

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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H.B. No. 2426

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

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

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

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

18 (a) This chapter does not apply to:

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

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

1 state;

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

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

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

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

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

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

19 (B) provide nursing consulting services; or

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

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

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

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

1 Occupations Code, is amended to read as follows:

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

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

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

8 (1) six nurse members, including:

9 (A) one advanced practice nurse;

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

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

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

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

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

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

25 (3) four members who represent the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

21        (a-1) A diploma program of study in this state that leads to  
22 an initial license as a registered nurse under this chapter and that  
23 is completed on or after December 31, 2014, must entitle a student  
24 to receive a degree on the student's successful completion of a  
25 degree program of a public or private institution of higher  
26 education accredited by an agency recognized by the Texas Higher  
27 Education Coordinating Board.

1 (b) The board shall:

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

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

8 (B) a program conducted by a hospital;

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

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

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

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

21 (6) [~~(5)~~] deny or withdraw approval from a school of  
22 nursing or educational program that:

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

25 (B) fails to meet or maintain accreditation with  
26 the national nursing accrediting agency selected by the board under  
27 Subdivision (5) under which it was approved or sought approval by

1 the board; or

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

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

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

20 (1) is approved by the board;

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

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

25 (d-1) A school of nursing or educational program is  
26 considered approved by the board and, except as provided by  
27 Subsection (d-7), is exempt from board rules that require ongoing

1 approval if the school or program:

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

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

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

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

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

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

26 (d-6) The board, in cooperation with the Texas Higher  
27 Education Coordinating Board and the Texas Workforce Commission,

1 shall establish guidelines for the initial approval of schools of  
2 nursing or educational programs. The guidelines must:

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

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

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

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

13 (1) provide the board with copies of any reports  
14 submitted to or received from the national nursing accrediting  
15 agency selected by the board;

16 (2) notify the board of any change in accreditation  
17 status; and

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

21 (h) The board, in collaboration with the nursing educators,  
22 the Texas Higher Education Coordinating Board, and the Texas Health  
23 Care Policy Council, shall implement, monitor, and evaluate a plan  
24 for the creation of innovative nursing education models that  
25 promote increased enrollment in this state's nursing programs.

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

1       Sec. 301.1595. ADVISORY COMMITTEES. (a) The board may  
2 appoint advisory committees to perform the advisory functions  
3 assigned by the board.

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

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

9           (1) the purpose, role, responsibility, and goal of an  
10 advisory committee;

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

13           (3) the composition and representation of an advisory  
14 committee;

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

17           (5) the appointment procedures for advisory  
18 committees;

19           (6) the terms of service for advisory committee  
20 members;

21           (7) the training requirements for advisory committee  
22 members, if necessary;

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

25           (9) the development of board policies and procedures  
26 to ensure advisory committees meet the requirements for open  
27 meetings under Chapter 551, Government Code, including

1 notification requirements.

2 (d) A board member may not serve as a member of an advisory  
3 committee, but may serve as a liaison between an advisory committee  
4 and the board. A board member liaison that attends advisory  
5 committee meetings may attend only as an observer and not as a  
6 participant. A board member liaison is not required to attend  
7 advisory committee meetings. The role of a board member liaison is  
8 limited to clarifying the board's charge and intent to the advisory  
9 committee.

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

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

15 Sec. 301.166. USE OF TECHNOLOGY. The board shall implement  
16 a policy requiring the board to use appropriate technological  
17 solutions to improve the board's ability to perform its functions.  
18 The policy must ensure that the public is able to interact with the  
19 board on the Internet.

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

23 (1) negotiated rulemaking procedures under Chapter  
24 2008, Government Code, for the adoption of board rules; and

25 (2) appropriate alternative dispute resolution  
26 procedures under Chapter 2009, Government Code, to assist in the  
27 resolution of internal and external disputes under the board's

1 jurisdiction.

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

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

7 (1) coordinate the implementation of the policy  
8 adopted under Subsection (a);

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

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

14 SECTION 16. Section 301.203, Occupations Code, is amended  
15 to read as follows:

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

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

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

26 (3) a summary of the results of the review or  
27 investigation of the complaint [~~an explanation of the legal basis~~



1 ~~and reason for a complaint that is dismissed~~]; and

2 (4) the complaint's disposition [~~the schedule~~  
3 ~~required under Section 301.204 and a notation of any change in the~~  
4 ~~schedule, and~~

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

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

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

14 (d) The board shall develop a method for analyzing the  
15 sources and types of complaints and violations and establish  
16 categories for the complaints and violations. The board shall use  
17 the analysis to focus its information and education efforts on  
18 specific problem areas identified through the analysis.

19 (e) The board shall analyze complaints filed with the board  
20 to identify any trends or issues related to certain violations,  
21 including:

22 (1) the reason for each complaint;

23 (2) how each complaint was resolved; and

24 (3) the subject matter of each complaint that was not  
25 within the jurisdiction of the board and how the board responded to  
26 the complaint.

27 SECTION 17. The heading to Section 301.204, Occupations

1 Code, is amended to read as follows:

2 Sec. 301.204. GENERAL RULES, POLICIES, AND PROCEDURES  
3 REGARDING COMPLAINT INVESTIGATION AND DISPOSITION.

4 SECTION 18. Section 301.204, Occupations Code, is amended  
5 by amending Subsection (a) and adding Subsection (f) to read as  
6 follows:

7 (a) The board shall adopt rules, policies, and procedures  
8 concerning the investigation of a complaint filed with the board.  
9 The rules, policies, or procedures adopted under this subsection  
10 must:

11 (1) distinguish between categories of complaints;

12 (2) ensure that complaints are not dismissed without  
13 appropriate consideration;

14 (3) require that the board be advised of a complaint  
15 that is dismissed and that a letter be sent to the person who filed  
16 the complaint explaining the action taken on the dismissed  
17 complaint;

18 (4) ensure that the person who filed the complaint has  
19 an opportunity to explain the allegations made in the complaint;  
20 [~~and~~]

21 (5) prescribe guidelines concerning the categories of  
22 complaints that require the use of a private investigator and the  
23 procedures for the board to obtain the services of a private  
24 investigator; and

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

27 (A) a violation did not occur; or

1                   (B) the subject of the complaint is outside the  
2 board's jurisdiction.

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

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

9                   (a) Each applicant for a registered nurse license or a  
10 vocational nurse license must submit to the board a sworn  
11 application that demonstrates the applicant's qualifications under  
12 this chapter, accompanied by evidence that the applicant:

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

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

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

19                   (a-1) The jurisprudence examination shall be conducted on  
20 the licensing requirements under this chapter and board rules and  
21 other laws, rules, or regulations applicable to the nursing  
22 profession in this state. The board shall adopt rules for the  
23 jurisprudence examination under Subsection (a)(3) regarding:

24                   (1) the development of the examination;

25                   (2) applicable fees;

26                   (3) administration of the examination;

27                   (4) reexamination procedures;

1           (5) grading procedures; and

2           (6) notice of results.

3           (b) The board may waive the requirement of Subsection (a)(2)  
4 for a vocational nurse applicant if the applicant provides  
5 satisfactory sworn evidence that the applicant has completed an  
6 acceptable level of education in:

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

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

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

14           (b) Each examination administered under this section must  
15 be prepared by a national testing service or the board. The board  
16 shall ensure that the [give the] examination is administered in  
17 various cities throughout the state.

18           (c-1) The board shall:

19           (1) adopt policies and guidelines detailing the  
20 procedures for the testing process, including test admission, test  
21 administration, and national examination requirements; and

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

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

27           (1) defines the reasonable notification period and the

1 emergencies that would qualify for a refund; and

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

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

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

11 (2) is unable to take the examination because of an  
12 emergency.

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

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

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

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

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

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

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

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

19                   (1) the nurses who are required to complete the  
20 targeted continuing education program;

21                   (2) the type of courses that satisfy the targeted  
22 continuing education requirement;

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

25                   (4) the frequency with which a nurse is required to  
26 meet the targeted continuing education requirement; and

27                   (5) any other requirement considered necessary by the

1 board.

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

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

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

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

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

20 Sec. 301.4105. BOARD RESPONSIBILITY FOLLOWING REPORT. The  
21 board shall determine whether a nurse violated this chapter or a  
22 rule adopted under this chapter for any case reported to the board  
23 in which the nurse's ability to perform the practice of nursing was  
24 impaired or suspected of being impaired by chemical dependency or  
25 diminished mental capacity and in which the nurse is suspected of  
26 committing a practice violation. The board, in deciding whether to  
27 take disciplinary action against the nurse for a violation of this

1 chapter or board rules, shall balance the need to protect the public  
2 and the need to ensure the impaired nurse seeks treatment.

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

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

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

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

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

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

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

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



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

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

10                   (1) whether the person:

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

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

17                   (2) the seriousness of the violation;

18                   (3) the threat to public safety; and

19                   (4) any mitigating factors.

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

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

25                   (2) Subsection (b)(1)(B), the board shall consider  
26 taking a more severe disciplinary action, including revocation of  
27 the person's license, than the disciplinary action that would be

1 taken for a person who has not previously been the subject of  
2 disciplinary action by the board.

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

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

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

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

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

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

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

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

5                (2) state the acts or practices alleged to be an  
6 unauthorized activity and require the person immediately to cease  
7 and desist from the unauthorized activity; and

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

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

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

16                (2) state the grounds for the request to set aside or  
17 modify the order.

