

By: Deuell

S.B. No. 907

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Board of Nurse
3 Examiners.

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

5 SECTION 1. Section 301.003, Occupations Code, is amended to
6 read as follows:

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

11 SECTION 2. Section 301.004(a), Occupations Code, is amended
12 to read as follows:

13 (a) This chapter does not apply to:

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

16 (2) nursing care provided during a disaster under the
17 state emergency management plan adopted under Section 418.042,
18 Government Code, if the person providing the care does not hold the
19 person out as a nurse unless the person is licensed in another
20 state;

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

23 (4) an act performed by a person under the delegated
24 authority of a person licensed by the Texas Medical [~~State~~] Board

1 ~~[of Medical Examiners];~~

2 (5) an act performed by a person licensed by another
3 state agency if the act is authorized by the statute under which the
4 person is licensed;

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

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

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

14 (B) provide nursing consulting services; or

15 (C) attend or present a continuing nursing
16 education program.

17 SECTION 3. Section 301.052(b), Occupations Code, is amended
18 to read as follows:

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

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

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

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

26 (B) sells, manufactures, or distributes health
27 care supplies or equipment; or

1 (C) is regulated by or receives money from the
2 board;

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

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

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

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

11 (4) uses or receives a substantial amount of tangible
12 goods, services, or funds from the board, other than compensation
13 or reimbursement authorized by law for board membership,
14 attendance, or expenses.

15 SECTION 4. Section 301.053, Occupations Code, is amended to
16 read as follows:

17 Sec. 301.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
18 In this section, "Texas trade association" means a [~~nonprofit,~~
19 cooperative~~]~~ and voluntarily joined statewide association of
20 business or professional competitors in this state designed to
21 assist its members and its industry or profession in dealing with
22 mutual business or professional problems and in promoting their
23 common interest.

24 (b) A person may not be a member of the board and may not be a
25 board employee employed in a "bona fide executive, administrative,
26 or professional capacity," as that phrase is used for the purposes
27 of establishing an exemption to the overtime provisions of the

1 federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et
2 seq.), if:

3 (1) the person is an [An] officer, employee, or paid
4 consultant of a Texas trade association in the field of health care;
5 or

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

11 [(c) A person who is the] spouse is [of] an officer,
12 manager, or paid consultant of a Texas trade association in the
13 field of health care [may not be a member of the board and may not be
14 an employee of the board who is exempt from the state's position
15 classification plan or is compensated at or above the amount
16 prescribed by the General Appropriations Act for step 1, salary
17 group A17, of the position classification salary schedule].

18 (c) [(d)] A person may not be [serve as] a [board] member of
19 the board or act as the general counsel to the board if the person is
20 required to register as a lobbyist under Chapter 305, Government
21 Code, because of the person's activities for compensation on behalf
22 of a profession related to the board's operation.

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

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

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

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

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

5 (4) cannot, because of illness or disability,
6 discharge the member's duties for a substantial part of the member's
7 term; or

8 (5) is absent from more than half of the regularly
9 scheduled board meetings that the member is eligible to attend
10 during a calendar year unless the absence is excused by majority
11 vote of the board.

12 (c) If the executive director has knowledge that a potential
13 ground for removal exists, the executive director shall notify the
14 presiding officer of the board of the potential ground. The
15 presiding officer shall then notify the governor and the attorney
16 general that a potential ground for removal exists. If the
17 potential ground for removal involves the presiding officer, the
18 executive director shall notify the next highest ranking officer of
19 the board, who shall then notify the governor and the attorney
20 general that a potential ground for removal exists.

21 SECTION 6. Section 301.056(b), Occupations Code, is amended
22 to read as follows:

23 (b) A board member is [~~not~~] entitled to reimbursement for
24 travel expenses incurred while conducting board business,
25 including expenses for transportation, meals, and lodging, [~~other~~
26 ~~than transportation expenses. A member is entitled to~~
27 ~~reimbursement for transportation expenses~~] as provided by the

1 General Appropriations Act.

2 SECTION 7. Sections 301.059(a), (b), and (c), Occupations
3 Code, are amended to read as follows:

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

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

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

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

17 (3) the requirements of laws relating to open
18 meetings, public information, administrative procedure, and
19 conflicts of interest ~~[role and functions of the board]; and~~

