  
26-16 independent living environment that enable the individual to engage  
26-17 in the activities of daily living or to perform the physical  
26-18 functions required for independent living, including respite  
26-19 services. The term includes:

26-20 (A) personal care;  
26-21 (B) health-related services performed under  
26-22 circumstances that are defined as not constituting the practice of  
26-23 professional nursing by the Texas Board of Nursing [~~Nurse~~  
26-24 ~~Examiners~~] through a memorandum of understanding with the  
26-25 department in accordance with Section 142.016; and

26-26 (C) health-related tasks provided by unlicensed  
26-27 personnel under the delegation of a registered nurse or that a  
26-28 registered nurse determines do not require delegation.

26-29 SECTION 64. Sections 142.016(a) and (b), Health and Safety  
26-30 Code, are amended to read as follows:

26-31 (a) The Texas Board of Nursing [~~Nurse Examiners~~] and the  
26-32 department shall adopt a memorandum of understanding governing the  
26-33 circumstances under which the provision of health-related tasks or  
26-34 services do not constitute the practice of professional nursing.  
26-35 The agencies periodically shall review and shall renew or modify  
26-36 the memorandum as necessary.

26-37 (b) The Texas Board of Nursing [~~Nurse Examiners~~] and the  
26-38 department shall consult with an advisory committee in developing,  
26-39 modifying, or renewing the memorandum of understanding. The  
26-40 advisory committee shall be appointed by the Texas Board of Nursing  
26-41 [~~Nurse Examiners~~] and the department and at a minimum shall  
26-42 include:

26-43 (1) one representative from the Texas Board of Nursing  
26-44 [~~Nurse Examiners~~] and one representative from the department to  
26-45 serve as cochairmen;

26-46 (2) one representative from the Texas Department of  
26-47 Mental Health and Mental Retardation;

26-48 (3) one representative from the Texas Nurses  
26-49 Association;

26-50 (4) one representative from the Texas Association for  
26-51 Home Care, Incorporated, or its successor;

26-52 (5) one representative from the Texas Hospice  
26-53 Organization, Incorporated, or its successor;

26-54 (6) one representative of the Texas Respite Resource  
26-55 Network or its successor; and

26-56 (7) two representatives of organizations such as the  
26-57 Personal Assistance Task Force or the Disability Consortium that  
26-58 advocate for clients in community-based settings.

26-59 SECTION 65. Section 142.021, Health and Safety Code, is  
26-60 amended to read as follows:

26-61 Sec. 142.021. ADMINISTRATION OF MEDICATION. A person may  
26-62 not administer medication to a client of a home and community  
26-63 support services agency unless the person:

26-64 (1) holds a license under state law that authorizes  
26-65 the person to administer medication;

26-66 (2) holds a permit issued under Section 142.025 and  
26-67 acts under the delegated authority of a person who holds a license  
26-68 under state law that authorizes the person to administer  
26-69 medication;

27-1 (3) administers a medication to a client of a home and  
27-2 community support service agency in accordance with rules of the  
27-3 Texas Board of Nursing [~~Nurse Examiners~~] that permit delegation of  
27-4 the administration of medication to a person not holding a permit  
27-5 under Section 142.025; or

27-6 (4) administers noninjectable medication under  
27-7 circumstances authorized by the memorandum of understanding  
27-8 adopted under Section 142.016.

27-9 SECTION 66. Section 142.022, Health and Safety Code, is  
27-10 amended to read as follows:

27-11 Sec. 142.022. EXEMPTIONS FOR NURSING STUDENTS AND  
27-12 MEDICATION AIDE TRAINEES. (a) Sections 142.021 and 142.029 do not  
27-13 apply to:

27-14 (1) a graduate nurse holding a temporary permit issued  
27-15 by the Texas Board of Nursing [~~Nurse Examiners~~];

27-16 (2) a student enrolled in an accredited school of  
27-17 nursing or program for the education of registered nurses who is  
27-18 administering medications as part of the student's clinical  
27-19 experience;

27-20 (3) a graduate vocational nurse holding a temporary  
27-21 permit issued by the Texas Board of Nursing [~~Nurse Examiners~~];

27-22 (4) a student enrolled in an accredited school of  
27-23 vocational nursing or program for the education of vocational  
27-24 nurses who is administering medications as part of the student's  
27-25 clinical experience; or

27-26 (5) a trainee in a medication aide training program  
27-27 approved by the department under Section 142.024 who is  
27-28 administering medications as part of the trainee's clinical  
27-29 experience.