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

25        (e) After the hearing, the board shall affirm, modify, or  
26 set aside wholly or partly the emergency cease and desist order. An  
27 order affirming or modifying the emergency cease and desist order

1 is immediately final for purposes of enforcement and appeal.

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

5 (g) The board may release to the public a final cease and  
6 desist order issued under this section or information regarding the  
7 existence of the order if the board determines that the release  
8 would enhance the effective enforcement of the order or will serve  
9 the public interest.

10 (h) A violation of an order issued under this section  
11 constitutes grounds for imposing an administrative penalty under  
12 this chapter.

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

15 (a) The amount of the administrative penalty may not exceed  
16 \$5,000 [~~\$2,500~~] for each violation. Each day a violation continues  
17 or occurs is a separate violation for purposes of imposing a  
18 penalty.

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

21 CHAPTER 305. NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

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

1           NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

2           ARTICLE 1. FINDINGS AND DECLARATION OF PURPOSE

3           (a) The party states find that:

4           (1) the health and safety of the public are affected by  
5 the degree of compliance with APRN licensure/authority to practice  
6 requirements and the effectiveness of enforcement activities  
7 related to state APRN licensure/authority to practice laws;

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

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

16           (4) new practice modalities and technology make  
17 compliance with individual state APRN licensure/authority to  
18 practice laws difficult and complex;

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

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

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

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

27           (1) facilitate the states' responsibilities to protect

1 the public's health and safety;

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

5 (3) facilitate the exchange of information between  
6 party states in the areas of APRN regulation, investigation, and  
7 adverse actions;

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

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

14 ARTICLE 2. DEFINITIONS

15 (a) "Advanced practice registered nurse" or "APRN" means a  
16 nurse anesthetist, nurse practitioner, nurse midwife, or clinical  
17 nurse specialist to the extent a party state licenses or grants  
18 authority to practice in that APRN role and title.

19 (b) "Adverse action" means a home or remote state  
20 disciplinary action.

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

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

26 (e) "APRN uniform licensure/authority to practice  
27 requirements" means those minimum uniform licensure, education,

1 and examination requirements as agreed to by the compact  
2 administrators and adopted by licensing boards for the recognized  
3 APRN role and title.

4 (f) "Coordinated licensure information system" means an  
5 integrated process for collecting, storing, and sharing  
6 information on APRN licensure/authority to practice and  
7 enforcement activities related to APRN licensure/authority to  
8 practice laws, which is administered by a nonprofit organization  
9 composed of and controlled by state licensing boards.

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

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

16 (2) investigative information that indicates that the  
17 APRN represents an immediate threat to public health and safety  
18 regardless of whether the APRN has been notified and had an  
19 opportunity to respond.

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

22 (i) "Home state action" means any administrative, civil,  
23 equitable, or criminal action permitted by the home state's laws  
24 which are imposed on an APRN by the home state's licensing board or  
25 other authority, including actions against an individual's  
26 license/authority to practice such as: revocation, suspension,  
27 probation, or any other action which affects an APRN's

1 authorization to practice.

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

4 (k) "Multistate advanced practice privilege" means current  
5 authority from a remote state permitting an APRN to practice in that  
6 state in the same role and title as the APRN is licensed/authorized  
7 to practice in the home state to the extent that the remote state  
8 laws recognize such APRN role and title. A remote state has the  
9 authority, in accordance with existing state due process laws, to  
10 take actions against the APRN's privilege, including revocation,  
11 suspension, probation, or any other action that affects an APRN's  
12 multistate privilege to practice.

13 (l) "Party state" means any state that has adopted this  
14 compact.

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

17 (n) "Remote state" means a party state, other than the home  
18 state:

19 (1) where the patient is located at the time APRN care  
20 is provided; or

21 (2) in the case of APRN practice not involving a  
22 patient, in such party state where the recipient of APRN practice is  
23 located.

24 (o) "Remote state action" means:

25 (1) any administrative, civil, equitable, or criminal  
26 action permitted by a remote state's laws which are imposed on an  
27 APRN by the remote state's licensing board or other authority,



1 including actions against an individual's multistate advanced  
2 practice privilege in the remote state; and

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

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

7 (q) "State practice laws" means a party state's laws and  
8 regulations that govern APRN practice, define the scope of advanced  
9 nursing practice, including prescriptive authority, and create the  
10 methods and grounds for imposing discipline. State practice laws  
11 do not include the requirements necessary to obtain and retain APRN  
12 licensure/authority to practice as an APRN, except for  
13 qualifications or requirements of the home state.

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

17 ARTICLE 3. GENERAL PROVISIONS AND JURISDICTION

18 (a) All party states shall participate in the nurse  
19 licensure compact for registered nurses and licensed  
20 practical/vocational nurses in order to enter into the APRN  
21 compact.

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

26 (c) APRN licensure/authority to practice issued by a home  
27 state to a resident in that state will be recognized by each party

1 state as authorizing a multistate advanced practice privilege to  
2 the extent that the role and title are recognized by each party  
3 state. To obtain or retain APRN licensure/authority to practice as  
4 an APRN, an applicant must meet the home state's qualifications for  
5 authority or renewal of authority as well as all other applicable  
6 state laws.

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

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

23 (f) An APRN practicing in a party state must comply with the  
24 state practice laws and licensing board rules of the state in which  
25 the patient is located at the time care is provided. The APRN  
26 practice includes patient care and all advanced nursing practice  
27 defined by the party state's practice laws. The APRN practice will

1 subject an APRN to the jurisdiction of the licensing board, the  
2 courts, and the laws of the party state.

3 (g) Individuals not residing in a party state may apply for  
4 APRN licensure/authority to practice as an APRN under the laws of a  
5 party state. However, the authority to practice granted to these  
6 individuals will not be recognized as granting the privilege to  
7 practice as an APRN in any other party state unless explicitly  
8 agreed to by that party state.

9 ARTICLE 4. APPLICATIONS FOR APRN LICENSURE/AUTHORITY TO PRACTICE  
10 IN A PARTY STATE

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

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

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

18 (3) an encumbrance exists on any license/authority to  
19 practice; and

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

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

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

27 (c) An APRN who intends to change the APRN's primary state

1 of residence may apply for APRN licensure/authority to practice in  
2 the new home state in advance of such change. However, new  
3 licensure/authority to practice will not be issued by a party state  
4 until after an APRN provides evidence of change in primary state of  
5 residence satisfactory to the new home state's licensing board.

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

7 (1) moving between two party states, and obtains APRN  
8 licensure/authority to practice from the new home state, the APRN  
9 licensure/authority to practice from the former home state is no  
10 longer valid;

11 (2) moving from a nonparty state to a party state, and  
12 obtains APRN licensure/authority to practice from the new home  
13 state, the individual state license issued by the nonparty state is  
14 not affected and will remain in full force if so provided by the  
15 laws of the nonparty state; and

16 (3) moving from a party state to a nonparty state, the  
17 APRN licensure/authority to practice issued by the prior home state  
18 converts to an individual state license, valid only in the former  
19 home state, without the multistate licensure privilege to practice  
20 in other party states.

21 ARTICLE 5. ADVERSE ACTIONS

22 (a) The licensing board of a remote state shall promptly  
23 report to the administrator of the coordinated licensure  
24 information system any remote state actions, including the factual  
25 and legal basis for such action, if known. The licensing board of a  
26 remote state shall also promptly report any significant current  
27 investigative information yet to result in a remote state action.

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

3 (b) The licensing board of a party state shall have the  
4 authority to complete any pending investigations for an APRN who  
5 changes primary state of residence during the course of such  
6 investigations. It shall also have the authority to take  
7 appropriate action, and shall promptly report the conclusions of  
8 such investigations to the administrator of the coordinated  
9 licensure information system. The administrator of the coordinated  
10 licensure information system shall promptly notify the new home  
11 state of any such actions.

12 (c) A remote state may take adverse action affecting the  
13 multistate advanced practice privilege to practice within that  
14 party state. However, only the home state shall have the power to  
15 impose adverse action against the APRN licensure/authority to  
16 practice issued by the home state.

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

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

25 (f) Nothing in this compact shall override a party state's  
26 decision that participation in an alternative program may be used  
27 in lieu of adverse action and that such participation shall remain

1 nonpublic if required by the party state's laws. Party states must  
2 require APRNs who enter any alternative programs to agree not to  
3 practice in any other party state during the term of the alternative  
4 program without prior authorization from such other party state.

5 (g) All home state licensing board disciplinary orders,  
6 agreed or otherwise, which limit the scope of the APRN's practice or  
7 require monitoring of the APRN as a condition of the order shall  
8 include the requirements that the APRN will limit her or his  
9 practice to the home state during the pendency of the order. This  
10 requirement may allow the APRN to practice in other party states  
11 with prior written authorization from both the home state and party  
12 state licensing boards.

13 ARTICLE 6. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

14 LICENSING BOARDS

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

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

20 (2) issue subpoenas for both hearings and  
21 investigations, which require the attendance and testimony of  
22 witnesses, and the production of evidence;

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

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

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

10       ARTICLE 7. COORDINATED LICENSURE INFORMATION SYSTEM

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

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

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

26       (d) Notwithstanding any other provision of law, all party  
27 states' licensing boards contributing information to the

1 coordinated licensure information system may designate information  
2 that may not be shared with nonparty states or disclosed to other  
3 entities or individuals without the express permission of the  
4 contributing state.

5 (e) Any personally identifiable information obtained by a  
6 party states' licensing board from the coordinated licensure  
7 information system may not be shared with nonparty states or  
8 disclosed to other entities or individuals except to the extent  
9 permitted by the laws of the party state contributing the  
10 information.