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

22 ~~[(5) the current budget for the board;~~

23 ~~[(6) the results of the most recent formal audit of the~~
24 ~~board;~~

25 ~~[(7) the requirements of Chapters 551, 552, 2001, and~~
26 ~~2002, Government Code;~~

27 ~~[(8) the requirements of the conflict of interest laws~~

1 ~~and other laws relating to public officials, and~~

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

4 (c) A person appointed to the board is entitled to
5 reimbursement, as provided by the General Appropriations Act, for
6 the travel expenses incurred in attending the training program
7 regardless of whether the attendance at the program occurs before
8 or after the person qualifies for office. ~~[In developing the~~
9 ~~training program, the board shall consult with the governor's~~
10 ~~office, the attorney general's office, and the Texas Ethics~~
11 ~~Commission.]~~

12 SECTION 8. Subchapter D, Chapter 301, Occupations Code, is
13 amended by adding Section 301.1545 to read as follows:

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

19 (b) In its rules under this section, the board shall list
20 the specific offenses for which a conviction would constitute
21 grounds for the board to take action under Section 53.021 or for
22 which placement on deferred adjudication community supervision
23 would constitute grounds for the board to take action under this
24 chapter.

25 SECTION 9. Section 301.157, Occupations Code, is amended by
26 amending Subsections (a), (b), and (d) and adding Subsections
27 (a-1), (d-1) through (d-6), and (h) to read as follows:

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

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

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

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

13 (a-1) A diploma program of study in this state that leads to
14 an initial license as a registered nurse under this chapter and that
15 is completed on or after December 31, 2014, must be associated with
16 a degree program of an institution of higher education in this
17 state. For purposes of this subsection, "institution of higher
18 education" and "degree program" have the meanings assigned by
19 Section 61.003, Education Code.

20 (b) The board shall:

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

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

27 (B) a program conducted by a hospital;

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

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

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

9 (5) select one or more national nursing accrediting
10 agencies, recognized by the United States Department of Education
11 and determined by the board to have acceptable standards, to
12 approve schools of nursing and educational programs; and

13 (6) [~~5~~] deny or withdraw approval from a school of
14 nursing or educational program that fails to meet the prescribed
15 course of study or other standard or fails to maintain
16 accreditation with the national nursing accrediting agency
17 selected by the board under Subdivision (5).

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

23 (1) is approved by the board;

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

26 (3) is approved by a state board of nursing of another
27 state and the board.

1 (d-1) A school of nursing or educational program is
2 considered approved by the board and exempt from board rules that
3 require ongoing approval if the school or program:

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

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

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

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

17 (d-4) The board may recognize and accept as approved under
18 this section a school of nursing or educational program operated in
19 another state and approved by a state board of nursing of another
20 state. The board shall develop policies to ensure that the other
21 state board's standards are substantially equivalent to the board's
22 standards.

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

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

5 (1) identify the approval processes to be conducted by
6 the Texas Higher Education Coordinating Board or the Texas
7 Workforce Commission;

8 (2) require the approval process identified under
9 Subdivision (1) to precede the approval process conducted by the
10 board; and

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

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

17 SECTION 10. Subchapter D, Chapter 301, Occupations Code, is
18 amended by adding Section 301.1595 to read as follows:

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

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

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

27 (1) the purpose, role, responsibility, and goal of an

1 advisory committee;

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

4 (3) the composition and representation of an advisory
5 committee;

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

8 (5) the appointment procedures for advisory
9 committees;

10 (6) the terms of service for advisory committee
11 members;

12 (7) the training requirements for advisory committee
13 members, if necessary;

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

16 (9) the development of board policies and procedures
17 to ensure advisory committees meet the requirements for open
18 meetings under Chapter 551, Government Code, including
19 notification requirements.

20 (d) A board member may not serve as a member of an advisory
21 committee, but may serve as a liaison between an advisory committee
22 and the board. A board member liaison that attends advisory
23 committee meetings may attend only as an observer and not as a
24 participant. The role of a board member liaison is limited to
25 clarifying the board's charge and intent to the advisory committee.

26 (e) A board member liaison is not required to attend
27 advisory committee meetings. A board member liaison is not

1 entitled to travel expenses for advisory committee meetings the
2 member attends.