27-30 (b) The administration of medications by persons exempted  
27-31 under Subdivisions (1) through (4) of Subsection (a) is governed by  
27-32 the terms of the memorandum of understanding executed by the  
27-33 department and the Texas Board of Nursing [~~Nurse Examiners~~].

27-34 SECTION 67. Section 241.003(1), Health and Safety Code, is  
27-35 amended to read as follows:

27-36 (1) "Advanced practice nurse" means a registered nurse  
27-37 recognized as an advanced practice nurse by the Texas Board of  
27-38 Nursing [~~Nurse Examiners~~].

27-39 SECTION 68. Section 241.026(a), Health and Safety Code, is  
27-40 amended to read as follows:

27-41 (a) The board shall adopt and enforce rules to further the  
27-42 purposes of this chapter. The rules at a minimum shall address:

27-43 (1) minimum requirements for staffing by physicians  
27-44 and nurses;

27-45 (2) hospital services relating to patient care;

27-46 (3) fire prevention, safety, and sanitation  
27-47 requirements in hospitals;

27-48 (4) patient care and a patient bill of rights;

27-49 (5) compliance with other state and federal laws  
27-50 affecting the health, safety, and rights of hospital patients; and

27-51 (6) compliance with nursing peer review under  
27-52 Subchapter I, Chapter 301, and Chapter 303, Occupations Code, and  
27-53 the rules of the Texas Board of Nursing [~~Nurse Examiners~~] relating  
27-54 to peer review.

27-55 SECTION 69. Section 242.607, Health and Safety Code, is  
27-56 amended to read as follows:

27-57 Sec. 242.607. EXEMPTIONS FOR NURSING STUDENTS AND  
27-58 MEDICATION AIDE TRAINEES. (a) Sections 242.606 and 242.614 do not  
27-59 apply to:

27-60 (1) a graduate nurse holding a temporary permit issued  
27-61 by the Texas Board of Nursing [~~Nurse Examiners~~];

27-62 (2) a student enrolled in an accredited school of  
27-63 nursing or program for the education of registered nurses who is  
27-64 administering medications as part of the student's clinical  
27-65 experience;

27-66 (3) a graduate vocational nurse holding a temporary  
27-67 permit issued by the Texas Board of Nursing [~~Nurse Examiners~~];

27-68 (4) a student enrolled in an accredited school of  
27-69 vocational nursing or program for the education of vocational

nurses who is administering medications as part of the student's clinical experience; or

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

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

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

(2) "Licensing authority" means:

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

(B) the State Board of Dental Examiners;

(C) the Texas State Board of Examiners of Psychologists;

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

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

(F) the Texas Board of Physical Therapy Examiners;

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

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

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

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

SECTION 72. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.969 to read as follows:

Sec. 51.969. EMPLOYMENT POLICIES FOR NURSES IN MEDICAL AND DENTAL UNITS. (a) The president of a medical and dental unit, as defined by Section 61.003, shall determine whether a nurse employed by the unit for patient care or clinical activities is a full-time employee for purposes of:

(1) employees group benefits under Chapter 1551 or 1601, Insurance Code;

(2) leave under Chapter 661 or 662, Government Code;

(3) longevity pay under Section 659.043, Government Code.

(b) A determination under Subsection (a) does not entitle a nurse who works less than 40 hours a week to the full state contribution to the cost of any coverage or benefits. However, from money other than money appropriated from the general revenue fund, the employing medical and dental unit may contribute to that cost amounts in excess of the state contribution.

SECTION 73. Chapter 61, Education Code, is amended by adding Subchapter EE to read as follows:

SUBCHAPTER EE. TEXAS HOSPITAL-BASED NURSING EDUCATION PARTNERSHIP GRANT PROGRAM

Sec. 61.9751. DEFINITIONS. In this subchapter:

(1) "Hospital-based nursing education partnership" means a partnership that:

(A) consists of one or more hospitals in this state that are not owned, maintained, or operated by the federal or state government or an agency of the federal or state government and one or more nursing education programs in this state; and

(B) serves to increase the number of students enrolled in and graduation rates for each nursing education program in the partnership.