11 (f) Any information contributed to the coordinated  
12 licensure information system that is subsequently required to be  
13 expunged by the laws of the party state contributing that  
14 information shall also be expunged from the coordinated licensure  
15 information system.

16 (g) The compact administrators, acting jointly with each  
17 other and in consultation with the administrator of the coordinated  
18 licensure information system, shall formulate necessary and proper  
19 procedures for the identification, collection, and exchange of  
20 information under this compact.

21 ARTICLE 8. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

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

25 (b) The compact administrator of each party state shall  
26 furnish to the compact administrator of each other party state any  
27 information and documents including, but not limited to, a uniform



1 data set of investigations, identifying information, licensure  
2 data, and disclosable alternative program participation  
3 information to facilitate the administration of this compact.

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

8 ARTICLE 9. IMMUNITY

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

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

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

22 (b) No withdrawal shall affect the validity or  
23 applicability by the licensing boards of states remaining party to  
24 the compact of any report of adverse action occurring prior to the  
25 withdrawal.

26 (c) Nothing contained in this compact shall be construed to  
27 invalidate or prevent any APRN licensure/authority to practice

1 agreement or other cooperative arrangement between a party state  
2 and a nonparty state that is made in accordance with the other  
3 provisions of this compact.

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

8 ARTICLE 11. CONSTRUCTION AND SEVERABILITY

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

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

24 (1) the party states may submit the issues in dispute  
25 to an arbitration panel which will be composed of an individual  
26 appointed by the compact administrator in the home state, an  
27 individual appointed by the compact administrator in the remote

1 state involved, and an individual mutually agreed upon by the  
2 compact administrators of all the party states involved in the  
3 dispute; and

4 (2) the decision of a majority of the arbitrators  
5 shall be final and binding.

6 Sec. 305.002. BOARD AUTHORITY. Notwithstanding any  
7 provision of this chapter, the Texas Board of Nursing may establish  
8 criteria for recognizing advanced practice registered nurses under  
9 the NCSBN APRN Compact.

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

13 (b) If the board does not adopt rules to implement the  
14 compact under this chapter before December 31, 2011, the board may  
15 not implement the NCSBN APRN Compact and this chapter expires  
16 December 31, 2011.

17 Sec. 305.004. APPLICABILITY OF CHAPTER. If a provision of  
18 this chapter or another state's law under the NCSBN APRN Compact  
19 conflicts with the laws of this state, the laws of this state  
20 prevail.

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

27 (b) The Texas Board of Nursing has the authority to

1 determine whether a right or obligation imposed on license holders  
2 applies to nurses practicing in this state under a license issued by  
3 a state that is a party to the NCSBN APRN Compact unless that  
4 determination is inconsistent with the NCSBN APRN Compact.

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

11 SECTION 31. Section 101.002, Occupations Code, is amended  
12 to read as follows:

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

- 15 (1) the Texas Board of Chiropractic Examiners;
- 16 (2) the State Board of Dental Examiners;
- 17 (3) the Texas Optometry Board;
- 18 (4) the Texas State Board of Pharmacy;
- 19 (5) the Texas State Board of Podiatric Medical  
20 Examiners;
- 21 (6) the State Board of Veterinary Medical Examiners;
- 22 (7) the Texas [~~State Board of~~] Medical Board  
23 [~~Examiners~~];
- 24 (8) the Texas Board of Nursing [~~Nurse Examiners~~];
- 25 (9) the Texas State Board of Examiners of  
26 Psychologists;
- 27 (10) the Texas Funeral Service Commission;

1           (11) the entity that regulates the practice of  
2 physical therapy;

3           (12) the entity that regulates the practice of  
4 occupational therapy;

5           (13) the health licensing division of the [~~Texas~~]  
6 Department of State Health Services; and

7           (14) the governor's office.

8           SECTION 32. Section 157.052(a)(3), Occupations Code, is  
9 amended to read as follows:

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

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

16           (b) A physician may delegate to a physician assistant  
17 offering obstetrical services and certified by the board as  
18 specializing in obstetrics or an advanced practice nurse recognized  
19 by the Texas Board of Nursing [~~Nurse Examiners~~] as a nurse midwife  
20 the act of administering or providing controlled substances to the  
21 physician assistant's or nurse midwife's clients during intrapartum  
22 and immediate postpartum care.

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

25           (c) The board shall cooperate with the Texas Board of  
26 Nursing [~~Nurse Examiners~~] in the adoption of rules under this  
27 subchapter to eliminate, to the extent possible, conflicts between

1 the rules adopted by each board.

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

4 (2) "Certified nurse-midwife" means a person who is:

5 (A) a registered nurse under Chapter 301;

6 (B) recognized as an advanced nurse practitioner  
7 by the Texas Board of Nursing [~~Nurse Examiners~~]; and

8 (C) certified by the American College of  
9 Nurse-Midwives.

10 SECTION 36. Section 203.402, Occupations Code, is amended  
11 to read as follows:

12 Sec. 203.402. PROHIBITED REPRESENTATION. A midwife may  
13 not:

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

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

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

25 (4) except as authorized by rules adopted by the Texas  
26 Board of Nursing [~~Nurse Examiners~~], use in combination with the  
27 term "midwife" the term "nurse" or another title, initial, or

1 designation that implies that the midwife is licensed as a  
2 registered nurse or vocational nurse.

3 SECTION 37. Section 258.001, Occupations Code, is amended  
4 to read as follows:

5 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not  
6 delegate:

7 (1) an act to an individual who, by board order, is  
8 prohibited from performing the act;

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

11 (A) the removal of calculus, deposits, or  
12 accretions from the natural and restored surfaces of exposed human  
13 teeth and restorations in the human mouth;

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

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

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

20 (A) comprehensive examination or diagnosis and  
21 treatment planning;

22 (B) a surgical or cutting procedure on hard or  
23 soft tissue;

24 (C) the prescription of a drug, medication, or  
25 work authorization;

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

1 (E) the making of an intraoral occlusal  
2 adjustment;

3 (F) direct pulp capping, pulpotomy, or any other  
4 endodontic procedure;

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

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

8 (4) the authority to an individual to administer a  
9 local anesthetic agent, inhalation sedative agent, parenteral  
10 sedative agent, or general anesthetic agent if the individual is  
11 not licensed as:

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

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

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

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

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

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

26 Sec. 304.002. ADMINISTRATION OF COMPACT. The executive  
27 director of the Texas Board of Nursing [~~Nurse Examiners~~] is the



1 Nurse Licensure Compact administrator for this state.

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

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

6 (b) Unless the context indicates otherwise or doing so would  
7 be inconsistent with the Nurse Licensure Compact, nurses practicing  
8 in this state under a license issued by a state that is a party to  
9 the Nurse Licensure Compact have the same rights and obligations as  
10 imposed by the laws of this state on license holders of the Texas  
11 Board of Nursing [~~Nurse-Examiners~~].

12 (c) The Texas Board of Nursing [~~Nurse-Examiners~~] has the  
13 authority to determine whether a right or obligation imposed on  
14 license holders applies to nurses practicing in this state under a  
15 license issued by a state that is a party to the Nurse Licensure  
16 Compact unless that determination is inconsistent with the Nurse  
17 Licensure Compact.

18 SECTION 41. Section 304.005, Occupations Code, is amended  
19 to read as follows:

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

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

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

8 SECTION 43. Section 304.007, Occupations Code, is amended  
9 to read as follows:

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

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

18 (a) In reporting information to the coordinated licensure  
19 information system under Article 7 of the Nurse Licensure Compact,  
20 the Texas Board of Nursing [~~Nurse Examiners~~] may disclose  
21 personally identifiable information about the nurse, including  
22 social security number.

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

25 (a) The governor may withdraw this state from the Nurse  
26 Licensure Compact if the Texas Board of Nursing [~~Nurse Examiners~~]  
27 notifies the governor that a state that is party to the compact

1 changed, after January 1, 1999, the state's requirements for  
2 licensing a nurse and that the state's requirements, as changed,  
3 are substantially lower than the requirements for licensing a nurse  
4 in this state.

5 SECTION 46. Section 401.052, Occupations Code, is amended  
6 to read as follows:

7 Sec. 401.052. NURSES. This chapter does not prevent or  
8 restrict a communication, speech, language, or hearing screening,  
9 as defined by board rule, from being conducted by a registered  
10 nurse:

11 (1) licensed in this state; and

12 (2) practicing in accordance with the standards of  
13 professional conduct and ethics established by rules adopted by the  
14 Texas Board of Nursing [~~Nurse Examiners~~].

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

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

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

22 Sec. 601.251. APPLICABILITY. This subchapter applies to  
23 the:

24 (1) Texas Board of Nursing [~~Nurse Examiners~~];

25 (2) Texas Board of Chiropractic Examiners;

26 (3) State Board of Dental Examiners;

27 (4) Texas [~~State Board of~~] Medical Board [~~Examiners~~];

1 and

2 (5) Texas State Board of Podiatric Medical Examiners.

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

5 (a) Each agency subject to this subchapter, other than the  
6 Texas Board of Nursing [~~Nurse Examiners~~], shall adopt rules to  
7 regulate the manner in which a person who holds a license issued by  
8 the agency may order, instruct, or direct another authorized person  
9 in the performance of a radiologic procedure.