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

6 SECTION 11. Subchapter D, Chapter 301, Occupations Code, is
7 amended by adding Sections 301.166 and 301.167 to read as follows:

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

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

16 (1) negotiated rulemaking procedures under Chapter
17 2008, Government Code, for the adoption of board rules; and

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

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

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

27 (1) coordinate the implementation of the policy

1 adopted under Subsection (a);

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

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

7 SECTION 12. Section 301.203, Occupations Code, is amended
8 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 13. The heading to Section 301.204, Occupations
21 Code, is amended to read as follows:

22 Sec. 301.204. GENERAL RULES, POLICIES, AND PROCEDURES
23 REGARDING COMPLAINT INVESTIGATION AND DISPOSITION.

24 SECTION 14. Section 301.204, Occupations Code, is amended
25 by amending Subsection (a) and adding Subsection (f) to read as
26 follows:

27 (a) The board shall adopt rules, policies, and procedures

1 concerning the investigation of a complaint filed with the board.
2 The rules, policies, or procedures adopted under this subsection
3 must:

4 (1) distinguish between categories of complaints;

5 (2) ensure that complaints are not dismissed without
6 appropriate consideration;

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

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

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

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

20 (A) a violation did not occur; or

21 (B) the subject of the complaint is outside the
22 board's jurisdiction.

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

26 SECTION 15. Section 301.252, Occupations Code, is amended
27 by amending Subsections (a) and (b) and adding Subsection (a-1) to

1 read as follows:

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

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

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

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

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

17 (1) the development of the examination;

18 (2) applicable fees;

19 (3) administration of the examination;

20 (4) reexamination procedures;

21 (5) grading procedures; and

22 (6) notice of results.

23 (b) The board may waive the requirement of Subsection (a)(2)
24 for a vocational nurse applicant if the applicant provides
25 satisfactory sworn evidence that the applicant has completed an
26 acceptable level of education in:

27 (1) a professional nursing school approved under

1 Section 301.157(d) [~~by the board~~]; or

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

4 SECTION 16. Section 301.253, Occupations Code, is amended
5 by amending Subsection (b) and adding Subsections (c-1), (f), and
6 (g) to read as follows:

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

11 (c-1) The board shall:

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

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

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

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

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

25 (g) The board may recommend to a national testing service
26 selected by the board to offer examinations under this section the
27 board's written policy for refunding an examination fee for an

1 applicant who:

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

4 (2) is unable to take the examination because of an
5 emergency.

6 SECTION 17. Section 301.301, Occupations Code, is amended
7 by amending Subsections (b), (c), and (d) and adding Subsection
8 (c-1) to read as follows:

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

16 (c) A person whose license has been expired for 90 days or
17 less may renew the license by paying to the board a [~~the required~~]
18 renewal fee [~~and a fee~~] that is equal to 1-1/2 times the normally
19 required renewal fee [~~one-half the amount charged for examination~~
20 ~~for the license~~].

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

26 (d) A person whose license has been expired for one year or
27 more may not renew the license [~~The board by rule shall set a~~

1 ~~length of time beyond which an expired license may not be renewed.~~
2 ~~The board by rule may establish additional requirements that apply~~
3 ~~to the renewal of a license that has been expired for more than one~~
4 ~~year but less than the time limit set by the board beyond which a~~
5 ~~license may not be renewed].~~ The person may obtain a new license by
6 [~~submitting to reexamination and~~] complying with the requirements
7 and procedures, including the examination requirements, for
8 obtaining an original license.

9 SECTION 18. Section 301.302(a), Occupations Code, is
10 amended to read as follows:

11 (a) A [~~The board may renew without examination the expired~~
12 ~~license of a]~~ person who was licensed to practice professional
13 nursing or vocational nursing in this state, moved to another
14 state, and is currently licensed and has been in practice in the
15 other state for the two years preceding application may obtain a new
16 license without examination.

17 SECTION 19. Section 301.303, Occupations Code, is amended
18 by adding Subsection (g) to read as follows:

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

22 (1) the nurses who are required to complete the
23 targeted continuing education program;

24 (2) the type of courses that satisfy the targeted
25 continuing education requirement;

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

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

3 (5) any other requirement considered necessary by the
4 board.

5 SECTION 20. Section 301.410, Occupations Code, is amended
6 to read as follows:

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

9 (a) A person who is required to report a nurse under this
10 subchapter because the nurse is impaired or suspected of being
11 impaired by chemical dependency or mental illness may report to a
12 peer assistance program approved by the board under Chapter 467,
13 Health and Safety Code, instead of reporting to the board or
14 requesting review by a nursing peer review committee.