(2) "Nursing education program" means an undergraduate professional nursing program or a graduate professional nursing program as those terms are defined by Section

29-1 54.221.

29-2 Sec. 61.9752. PROGRAM: ESTABLISHMENT; ADMINISTRATION;  
 29-3 PURPOSE. (a) The Texas hospital-based nursing education  
 29-4 partnership grant program is established.

29-5 (b) The board shall administer the program in accordance  
 29-6 with this subchapter and rules adopted under this subchapter.

29-7 (c) Under the program, to the extent funds are available  
 29-8 under Section 61.9755, the board shall make grants to  
 29-9 hospital-based nursing education partnerships to assist those  
 29-10 partnerships to meet the state's needs for registered nurses by  
 29-11 increasing the number of nursing education program graduates  
 29-12 through innovative instruction, through collaboration between  
 29-13 hospitals and nursing education programs, and the use of the  
 29-14 existing expertise and facilities of those hospitals and programs.

29-15 Sec. 61.9753. GRANTS: CONDITIONS; LIMITATIONS. (a) The  
 29-16 board may make a grant under this subchapter to a hospital-based  
 29-17 nursing education partnership only if the board determines that:

29-18 (1) the partnership will meet applicable board and  
 29-19 Texas Board of Nursing standards for instruction and student  
 29-20 competency for the associate, bachelor of science, or master of  
 29-21 science nursing degree granted by each nursing education program  
 29-22 participating in the partnership;

29-23 (2) each nursing education program participating in  
 29-24 the partnership will, as a result of the partnership, enroll in the  
 29-25 nursing education program a sufficient number of additional  
 29-26 students as established by the board;

29-27 (3) the marginal cost to the state of producing a  
 29-28 graduate of a nursing education program participating in the  
 29-29 partnership will be comparable, as determined under criteria  
 29-30 established by board rule, to the marginal cost to the state of  
 29-31 producing a graduate of a nursing education program not  
 29-32 participating in a partnership;

29-33 (4) each hospital participating in a partnership with  
 29-34 a nursing education program will provide to students enrolled in  
 29-35 the program clinical placements that:

29-36 (A) allow the students to take part in providing  
 29-37 or to observe, as appropriate, medical services offered by the  
 29-38 hospital; and

29-39 (B) meet the clinical education needs of the  
 29-40 students; and

29-41 (5) the partnership will satisfy any other requirement  
 29-42 established by board rule.

29-43 (b) In establishing the cost-comparison criteria under  
 29-44 Subsection (a)(3), the board shall exclude reasonable development  
 29-45 and initial implementation costs for the infrastructure necessary  
 29-46 to support a hospital-based nursing education partnership.

29-47 (c) A grant under this subchapter may be spent only on costs  
 29-48 related to the development or operation of a hospital-based nursing  
 29-49 education partnership that:

29-50 (1) prepares a student to earn an associate or  
 29-51 bachelor of science degree in nursing and to achieve initial  
 29-52 licensure as a registered nurse, including by providing an  
 29-53 accelerated program to prepare a student to earn a bachelor of  
 29-54 science degree in nursing;

29-55 (2) prepares a student to earn a master of science  
 29-56 degree in nursing with a concentration in education; or

29-57 (3) provides an articulation program providing for  
 29-58 advancement from an associate degree to a bachelor of science  
 29-59 degree in nursing or to a master of science degree in nursing with a  
 29-60 concentration in education.

29-61 (d) A hospital-based nursing education partnership shall  
 29-62 return to the board money granted to the partnership under this  
 29-63 subchapter that the partnership does not spend on eligible costs  
 29-64 under Subsection (c). As the board determines appropriate to best  
 29-65 achieve the purposes of these programs, the board may:

29-66 (1) use the money to make grants to other  
 29-67 hospital-based nursing education partnerships;

29-68 (2) use the money to make grants under the  
 29-69 professional nursing shortage reduction program established under

30-1 Subchapter Z; or

30-2 (3) transfer the money to the permanent fund for  
 30-3 higher education nursing, allied health, and other health-related  
 30-4 programs established under Subchapter C, Chapter 63, for use in  
 30-5 making grants under that subchapter.