10 SECTION 50. Section 601.253, Occupations Code, is amended  
11 to read as follows:

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

13 (a) The Texas Board of Nursing [~~Nurse Examiners~~] may adopt rules  
14 governing registered nurses performing radiologic procedures under  
15 Section 601.151 or 601.154 and shall require registered nurses  
16 performing radiologic procedures under Section 601.151 to register  
17 with the Texas Board of Nursing [~~Nurse Examiners~~] and to identify  
18 the practitioner ordering the procedures.

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

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

24 (a) The board shall appoint a 10-member advisory committee  
25 to advise the board concerning assistance provided under this  
26 subchapter to professional nursing students. The advisory  
27 committee consists of:

- 1           (1) a chair named by the board;
- 2           (2) one representative named by the Texas Nurses  
3 Association;
- 4           (3) one representative named by the Texas Organization  
5 of Nurse Executives;
- 6           (4) one representative named by the Texas Board of  
7 Nursing [~~Nurse Examiners~~];
- 8           (5) a head of each of the three types of professional  
9 nursing educational programs, named by the deans and directors of  
10 nursing programs in this state;
- 11           (6) a representative of graduate nursing education  
12 named by the deans and directors of nursing programs in this state;
- 13           (7) one representative named by the Texas Health Care  
14 Association; and
- 15           (8) one representative named by the Texas Association  
16 of Homes for the Aging.
- 17           (b) The board shall appoint an eight-member advisory  
18 committee to advise the board concerning assistance provided under  
19 this subchapter to vocational nursing students. The advisory  
20 committee consists of:
- 21           (1) a chair named by the board;
- 22           (2) one representative named by the Licensed  
23 Vocational Nurses Association of Texas;
- 24           (3) one representative named by the Texas Organization  
25 of Nurse Executives;
- 26           (4) one representative named by the Texas Board of  
27 Nursing [~~Nurse Examiners~~];

1           (5) two representatives of vocational nursing  
2 educational programs named by the Texas Association of Vocational  
3 Nurse Educators;

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

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

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

10          (a) A grant from the professional nursing shortage  
11 reduction program to a professional nursing program or other entity  
12 involved with a professional nursing program in the preparation of  
13 students for initial licensure as registered nurses must be:

14           (1) expended exclusively on costs related to:

15                   (A) enrolling additional students;

16                   (B) nursing faculty enhancement in accordance  
17 with Section 61.96231;

18                   (C) encouraging innovation in the recruitment  
19 and retention of students, including the recruitment and retention  
20 of Spanish-speaking and bilingual students; or

21                   (D) identifying, developing, or implementing  
22 innovative methods to make the most effective use of limited  
23 professional nursing program faculty, instructional or clinical  
24 space, and other resources, including:

25                           (i) sharing administrative or  
26 instructional personnel, facilities, and responsibilities between  
27 two or more professional nursing programs located in the same

1 region of this state; and

2 (ii) using preceptors to provide clinical  
3 instruction in order to reduce the number of new faculty needed to  
4 accommodate increased student enrollment in the professional  
5 nursing program;

6 (2) contingent on the professional nursing program's  
7 having been approved as a professional nursing program by the board  
8 or the Texas Board of Nursing [~~Nurse Examiners~~], as appropriate, by  
9 September 1, 2001;

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

13 (4) if granted to increase enrollments, contingent on  
14 the professional nursing program's ability to enroll additional  
15 students, including having the necessary classroom space and  
16 clinical slots.

17 SECTION 53. Section 232.002, Family Code, is amended to  
18 read as follows:

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

- 21 (1) Department of Agriculture;
- 22 (2) Texas Alcoholic Beverage Commission;
- 23 (3) Texas Appraiser Licensing and Certification  
24 Board;
- 25 (4) Texas Board of Architectural Examiners;
- 26 (5) Texas Board of Chiropractic Examiners;
- 27 (6) Comptroller of Public Accounts;

- 1 (7) Court Reporters Certification Board;
- 2 (8) State Board of Dental Examiners;
- 3 (9) Texas State Board of Examiners of Dietitians;
- 4 (10) Texas Funeral Service Commission;
- 5 (11) Department of State Health Services;
- 6 (12) Department of Aging and Disability Services;
- 7 (13) Texas Board of Professional Land Surveying;
- 8 (14) Texas Department of Licensing and Regulation;
- 9 (15) Texas State Board of Examiners of Marriage and  
10 Family Therapists;
- 11 (16) Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- 12 (17) Midwifery Board;
- 13 (18) Texas Commission on Environmental Quality;
- 14 (19) Texas Board of Nursing [~~Nurse Examiners~~];
- 15 (20) Texas Board of Occupational Therapy Examiners;
- 16 (21) Texas Optometry Board;
- 17 (22) Parks and Wildlife Department;
- 18 (23) Texas State Board of Examiners of Perfusionists;
- 19 (24) Texas State Board of Pharmacy;
- 20 (25) Texas Board of Physical Therapy Examiners;
- 21 (26) Texas State Board of Plumbing Examiners;
- 22 (27) Texas State Board of Podiatric Medical Examiners;
- 23 (28) Polygraph Examiners Board;
- 24 (29) Texas Private Security Board;
- 25 (30) Texas State Board of Examiners of Professional  
26 Counselors;
- 27 (31) Texas Board of Professional Engineers;



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

- 1           (55) Texas Juvenile Probation Commission; and  
2           (56) Texas Lottery Commission under Chapter 466,  
3 Government Code.

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

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

- 9           (1) the State Board for Educator Certification;  
10          (2) a school district, charter school, private school,  
11 regional education service center, commercial transportation  
12 company, or education shared service arrangement;  
13          (3) the Texas [~~State Board of~~] Medical Board  
14 [~~Examiners~~];  
15          (4) the Texas School for the Blind and Visually  
16 Impaired;  
17          (5) the Board of Law Examiners;  
18          (6) the State Bar of Texas;  
19          (7) a district court regarding a petition for name  
20 change under Subchapter B, Chapter 45, Family Code;  
21          (8) the Texas School for the Deaf;  
22          (9) the Department of Family and Protective Services;  
23          (10) the Texas Youth Commission;  
24          (11) the Department of Assistive and Rehabilitative  
25 Services;  
26          (12) the Department of State Health Services, a local  
27 mental health service, a local mental retardation authority, or a

1 community center providing services to persons with mental illness  
2 or retardation;

3 (13) the Texas Private Security Board;

4 (14) a municipal or volunteer fire department;

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

6 (16) a safe house providing shelter to children in  
7 harmful situations;

8 (17) a public or nonprofit hospital or hospital  
9 district;

10 (18) the Texas Juvenile Probation Commission;

11 (19) the securities commissioner, the banking  
12 commissioner, the savings and loan commissioner, or the credit  
13 union commissioner;

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

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

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

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

18 SECTION 55. Section 411.125, Government Code, is amended to  
19 read as follows:

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

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

27 (2) has requested a determination of eligibility for a

1 license from the board; or

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

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

6 (3) "Postsecondary educational institution" means:

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

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

11 (C) a nonprofit, health-related school or  
12 program accredited by the Southern Association of Colleges and  
13 Schools, the Liaison Committee on Medical Education, the American  
14 Osteopathic Association, the Texas Board of Nursing [~~Nurse~~  
15 ~~Examiners~~], or, in the case of allied health, an accrediting body  
16 recognized by the United States Department of Education.

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

19 (2) "Postsecondary educational institution" means:

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

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

24 (C) a nonprofit, health-related school or  
25 program accredited by the Southern Association of Colleges and  
26 Schools, the Liaison Committee on Medical Education, the American  
27 Osteopathic Association, the Texas Board of Nursing [~~Nurse~~

1 ~~Examiners~~], or, in the case of allied health, an accrediting body  
2 recognized by the United States Department of Education.

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

5 (b) The advisory committee must include:

6 (1) representatives of health and human services  
7 agencies and other state agencies concerned with the use of  
8 telemedical consultations in the Medicaid program and the state  
9 child health plan program, including representatives of:

10 (A) the commission;

11 (B) the ~~[Texas]~~ Department of State Health  
12 Services;

13 (C) the Office of Rural Community Affairs;

14 (D) the Telecommunications Infrastructure Fund  
15 Board;

16 (E) the Texas Department of Insurance;

17 (F) the Texas ~~[State Board of]~~ Medical Board  
18 ~~[Examiners]~~;

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

20 and

21 (H) the Texas State Board of Pharmacy;

22 (2) representatives of health science centers in this  
23 state;

24 (3) experts on telemedicine, telemedical  
25 consultation, and telemedicine medical services or telehealth  
26 services; and

27 (4) representatives of consumers of health services

1 provided through telemedical consultations and telemedicine  
2 medical services or telehealth services.

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

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

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

- 1 (20) Texas Department of Licensing and Regulation;
- 2 (21) Texas State Board of Public Accountancy;
- 3 (22) State Board for Educator Certification;
- 4 (23) Texas Board of Professional Engineers;
- 5 (24) Department of State Health Services;
- 6 (25) Texas Board of Architectural Examiners;
- 7 (26) Texas Racing Commission;
- 8 (27) Commission on Law Enforcement Officer Standards  
9 and Education; and
- 10 (28) Texas Private Security Board.