15 (b) A person who is required to report a nurse under this
16 subchapter because the nurse is impaired or suspected of being
17 impaired by chemical dependency or diminished mental capacity must
18 report to the board if the person believes that an impaired nurse
19 committed a practice violation.

20 SECTION 21. Subchapter I, Chapter 301, Occupations Code, is
21 amended by adding Sections 301.4105 and 301.4106 to read as
22 follows:

23 Sec. 301.4105. BOARD RESPONSIBILITY FOLLOWING REPORT. The
24 board shall determine whether a nurse violated this chapter or a
25 rule adopted under this chapter for any case reported to the board
26 in which the nurse's ability to perform the practice of nursing was
27 impaired or suspected of being impaired by chemical dependency or

1 diminished mental capacity and in which the nurse is suspected of
2 committing a practice violation. The board, in deciding whether to
3 take disciplinary action against the nurse for a violation of this
4 chapter or board rules, shall balance the need to protect the public
5 and the need to ensure the impaired nurse seeks treatment.

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

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

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

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

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

21 SECTION 22. Section 301.452, Occupations Code, is amended
22 by adding Subsection (d) to read as follows:

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

1 conduct relates to the practice of nursing.

2 SECTION 23. Subchapter J, Chapter 301, Occupations Code, is
3 amended by adding Section 301.4531 to read as follows:

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

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

13 (1) whether the person is being disciplined for
14 multiple violations of either this chapter or a rule or order
15 adopted under this chapter; or

16 (2) whether the person has previously been the subject
17 of disciplinary action by the board and has previously complied
18 with board rules and this chapter;

19 (3) the seriousness of the violation;

20 (4) the threat to public safety; and

21 (5) any mitigating factors.

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

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

27 (2) Subsection (b)(2), the board shall consider taking

1 a more severe disciplinary action, including revocation of the
2 person's license, than the disciplinary action that would be taken
3 for a person who has not previously been the subject of disciplinary
4 action by the board.

5 SECTION 24. Subchapter J, Chapter 301, Occupations Code, is
6 amended by adding Sections 301.470 and 301.471 to read as follows:

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

12 (b) The amount of a refund ordered as provided in an
13 agreement resulting from an informal settlement conference may not
14 exceed the amount the consumer paid to a nurse for a service
15 regulated by this chapter or the actual amount stolen or defrauded
16 from a patient by the nurse. The board may not require payment of
17 other damages or estimate harm in a refund order.

18 Sec. 301.471. CEASE AND DESIST ORDER. (a) If it appears to
19 the board that a person who is not licensed under this chapter is
20 violating this chapter, a rule adopted under this chapter, or
21 another state statute or rule relating to the practice of
22 professional nursing or vocational nursing and the board determines
23 that immediate action is needed to protect the public health and
24 safety, the board:

25 (1) after notice and opportunity for a hearing may
26 issue a cease and desist order prohibiting the person from engaging
27 in the activity; and

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

3 (b) A violation of an order under this section constitutes
4 grounds for imposing an administrative penalty under this chapter.

5 SECTION 25. Section 301.502(a), Occupations Code, is
6 amended to read as follows:

7 (a) The amount of the administrative penalty may not exceed
8 \$5,000 [~~\$2,500~~] for each violation. Each day a violation continues
9 or occurs is a separate violation for purposes of imposing a
10 penalty.

11 SECTION 26. Subtitle E, Title 3, Occupations Code, is
12 amended by adding Chapter 305 to read as follows:

13 CHAPTER 305. NCSBN ADVANCED PRACTICE REGISTERED NURSE

14 COMPACT

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

19 NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

20 ARTICLE 1. FINDINGS AND DECLARATION OF PURPOSE

21 (a) The party states find that:

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

26 (2) violations of APRN licensure/authority to
27 practice and other laws regulating the practice of nursing may

1 result in injury or harm to the public;

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

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

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

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

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

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

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

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

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

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

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

5 ARTICLE 2. DEFINITIONS

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

10 (b) "Adverse action" means a home or remote state
11 disciplinary action.

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

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

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

22 (f) "Coordinated licensure information system" means an
23 integrated process for collecting, storing, and sharing
24 information on APRN licensure/authority to practice and
25 enforcement activities related to APRN licensure/authority to
26 practice laws, which is administered by a nonprofit organization
27 composed of and controlled by state licensing boards.