30-6 Sec. 61.9754. PRIORITY FOR FUNDING. In awarding a grant  
 30-7 under this subchapter, the board shall give priority to a  
 30-8 hospital-based nursing education partnership that submits a  
 30-9 proposal that:

30-10 (1) provides for collaborative educational models  
 30-11 between one or more participating hospitals and one or more  
 30-12 participating nursing education programs that have signed a  
 30-13 memorandum of understanding or other written agreement under which  
 30-14 the participants agree to comply with standards established by the  
 30-15 board, including any standards the board may establish that:

30-16 (A) provide for program management that offers a  
 30-17 centralized decision-making process allowing for inclusion of each  
 30-18 entity participating in the partnership;

30-19 (B) provide for access to clinical training  
 30-20 positions for students in nursing education programs that are not  
 30-21 participating in the partnership; and

30-22 (C) specify the details of any requirement  
 30-23 relating to a student in a nursing education program participating  
 30-24 in the partnership being employed after graduation in a hospital  
 30-25 participating in the partnership, including any details relating to  
 30-26 the employment of students who do not complete the program, are not  
 30-27 offered a nursing position at the hospital, or choose to pursue  
 30-28 other employment;

30-29 (2) includes a demonstrable education model to:

30-30 (A) increase the number of students enrolled in,  
 30-31 the number of students graduating from, and the number of nursing  
 30-32 faculty employed by each nursing education program participating in  
 30-33 the partnership; and

30-34 (B) improve student retention in each nursing  
 30-35 education program;

30-36 (3) indicates the availability of money to match all  
 30-37 or a portion of the grant money, including matching money from a  
 30-38 hospital, private or nonprofit entity, or institution of higher  
 30-39 education;

30-40 (4) provides for completion of a class admitted under  
 30-41 this project to be funded by all members of the partnership if the  
 30-42 funded project ends before the class graduation date;

30-43 (5) can be replicated by other hospital-based nursing  
 30-44 education partnerships or nursing education programs; and

30-45 (6) includes plans for sustainability of the  
 30-46 partnership beyond the grant period.

30-47 Sec. 61.9755. GRANTS, GIFTS, AND DONATIONS. In addition to  
 30-48 money appropriated by the legislature, the board may solicit,  
 30-49 receive, and spend grants, gifts, and donations from any public or  
 30-50 private source for the purposes of this subchapter.

30-51 Sec. 61.9756. RULES. The board shall adopt rules for the  
 30-52 administration of the Texas hospital-based nursing education  
 30-53 partnership grant program. The rules must include:

30-54 (1) provisions relating to applying for a grant under  
 30-55 this subchapter; and

30-56 (2) standards of accountability to be met by any  
 30-57 hospital-based nursing education partnership awarded a grant under  
 30-58 this subchapter.

30-59 Sec. 61.9757. APPROVAL AS NURSING EDUCATION PILOT PROGRAM.  
 30-60 The board and the Texas Board of Nursing shall establish a single  
 30-61 application process under which a hospital-based nursing education  
 30-62 partnership may apply both for approval as a pilot program under  
 30-63 Section 301.1605, Occupations Code, and for a grant under this  
 30-64 subchapter.

30-65 Sec. 61.9758. REPORTING REQUIREMENTS. (a) Each  
 30-66 hospital-based nursing education partnership that receives a grant  
 30-67 under this subchapter shall submit to the board reports, including  
 30-68 financial reports, that provide information concerning the extent  
 30-69 to which during the reporting period the partnership has complied

31-1 with accountability standards established by the board.

31-2 (b) Not later than December 31 of each even-numbered year,  
 31-3 the board shall submit a report to the governor, lieutenant  
 31-4 governor, and speaker of the house of representatives. The report  
 31-5 shall include a list and description of partnerships created under  
 31-6 this subchapter, and the number of new nursing student enrollees.

31-7 Sec. 61.9759. ADMINISTRATIVE COSTS. A reasonable amount,  
 31-8 not to exceed three percent, of any money appropriated for purposes  
 31-9 of this subchapter may be used to pay the costs of administering  
 31-10 this subchapter.

31-11 SECTION 74. The following laws are repealed:

31-12 (1) Section 301.059(d), Occupations Code; and

31-13 (2) Sections 301.160(f), (g), and (h), Occupations  
 31-14 Code.

31-15 SECTION 75. (a) On the effective date of this Act, the name  
 31-16 of the Board of Nurse Examiners is changed to the Texas Board of  
 31-17 Nursing.