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

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

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

19 (c) The council consists of one representative from each of  
20 the following agencies appointed by the executive director or  
21 commissioner of each agency:

- 22 (1) the department;
- 23 (2) the Texas Department of Mental Health and Mental  
24 Retardation;
- 25 (3) the Texas Department of Human Services;
- 26 (4) the Texas Commission on Alcohol and Drug Abuse;
- 27 (5) the Texas Rehabilitation Commission;

- 1 (6) the Texas Youth Commission;
- 2 (7) the Texas Department of Criminal Justice;
- 3 (8) the Texas Juvenile Probation Commission;
- 4 (9) the Texas Commission for the Blind;
- 5 (10) the Texas Commission for the Deaf and Hard of  
6 Hearing;
- 7 (11) the Department of Protective and Regulatory  
8 Services;
- 9 (12) the Texas Education Agency;
- 10 (13) the Texas Medical [~~State~~] Board [~~of Medical~~  
11 ~~Examiners~~];
- 12 (14) the Texas Board of Nursing [~~Nurse Examiners~~];
- 13 (15) the State Board of Dental Examiners;
- 14 (16) the Health and Human Services Commission;
- 15 (17) the Texas Department on Aging; and
- 16 (18) the Texas Workforce Commission.

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

19 (c) If the nursing resource section established under  
20 Subsection (b) is funded from surcharges collected under Section  
21 301.155(c), Occupations Code, the council shall provide the Texas  
22 Board of Nursing [~~Nurse Examiners~~] with an annual accounting of the  
23 money received from the board. The council may expend a reasonable  
24 amount of the money to pay administrative costs of maintaining the  
25 nursing resource section.

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



1           (22) "Personal assistance service" means routine  
2 ongoing care or services required by an individual in a residence or  
3 independent living environment that enable the individual to engage  
4 in the activities of daily living or to perform the physical  
5 functions required for independent living, including respite  
6 services. The term includes:

7                   (A) personal care;

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

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

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

18           (a) The Texas Board of Nursing [~~Nurse-Examiners~~] and the  
19 department shall adopt a memorandum of understanding governing the  
20 circumstances under which the provision of health-related tasks or  
21 services do not constitute the practice of professional nursing.  
22 The agencies periodically shall review and shall renew or modify  
23 the memorandum as necessary.

24           (b) The Texas Board of Nursing [~~Nurse-Examiners~~] and the  
25 department shall consult with an advisory committee in developing,  
26 modifying, or renewing the memorandum of understanding. The  
27 advisory committee shall be appointed by the Texas Board of Nursing

1 [~~Nurse Examiners~~] and the department and at a minimum shall  
2 include:

3 (1) one representative from the Texas Board of Nursing  
4 [~~Nurse Examiners~~] and one representative from the department to  
5 serve as cochairmen;

6 (2) one representative from the Texas Department of  
7 Mental Health and Mental Retardation;

8 (3) one representative from the Texas Nurses  
9 Association;

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

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

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

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

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

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

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

26 (2) holds a permit issued under Section 142.025 and  
27 acts under the delegated authority of a person who holds a license

1 under state law that authorizes the person to administer  
2 medication;

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

8 (4) administers noninjectable medication under  
9 circumstances authorized by the memorandum of understanding  
10 adopted under Section 142.016.

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

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

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

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

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

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

1           (5) a trainee in a medication aide training program  
2 approved by the department under Section 142.024 who is  
3 administering medications as part of the trainee's clinical  
4 experience.

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

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

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

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

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

18           (1) minimum requirements for staffing by physicians  
19 and nurses;

20           (2) hospital services relating to patient care;

21           (3) fire prevention, safety, and sanitation  
22 requirements in hospitals;

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

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

26           (6) compliance with nursing peer review under  
27 Subchapter I, Chapter 301, and Chapter 303, Occupations Code, and

1 the rules of the Texas Board of Nursing [~~Nurse Examiners~~] relating  
2 to peer review.

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

5 Sec. 242.607. EXEMPTIONS FOR NURSING STUDENTS AND  
6 MEDICATION AIDE TRAINEES. (a) Sections 242.606 and 242.614 do not  
7 apply to:

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

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

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

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

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

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

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

3           (2) "Licensing authority" means:

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

6                   (B) the State Board of Dental Examiners;

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

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

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

12                   (F) the Texas Board of Physical Therapy  
13 Examiners;

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

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

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

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

25           SECTION 72. The following laws are repealed:

26                   (1) Section 301.059(d), Occupations Code; and

27                   (2) Sections 301.160(f), (g), and (h), Occupations

1 Code.

2 SECTION 73. (a) On the effective date of this Act, the name  
3 of the Board of Nurse Examiners is changed to the Texas Board of  
4 Nursing.

5 (b) A member serving on the Board of Nurse Examiners on the  
6 effective date of this Act may continue to serve as a member of the  
7 Texas Board of Nursing for the remainder of the member's term.

8 (c) The Texas Board of Nursing shall:

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

12 (2) report to the commission the information the  
13 commission requires regarding the board's implementation of the  
14 commission's nonstatutory recommendations not later than November  
15 1, 2008.

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

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

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

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

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

26 (2) implement the plan for creating innovative nursing  
27 education models as required under Section 301.157(h), Occupations

1 Code, as added by this Act, and report to the Sunset Advisory  
2 Commission regarding the plan and the board's effort to increase  
3 enrollment in nursing education programs.

4 SECTION 75. The requirement to pass a jurisprudence  
5 examination under Section 301.252, Occupations Code, as amended by  
6 this Act, applies only to an individual who applies for a license as  
7 a nurse under Chapter 301, Occupations Code, on or after September  
8 1, 2008.

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

18 (b) The changes in law made by this Act related to the  
19 filing, investigation, or resolution of a complaint under Chapter  
20 301, Occupations Code, as amended by this Act, apply only to a  
21 complaint filed with the Texas Board of Nursing on or after the  
22 effective date of this Act. A complaint filed before the effective  
23 date of this Act is governed by the law as it existed immediately  
24 before that date, and the former law is continued in effect for that  
25 purpose.

26 (c) The changes in law made by this Act governing the  
27 authority of the Texas Board of Nursing to issue, renew, or revoke a



1 license under Chapter 301, Occupations Code, apply only to an  
2 application for an original or renewal license filed with the board  
3 under Chapter 301, Occupations Code, as amended by this Act, on or  
4 after the effective date of this Act. A license application filed  
5 before the effective date of this Act is governed by the law in  
6 effect at the time the application was filed, and the former law is  
7 continued in effect for that purpose.

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

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

ADOPTED

MAY 23 2007

By: Truitt/Devell

Andy Saw  
Secretary of the Senate

H.B. No. 2426

Substitute the following for H.B. No. 2426

By: Hobson

C.S. H.B. No. 2426

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(a) This chapter does not apply to:

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

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

1 state;

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

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

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

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

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

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

19 (B) provide nursing consulting services; or

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

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

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

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

1 Occupations Code, is amended to read as follows:

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

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

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

8 (1) six nurse members, including:

9 (A) one advanced practice nurse;

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

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

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

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

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

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

25 (3) four members who represent the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21           **(a-1) A diploma program of study in this state that leads to**  
22 **an initial license as a registered nurse under this chapter and that**  
23 **is completed on or after December 31, 2014, must entitle a student**  
24 **to receive a degree on the student's successful completion of a**  
25 **degree program of a public or private institution of higher**  
26 **education accredited by an agency recognized by the Texas Higher**  
27 **Education Coordinating Board.**

1 (b) The board shall:

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

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

8 (B) a program conducted by a hospital;

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

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

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

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

21 (6) [~~5~~] deny or withdraw approval from a school of  
22 nursing or educational program that:

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

25 (B) fails to meet or maintain accreditation with  
26 the national nursing accrediting agency selected by the board under  
27 Subdivision (5) under which it was approved or sought approval by

1 the board; or

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

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

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

20 (1) is approved by the board;

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

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

25 (d-1) A school of nursing or educational program is  
26 considered approved by the board and, except as provided by  
27 Subsection (d-7), is exempt from board rules that require ongoing

1 approval if the school or program:

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

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

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

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

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

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

26 (d-6) The board, in cooperation with the Texas Higher  
27 Education Coordinating Board and the Texas Workforce Commission,

1 shall establish guidelines for the initial approval of schools of  
2 nursing or educational programs. The guidelines must:

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

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

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

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

13 (1) provide the board with copies of any reports  
14 submitted to or received from the national nursing accrediting  
15 agency selected by the board;

16 (2) notify the board of any change in accreditation  
17 status; and

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

21 (h) The board, in collaboration with the nursing educators,  
22 the Texas Higher Education Coordinating Board, and the Texas Health  
23 Care Policy Council, shall implement, monitor, and evaluate a plan  
24 for the creation of innovative nursing education models that  
25 promote increased enrollment in this state's nursing programs.

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

1           Sec. 301.1595. ADVISORY COMMITTEES. (a) The board may  
2 appoint advisory committees to perform the advisory functions  
3 assigned by the board.

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

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

9                   (1) the purpose, role, responsibility, and goal of an  
10 advisory committee;

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

13                   (3) the composition and representation of an advisory  
14 committee;

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

17                   (5) the appointment procedures for advisory  
18 committees;

19                   (6) the terms of service for advisory committee  
20 members;

21                   (7) the training requirements for advisory committee  
22 members, if necessary;

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

25                   (9) the development of board policies and procedures  
26 to ensure advisory committees meet the requirements for open  
27 meetings under Chapter 551, Government Code, including

1 notification requirements.

2 (d) A board member may not serve as a member of an advisory  
3 committee, but may serve as a liaison between an advisory committee  
4 and the board. A board member liaison that attends advisory  
5 committee meetings may attend only as an observer and not as a  
6 participant. A board member liaison is not required to attend  
7 advisory committee meetings. The role of a board member liaison is  
8 limited to clarifying the board's charge and intent to the advisory  
9 committee.