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

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

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

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

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

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

22 (k) "Multistate advanced practice privilege" means current
23 authority from a remote state permitting an APRN to practice in that
24 state in the same role and title as the APRN is licensed/authorized
25 to practice in the home state to the extent that the remote state
26 laws recognize such APRN role and title. A remote state has the
27 authority, in accordance with existing state due process laws, to

1 take actions against the APRN's privilege, including revocation,
2 suspension, probation, or any other action that affects an APRN's
3 multistate privilege to practice.

4 (l) "Party state" means any state that has adopted this
5 compact.

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

8 (n) "Remote state" means a party state, other than the home
9 state:

10 (1) where the patient is located at the time APRN care
11 is provided; or

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

15 (o) "Remote state action" means:

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

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

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

25 (q) "State practice laws" means a party state's laws and
26 regulations that govern APRN practice, define the scope of advanced
27 nursing practice, including prescriptive authority, and create the

1 methods and grounds for imposing discipline. State practice laws do
2 not include the requirements necessary to obtain and retain APRN
3 licensure/authority to practice as an APRN, except for
4 qualifications or requirements of the home state.

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

8 ARTICLE 3. GENERAL PROVISIONS AND JURISDICTION

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

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

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

25 (d) The APRN multistate advanced practice privilege does
26 not include prescriptive authority, and does not affect any
27 requirements imposed by states to grant to an APRN initial and

1 continuing prescriptive authority according to state practice
2 laws. However, a party state may grant prescriptive authority to an
3 individual on the basis of a multistate advanced practice privilege
4 to the extent permitted by state practice laws.

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

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

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

1 ARTICLE 4. APPLICATIONS FOR APRN LICENSURE/AUTHORITY TO PRACTICE

2 IN A PARTY STATE

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

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

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

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

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

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

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

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

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

26 (1) moving between two party states, and obtains APRN
27 licensure/authority to practice from the new home state, the APRN

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

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

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

13 ARTICLE 5. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

1 practice to the home state during the pendency of the order. This
2 requirement may allow the APRN to practice in other party states
3 with prior written authorization from both the home state and party
4 state licensing boards.

5 ARTICLE 6. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

6 LICENSING BOARDS

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

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

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

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

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

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

1 witnesses and/or evidence are located.

2 ARTICLE 7. COORDINATED LICENSURE INFORMATION SYSTEM

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

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

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

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

24 (e) Any personally identifiable information obtained by a
25 party states' licensing board from the coordinated licensure
26 information system may not be shared with nonparty states or
27 disclosed to other entities or individuals except to the extent

1 permitted by the laws of the party state contributing the
2 information.

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

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

13 ARTICLE 8. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

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

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

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

1 ARTICLE 9. IMMUNITY

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

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

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

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

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

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

1 ARTICLE 11. CONSTRUCTION AND SEVERABILITY

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

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

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

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

26 Sec. 305.002. BOARD AUTHORITY. Notwithstanding any
27 provision of this chapter, the Board of Nurse Examiners may

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

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

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

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

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

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

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

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

4 SECTION 27. The following laws are repealed:

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

6 (2) Sections 301.160(f), (g), and (h), Occupations
7 Code; and

8 (3) Section 301.1606, Occupations Code.

9 SECTION 28. (a) Not later than January 1, 2008, the Board
10 of Nurse Examiners shall:

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

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

15 (b) Not later than September 1, 2008, the Board of Nurse
16 Examiners shall:

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

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

24 SECTION 29. The requirement to pass a jurisprudence
25 examination under Section 301.252, Occupations Code, as amended by
26 this Act, applies only to an individual who applies for a license as
27 a nurse under Chapter 301, Occupations Code, on or after September

1 1, 2008.

2 SECTION 30. (a) The changes in law made by Sections 301.052
3 and 301.053, Occupations Code, as amended by this Act, regarding
4 the prohibitions on or qualifications of members of the Board of
5 Nurse Examiners do not affect the entitlement of a member serving on
6 the board immediately before September 1, 2007, to continue to
7 serve and function as a member of the board for the remainder of the
8 member's term. The changes in law made by those sections apply only
9 to a member appointed on or after September 1, 2007.

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

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

27 (d) The change in law made by this Act with respect to

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

8 SECTION 31. This Act takes effect September 1, 2007.