31-18 (b) A member serving on the Board of Nurse Examiners on the  
 31-19 effective date of this Act may continue to serve as a member of the  
 31-20 Texas Board of Nursing for the remainder of the member's term.

31-21 (c) The Texas Board of Nursing shall:

31-22 (1) comply with and implement any nonstatutory  
 31-23 recommendations regarding the board adopted by the Sunset Advisory  
 31-24 Commission as a result of its review of the board; and

31-25 (2) report to the commission the information the  
 31-26 commission requires regarding the board's implementation of the  
 31-27 commission's nonstatutory recommendations not later than November  
 31-28 1, 2008.

31-29 SECTION 76. (a) Not later than January 1, 2008, the Texas  
 31-30 Board of Nursing shall:

31-31 (1) adopt the policies required by Sections 301.166  
 31-32 and 301.167, Occupations Code, as added by this Act; and

31-33 (2) adopt the rules required by Chapter 301,  
 31-34 Occupations Code, as amended by this Act.

31-35 (b) Not later than September 1, 2008, the Texas Board of  
 31-36 Nursing shall:

31-37 (1) develop the jurisprudence examination required by  
 31-38 Section 301.252, Occupations Code, as amended by this Act; and

31-39 (2) implement the plan for creating innovative nursing  
 31-40 education models as required under Section 301.157(h), Occupations  
 31-41 Code, as added by this Act, and report to the Sunset Advisory  
 31-42 Commission regarding the plan and the board's effort to increase  
 31-43 enrollment in nursing education programs.

31-44 SECTION 77. The requirement to pass a jurisprudence  
 31-45 examination under Section 301.252, Occupations Code, as amended by  
 31-46 this Act, applies only to an individual who applies for a license as  
 31-47 a nurse under Chapter 301, Occupations Code, on or after September  
 31-48 1, 2008.

31-49 SECTION 78. (a) The changes in law made by Sections 301.052  
 31-50 and 301.053, Occupations Code, as amended by this Act, regarding  
 31-51 the prohibitions on or qualifications of members of the Texas Board  
 31-52 of Nursing do not affect the entitlement of a member serving on the  
 31-53 Board of Nurse Examiners immediately before September 1, 2007, to  
 31-54 continue to serve and function as a member of the Texas Board of  
 31-55 Nursing for the remainder of the member's term. The changes in law  
 31-56 made by those sections apply only to a member appointed on or after  
 31-57 September 1, 2007.

31-58 (b) The changes in law made by this Act related to the  
 31-59 filing, investigation, or resolution of a complaint under Chapter  
 31-60 301, Occupations Code, as amended by this Act, apply only to a  
 31-61 complaint filed with the Texas Board of Nursing on or after the  
 31-62 effective date of this Act. A complaint filed before the effective  
 31-63 date of this Act is governed by the law as it existed immediately  
 31-64 before that date, and the former law is continued in effect for that  
 31-65 purpose.

31-66 (c) The changes in law made by this Act governing the  
 31-67 authority of the Texas Board of Nursing to issue, renew, or revoke a  
 31-68 license under Chapter 301, Occupations Code, apply only to an  
 31-69 application for an original or renewal license filed with the board

32-1 under Chapter 301, Occupations Code, as amended by this Act, on or  
32-2 after the effective date of this Act. A license application filed  
32-3 before the effective date of this Act is governed by the law in  
32-4 effect at the time the application was filed, and the former law is  
32-5 continued in effect for that purpose.

32-6 (d) The change in law made by this Act with respect to  
32-7 conduct that is grounds for imposition of a disciplinary sanction,  
32-8 including a refund, temporary license suspension, or cease and  
32-9 desist order, applies only to conduct that occurs on or after the  
32-10 effective date of this Act. Conduct that occurs before the  
32-11 effective date of this Act is governed by the law in effect on the  
32-12 date the conduct occurred, and the former law is continued in effect  
32-13 for that purpose.

32-14 SECTION 79. As soon as practicable after the effective date  
32-15 of this Act, the Texas Higher Education Coordinating Board shall  
32-16 adopt rules for the implementation and administration of the Texas  
32-17 hospital-based nursing education partnership grant program  
32-18 established under Subchapter EE, Chapter 61, Education Code, as  
32-19 added by this Act. The board may adopt the initial rules in the  
32-20 manner provided by law for emergency rules.

32-21 SECTION 80. This Act takes effect September 1, 2007.

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