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

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

15 Sec. 301.166. USE OF TECHNOLOGY. The board shall implement  
16 a policy requiring the board to use appropriate technological  
17 solutions to improve the board's ability to perform its functions.  
18 The policy must ensure that the public is able to interact with the  
19 board on the Internet.

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

23 (1) negotiated rulemaking procedures under Chapter  
24 2008, Government Code, for the adoption of board rules; and

25 (2) appropriate alternative dispute resolution  
26 procedures under Chapter 2009, Government Code, to assist in the  
27 resolution of internal and external disputes under the board's



1 jurisdiction.

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

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

7 (1) coordinate the implementation of the policy  
8 adopted under Subsection (a);

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

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

14 SECTION 16. Section 301.203, Occupations Code, is amended  
15 to read as follows:

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

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

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

26 (3) a summary of the results of the review or  
27 investigation of the complaint [~~an explanation of the legal basis~~

1 ~~and reason for a complaint that is dismissed]; and~~

2 (4) the complaint's disposition [~~the schedule~~  
3 ~~required under Section 301.204 and a notation of any change in the~~  
4 ~~schedule, and~~

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

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

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

14 (d) The board shall develop a method for analyzing the  
15 sources and types of complaints and violations and establish  
16 categories for the complaints and violations. The board shall use  
17 the analysis to focus its information and education efforts on  
18 specific problem areas identified through the analysis.

19 (e) The board shall analyze complaints filed with the board  
20 to identify any trends or issues related to certain violations,  
21 including:

22 (1) the reason for each complaint;

23 (2) how each complaint was resolved; and

24 (3) the subject matter of each complaint that was not  
25 within the jurisdiction of the board and how the board responded to  
26 the complaint.

27 SECTION 17. The heading to Section 301.204, Occupations

1 Code, is amended to read as follows:

2 Sec. 301.204. GENERAL RULES, POLICIES, AND PROCEDURES  
3 REGARDING COMPLAINT INVESTIGATION AND DISPOSITION.

4 SECTION 18. Section 301.204, Occupations Code, is amended  
5 by amending Subsection (a) and adding Subsection (f) to read as  
6 follows:

7 (a) The board shall adopt rules, policies, and procedures  
8 concerning the investigation of a complaint filed with the board.  
9 The rules, policies, or procedures adopted under this subsection  
10 must:

11 (1) distinguish between categories of complaints;

12 (2) ensure that complaints are not dismissed without  
13 appropriate consideration;

14 (3) require that the board be advised of a complaint  
15 that is dismissed and that a letter be sent to the person who filed  
16 the complaint explaining the action taken on the dismissed  
17 complaint;

18 (4) ensure that the person who filed the complaint has  
19 an opportunity to explain the allegations made in the complaint;  
20 [~~and~~]

21 (5) prescribe guidelines concerning the categories of  
22 complaints that require the use of a private investigator and the  
23 procedures for the board to obtain the services of a private  
24 investigator; and

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

27 (A) a violation did not occur; or

1                   (B) the subject of the complaint is outside the  
2 board's jurisdiction.

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

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

9                   (a) Each applicant for a registered nurse license or a  
10 vocational nurse license must submit to the board a sworn  
11 application that demonstrates the applicant's qualifications under  
12 this chapter, accompanied by evidence that the applicant:

13                   (1) has good professional character; ~~[and]~~

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

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

19                   (a-1) The jurisprudence examination shall be conducted on  
20 the licensing requirements under this chapter and board rules and  
21 other laws, rules, or regulations applicable to the nursing  
22 profession in this state. The board shall adopt rules for the  
23 jurisprudence examination under Subsection (a)(3) regarding:

24                   (1) the development of the examination;

25                   (2) applicable fees;

26                   (3) administration of the examination;

27                   (4) reexamination procedures;

- 1                   (5) grading procedures; and  
2                   (6) notice of results.

3           (b) The board may waive the requirement of Subsection (a)(2)  
4 for a vocational nurse applicant if the applicant provides  
5 satisfactory sworn evidence that the applicant has completed an  
6 acceptable level of education in:

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

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

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

14           (b) Each examination administered under this section must  
15 be prepared by a national testing service or the board. The board  
16 shall ensure that the [give the] examination is administered in  
17 various cities throughout the state.

18           (c-1) The board shall:

19                   (1) adopt policies and guidelines detailing the  
20 procedures for the testing process, including test admission, test  
21 administration, and national examination requirements; and

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

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

27                   (1) defines the reasonable notification period and the

1 emergencies that would qualify for a refund; and

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

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

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

11 (2) is unable to take the examination because of an  
12 emergency.

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

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

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

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

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

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

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

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

19                    (1) the nurses who are required to complete the  
20 targeted continuing education program;

21                    (2) the type of courses that satisfy the targeted  
22 continuing education requirement;

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

25                    (4) the frequency with which a nurse is required to  
26 meet the targeted continuing education requirement; and

27                    (5) any other requirement considered necessary by the

1 board.

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

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

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

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

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

20 Sec. 301.4105. BOARD RESPONSIBILITY FOLLOWING REPORT. The  
21 board shall determine whether a nurse violated this chapter or a  
22 rule adopted under this chapter for any case reported to the board  
23 in which the nurse's ability to perform the practice of nursing was  
24 impaired or suspected of being impaired by chemical dependency or  
25 diminished mental capacity and in which the nurse is suspected of  
26 committing a practice violation. The board, in deciding whether to  
27 take disciplinary action against the nurse for a violation of this



1 chapter or board rules, shall balance the need to protect the public  
2 and the need to ensure the impaired nurse seeks treatment.

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

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

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

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

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

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

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

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

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

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

10                   (1) whether the person:

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

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

17                   (2) the seriousness of the violation;

18                   (3) the threat to public safety; and

19                   (4) any mitigating factors.

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

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

25                   (2) Subsection (b)(1)(B), the board shall consider  
26 taking a more severe disciplinary action, including revocation of  
27 the person's license, than the disciplinary action that would be

1 taken for a person who has not previously been the subject of  
2 disciplinary action by the board.

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

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

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

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

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

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

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

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

5                   (2) state the acts or practices alleged to be an  
6 unauthorized activity and require the person immediately to cease  
7 and desist from the unauthorized activity; and

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

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

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

16                   (2) state the grounds for the request to set aside or  
17 modify the order.

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

25           (e) After the hearing, the board shall affirm, modify, or  
26 set aside wholly or partly the emergency cease and desist order. An  
27 order affirming or modifying the emergency cease and desist order

1 is immediately final for purposes of enforcement and appeal.

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

5 (g) The board may release to the public a final cease and  
6 desist order issued under this section or information regarding the  
7 existence of the order if the board determines that the release  
8 would enhance the effective enforcement of the order or will serve  
9 the public interest.

10 (h) A violation of an order issued under this section  
11 constitutes grounds for imposing an administrative penalty under  
12 this chapter.

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

15 (a) The amount of the administrative penalty may not exceed  
16 \$5,000 [~~\$2,500~~] for each violation. Each day a violation continues  
17 or occurs is a separate violation for purposes of imposing a  
18 penalty.

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

21 CHAPTER 305. NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

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

26 NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

27 ARTICLE 1. FINDINGS AND DECLARATION OF PURPOSE

1           (a) The party states find that:

2           (1) the health and safety of the public are affected by  
3 the degree of compliance with APRN licensure/authority to practice  
4 requirements and the effectiveness of enforcement activities  
5 related to state APRN licensure/authority to practice laws;

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

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

14           (4) new practice modalities and technology make  
15 compliance with individual state APRN licensure/authority to  
16 practice laws difficult and complex;

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

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

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

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

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

27           (2) ensure and encourage the cooperation of party

1 states in the areas of APRN licensure/authority to practice and  
2 regulation, including promotion of uniform licensure requirements;

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

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

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

12 ARTICLE 2. DEFINITIONS

13 (a) "Advanced practice registered nurse" or "APRN" means a  
14 nurse anesthetist, nurse practitioner, nurse midwife, or clinical  
15 nurse specialist to the extent a party state licenses or grants  
16 authority to practice in that APRN role and title.

17 (b) "Adverse action" means a home or remote state  
18 disciplinary action.

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

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

24 (e) "APRN uniform licensure/authority to practice  
25 requirements" means those minimum uniform licensure, education,  
26 and examination requirements as agreed to by the compact  
27 administrators and adopted by licensing boards for the recognized

1 APRN role and title.

2 (f) "Coordinated licensure information system" means an  
3 integrated process for collecting, storing, and sharing  
4 information on APRN licensure/authority to practice and  
5 enforcement activities related to APRN licensure/authority to  
6 practice laws, which is administered by a nonprofit organization  
7 composed of and controlled by state licensing boards.

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

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

14 (2) investigative information that indicates that the  
15 APRN represents an immediate threat to public health and safety  
16 regardless of whether the APRN has been notified and had an  
17 opportunity to respond.

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

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

27 (j) "Licensing board" means a party state's regulatory body



1 responsible for issuing APRN licensure/authority to practice.

2 (k) "Multistate advanced practice privilege" means current  
3 authority from a remote state permitting an APRN to practice in that  
4 state in the same role and title as the APRN is licensed/authorized  
5 to practice in the home state to the extent that the remote state  
6 laws recognize such APRN role and title. A remote state has the  
7 authority, in accordance with existing state due process laws, to  
8 take actions against the APRN's privilege, including revocation,  
9 suspension, probation, or any other action that affects an APRN's  
10 multistate privilege to practice.

11 (l) "Party state" means any state that has adopted this  
12 compact.

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

15 (n) "Remote state" means a party state, other than the home  
16 state:

17 (1) where the patient is located at the time APRN care  
18 is provided; or

19 (2) in the case of APRN practice not involving a  
20 patient, in such party state where the recipient of APRN practice is  
21 located.

22 (o) "Remote state action" means:

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

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

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

5           (q) "State practice laws" means a party state's laws and  
6 regulations that govern APRN practice, define the scope of advanced  
7 nursing practice, including prescriptive authority, and create the  
8 methods and grounds for imposing discipline. State practice laws  
9 do not include the requirements necessary to obtain and retain APRN  
10 licensure/authority to practice as an APRN, except for  
11 qualifications or requirements of the home state.

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

15           ARTICLE 3. GENERAL PROVISIONS AND JURISDICTION

16           (a) All party states shall participate in the nurse  
17 licensure compact for registered nurses and licensed  
18 practical/vocational nurses in order to enter into the APRN  
19 compact.

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

24           (c) APRN licensure/authority to practice issued by a home  
25 state to a resident in that state will be recognized by each party  
26 state as authorizing a multistate advanced practice privilege to  
27 the extent that the role and title are recognized by each party

1 state. To obtain or retain APRN licensure/authority to practice as  
2 an APRN, an applicant must meet the home state's qualifications for  
3 authority or renewal of authority as well as all other applicable  
4 state laws.

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

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

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

1 (g) Individuals not residing in a party state may apply for  
2 APRN licensure/authority to practice as an APRN under the laws of a  
3 party state. However, the authority to practice granted to these  
4 individuals will not be recognized as granting the privilege to  
5 practice as an APRN in any other party state unless explicitly  
6 agreed to by that party state.

7 ARTICLE 4. APPLICATIONS FOR APRN LICENSURE/AUTHORITY TO PRACTICE  
8 IN A PARTY STATE

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

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

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

16 (3) an encumbrance exists on any license/authority to  
17 practice; and

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

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

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

25 (c) An APRN who intends to change the APRN's primary state  
26 of residence may apply for APRN licensure/authority to practice in  
27 the new home state in advance of such change. However, new

1 licensure/authority to practice will not be issued by a party state  
2 until after an APRN provides evidence of change in primary state of  
3 residence satisfactory to the new home state's licensing board.

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

5 (1) moving between two party states, and obtains APRN  
6 licensure/authority to practice from the new home state, the APRN  
7 licensure/authority to practice from the former home state is no  
8 longer valid;

9 (2) moving from a nonparty state to a party state, and  
10 obtains APRN licensure/authority to practice from the new home  
11 state, the individual state license issued by the nonparty state is  
12 not affected and will remain in full force if so provided by the  
13 laws of the nonparty state; and

14 (3) moving from a party state to a nonparty state, the  
15 APRN licensure/authority to practice issued by the prior home state  
16 converts to an individual state license, valid only in the former  
17 home state, without the multistate licensure privilege to practice  
18 in other party states.

19 ARTICLE 5. ADVERSE ACTIONS

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

1           (b) The licensing board of a party state shall have the  
2 authority to complete any pending investigations for an APRN who  
3 changes primary state of residence during the course of such  
4 investigations. It shall also have the authority to take  
5 appropriate action, and shall promptly report the conclusions of  
6 such investigations to the administrator of the coordinated  
7 licensure information system. The administrator of the coordinated  
8 licensure information system shall promptly notify the new home  
9 state of any such actions.

10           (c) A remote state may take adverse action affecting the  
11 multistate advanced practice privilege to practice within that  
12 party state. However, only the home state shall have the power to  
13 impose adverse action against the APRN licensure/authority to  
14 practice issued by the home state.

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

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

23           (f) Nothing in this compact shall override a party state's  
24 decision that participation in an alternative program may be used  
25 in lieu of adverse action and that such participation shall remain  
26 nonpublic if required by the party state's laws. Party states must  
27 require APRNs who enter any alternative programs to agree not to

1 practice in any other party state during the term of the alternative  
2 program without prior authorization from such other party state.

3 (g) All home state licensing board disciplinary orders,  
4 agreed or otherwise, which limit the scope of the APRN's practice or  
5 require monitoring of the APRN as a condition of the order shall  
6 include the requirements that the APRN will limit her or his  
7 practice to the home state during the pendency of the order. This  
8 requirement may allow the APRN to practice in other party states  
9 with prior written authorization from both the home state and party  
10 state licensing boards.

11 ARTICLE 6. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

12 LICENSING BOARDS

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

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

18 (2) issue subpoenas for both hearings and  
19 investigations, which require the attendance and testimony of  
20 witnesses, and the production of evidence;

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

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

26 (b) Subpoenas issued by a licensing board in a party state  
27 for the attendance and testimony of witnesses, and/or the

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

8 ARTICLE 7. COORDINATED LICENSURE INFORMATION SYSTEM

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

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

21 (c) Current significant investigative information shall be  
22 transmitted through the coordinated licensure information system  
23 only to party state licensing boards.

24 (d) Notwithstanding any other provision of law, all party  
25 states' licensing boards contributing information to the  
26 coordinated licensure information system may designate information  
27 that may not be shared with nonparty states or disclosed to other



1 entities or individuals without the express permission of the  
2 contributing state.

3 (e) Any personally identifiable information obtained by a  
4 party states' licensing board from the coordinated licensure  
5 information system may not be shared with nonparty states or  
6 disclosed to other entities or individuals except to the extent  
7 permitted by the laws of the party state contributing the  
8 information.

9 (f) Any information contributed to the coordinated  
10 licensure information system that is subsequently required to be  
11 expunged by the laws of the party state contributing that  
12 information shall also be expunged from the coordinated licensure  
13 information system.

14 (g) The compact administrators, acting jointly with each  
15 other and in consultation with the administrator of the coordinated  
16 licensure information system, shall formulate necessary and proper  
17 procedures for the identification, collection, and exchange of  
18 information under this compact.

19 ARTICLE 8. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

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

23 (b) The compact administrator of each party state shall  
24 furnish to the compact administrator of each other party state any  
25 information and documents including, but not limited to, a uniform  
26 data set of investigations, identifying information, licensure  
27 data, and disclosable alternative program participation

1 information to facilitate the administration of this compact.

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

6 ARTICLE 9. IMMUNITY

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

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

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

20 (b) No withdrawal shall affect the validity or  
21 applicability by the licensing boards of states remaining party to  
22 the compact of any report of adverse action occurring prior to the  
23 withdrawal.

24 (c) Nothing contained in this compact shall be construed to  
25 invalidate or prevent any APRN licensure/authority to practice  
26 agreement or other cooperative arrangement between a party state  
27 and a nonparty state that is made in accordance with the other

1 provisions of this compact.

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

6 ARTICLE 11. CONSTRUCTION AND SEVERABILITY

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

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

22 (1) the party states may submit the issues in dispute  
23 to an arbitration panel which will be composed of an individual  
24 appointed by the compact administrator in the home state, an  
25 individual appointed by the compact administrator in the remote  
26 state involved, and an individual mutually agreed upon by the  
27 compact administrators of all the party states involved in the

1 dispute; and

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

4 Sec. 305.002. BOARD AUTHORITY. Notwithstanding any  
5 provision of this chapter, the Texas Board of Nursing may establish  
6 criteria for recognizing advanced practice registered nurses under  
7 the NCSBN APRN Compact.

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

11 (b) If the board does not adopt rules to implement the  
12 compact under this chapter before December 31, 2011, the board may  
13 not implement the NCSBN APRN Compact and this chapter expires  
14 December 31, 2011.

15 Sec. 305.004. APPLICABILITY OF CHAPTER. If a provision of  
16 this chapter or another state's law under the NCSBN APRN Compact  
17 conflicts with the laws of this state, the laws of this state  
18 prevail.

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

25 (b) The Texas Board of Nursing has the authority to  
26 determine whether a right or obligation imposed on license holders  
27 applies to nurses practicing in this state under a license issued by

1 a state that is a party to the NCSBN APRN Compact unless that  
2 determination is inconsistent with the NCSBN APRN Compact.

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

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

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

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

1           (12) the entity that regulates the practice of  
2 occupational therapy;

3           (13) the health licensing division of the [~~Texas~~]  
4 Department of State Health Services; and

5           (14) the governor's office.

6           SECTION 32. Section 157.052(a)(3), Occupations Code, is  
7 amended to read as follows:

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

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

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

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

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

27           SECTION 35. Section 203.002(2), Occupations Code, is

1 amended to read as follows:

2 (2) "Certified nurse-midwife" means a person who is:

3 (A) a registered nurse under Chapter 301;

4 (B) recognized as an advanced nurse practitioner  
5 by the Texas Board of Nursing [~~Nurse Examiners~~]; and

6 (C) certified by the American College of  
7 Nurse-Midwives.

8 SECTION 36. Section 203.402, Occupations Code, is amended  
9 to read as follows:

10 Sec. 203.402. PROHIBITED REPRESENTATION. A midwife may  
11 not:

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

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

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

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

1           SECTION 37. Section 258.001, Occupations Code, is amended  
2 to read as follows:

3           Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may  
4 not delegate:

5           (1) an act to an individual who, by board order, is  
6 prohibited from performing the act;

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

9           (A) the removal of calculus, deposits, or  
10 accretions from the natural and restored surfaces of exposed human  
11 teeth and restorations in the human mouth;

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

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

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

18           (A) comprehensive examination or diagnosis and  
19 treatment planning;

20           (B) a surgical or cutting procedure on hard or  
21 soft tissue;

22           (C) the prescription of a drug, medication, or  
23 work authorization;

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

26           (E) the making of an intraoral occlusal  
27 adjustment;



1 (F) direct pulp capping, pulpotomy, or any other  
2 endodontic procedure;

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

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

6 (4) the authority to an individual to administer a  
7 local anesthetic agent, inhalation sedative agent, parenteral  
8 sedative agent, or general anesthetic agent if the individual is  
9 not licensed as:

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

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

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

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

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

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

24 Sec. 304.002. ADMINISTRATION OF COMPACT. The executive  
25 director of the Texas Board of Nursing [~~Nurse-Examiners~~] is the  
26 Nurse Licensure Compact administrator for this state.

27 Sec. 304.003. RULES. The Texas Board of Nursing [~~Nurse~~

1 ~~Examiners~~] may adopt rules necessary to implement this chapter.

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

4 (b) Unless the context indicates otherwise or doing so would  
5 be inconsistent with the Nurse Licensure Compact, nurses practicing  
6 in this state under a license issued by a state that is a party to  
7 the Nurse Licensure Compact have the same rights and obligations as  
8 imposed by the laws of this state on license holders of the Texas  
9 Board of Nursing [~~Nurse Examiners~~].

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

16 SECTION 41. Section 304.005, Occupations Code, is amended  
17 to read as follows:

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

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

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

6 SECTION 43. Section 304.007, Occupations Code, is amended  
7 to read as follows:

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

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

16 (a) In reporting information to the coordinated licensure  
17 information system under Article 7 of the Nurse Licensure Compact,  
18 the Texas Board of Nursing [~~Nurse Examiners~~] may disclose  
19 personally identifiable information about the nurse, including  
20 social security number.

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

23 (a) The governor may withdraw this state from the Nurse  
24 Licensure Compact if the Texas Board of Nursing [~~Nurse Examiners~~]  
25 notifies the governor that a state that is party to the compact  
26 changed, after January 1, 1999, the state's requirements for  
27 licensing a nurse and that the state's requirements, as changed,

1 are substantially lower than the requirements for licensing a nurse  
2 in this state.

3 SECTION 46. Section 401.052, Occupations Code, is amended  
4 to read as follows:

5 Sec. 401.052. NURSES. This chapter does not prevent or  
6 restrict a communication, speech, language, or hearing screening,  
7 as defined by board rule, from being conducted by a registered  
8 nurse:

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

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

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

18 SECTION 48. Section 601.251, Occupations Code, is amended  
19 to read as follows:

20 Sec. 601.251. APPLICABILITY. This subchapter applies to  
21 the:

- 22 (1) Texas Board of Nursing [~~Nurse Examiners~~];  
23 (2) Texas Board of Chiropractic Examiners;  
24 (3) State Board of Dental Examiners;  
25 (4) Texas [~~State Board of~~] Medical Board [~~Examiners~~];  
26 and  
27 (5) Texas State Board of Podiatric Medical Examiners.

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

3 (a) Each agency subject to this subchapter, other than the  
4 Texas Board of Nursing [~~Nurse Examiners~~], shall adopt rules to  
5 regulate the manner in which a person who holds a license issued by  
6 the agency may order, instruct, or direct another authorized person  
7 in the performance of a radiologic procedure.

8 SECTION 50. Section 601.253, Occupations Code, is amended  
9 to read as follows:

10 Sec. 601.253. TEXAS BOARD OF NURSING [~~NURSE~~  
11 ~~EXAMINERS~~]. (a) The Texas Board of Nursing [~~Nurse Examiners~~] may  
12 adopt rules governing registered nurses performing radiologic  
13 procedures under Section 601.151 or 601.154 and shall require  
14 registered nurses performing radiologic procedures under Section  
15 601.151 to register with the Texas Board of Nursing [~~Nurse~~  
16 ~~Examiners~~] and to identify the practitioner ordering the  
17 procedures.

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

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

23 (a) The board shall appoint a 10-member advisory committee  
24 to advise the board concerning assistance provided under this  
25 subchapter to professional nursing students. The advisory  
26 committee consists of:

27 (1) a chair named by the board;

- 1           (2) one representative named by the Texas Nurses  
2 Association;
- 3           (3) one representative named by the Texas Organization  
4 of Nurse Executives;
- 5           (4) one representative named by the Texas Board of  
6 Nursing [~~Nurse Examiners~~];
- 7           (5) a head of each of the three types of professional  
8 nursing educational programs, named by the deans and directors of  
9 nursing programs in this state;
- 10           (6) a representative of graduate nursing education  
11 named by the deans and directors of nursing programs in this state;
- 12           (7) one representative named by the Texas Health Care  
13 Association; and
- 14           (8) one representative named by the Texas Association  
15 of Homes for the Aging.
- 16           (b) The board shall appoint an eight-member advisory  
17 committee to advise the board concerning assistance provided under  
18 this subchapter to vocational nursing students. The advisory  
19 committee consists of:
- 20           (1) a chair named by the board;
- 21           (2) one representative named by the Licensed  
22 Vocational Nurses Association of Texas;
- 23           (3) one representative named by the Texas Organization  
24 of Nurse Executives;
- 25           (4) one representative named by the Texas Board of  
26 Nursing [~~Nurse Examiners~~];
- 27           (5) two representatives of vocational nursing

1 educational programs named by the Texas Association of Vocational  
2 Nurse Educators;

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

5 (7) one representative named by the Texas Association  
6 of Homes for the Aging.

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

9 (a) A grant from the professional nursing shortage  
10 reduction program to a professional nursing program or other entity  
11 involved with a professional nursing program in the preparation of  
12 students for initial licensure as registered nurses must be:

13 (1) expended exclusively on costs related to:

14 (A) enrolling additional students;

15 (B) nursing faculty enhancement in accordance  
16 with Section 61.96231;

17 (C) encouraging innovation in the recruitment  
18 and retention of students, including the recruitment and retention  
19 of Spanish-speaking and bilingual students; or

20 (D) identifying, developing, or implementing  
21 innovative methods to make the most effective use of limited  
22 professional nursing program faculty, instructional or clinical  
23 space, and other resources, including:

24 (i) sharing administrative or  
25 instructional personnel, facilities, and responsibilities between  
26 two or more professional nursing programs located in the same  
27 region of this state; and

1 (ii) using preceptors to provide clinical  
2 instruction in order to reduce the number of new faculty needed to  
3 accommodate increased student enrollment in the professional  
4 nursing program;

5 (2) contingent on the professional nursing program's  
6 having been approved as a professional nursing program by the board  
7 or the Texas Board of Nursing [~~Nurse Examiners~~], as appropriate, by  
8 September 1, 2001;

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

12 (4) if granted to increase enrollments, contingent on  
13 the professional nursing program's ability to enroll additional  
14 students, including having the necessary classroom space and  
15 clinical slots.

16 SECTION 53. Section 232.002, Family Code, is amended to  
17 read as follows:

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

- 20 (1) Department of Agriculture;
- 21 (2) Texas Alcoholic Beverage Commission;
- 22 (3) Texas Appraiser Licensing and Certification  
23 Board;
- 24 (4) Texas Board of Architectural Examiners;
- 25 (5) Texas Board of Chiropractic Examiners;
- 26 (6) Comptroller of Public Accounts;
- 27 (7) Court Reporters Certification Board;



- 1 (8) State Board of Dental Examiners;
- 2 (9) Texas State Board of Examiners of Dietitians;
- 3 (10) Texas Funeral Service Commission;
- 4 (11) Department of State Health Services;
- 5 (12) Department of Aging and Disability Services;
- 6 (13) Texas Board of Professional Land Surveying;
- 7 (14) Texas Department of Licensing and Regulation;
- 8 (15) Texas State Board of Examiners of Marriage and  
9 Family Therapists;
- 10 (16) Texas [~~State Board of~~ Medical Board [~~Examiners~~];
- 11 (17) Midwifery Board;
- 12 (18) Texas Commission on Environmental Quality;
- 13 (19) Texas Board of Nursing [~~Nurse Examiners~~];
- 14 (20) Texas Board of Occupational Therapy Examiners;
- 15 (21) Texas Optometry Board;
- 16 (22) Parks and Wildlife Department;
- 17 (23) Texas State Board of Examiners of Perfusionists;
- 18 (24) Texas State Board of Pharmacy;
- 19 (25) Texas Board of Physical Therapy Examiners;
- 20 (26) Texas State Board of Plumbing Examiners;
- 21 (27) Texas State Board of Podiatric Medical Examiners;
- 22 (28) Polygraph Examiners Board;
- 23 (29) Texas Private Security Board;
- 24 (30) Texas State Board of Examiners of Professional  
25 Counselors;
- 26 (31) Texas Board of Professional Engineers;
- 27 (32) Department of Family and Protective Services;

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

1           (56) Texas Lottery Commission under Chapter 466,  
2 Government Code.

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

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

8           (1) the State Board for Educator Certification;

9           (2) a school district, charter school, private school,  
10 regional education service center, commercial transportation  
11 company, or education shared service arrangement;

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

14           (4) the Texas School for the Blind and Visually  
15 Impaired;

16           (5) the Board of Law Examiners;

17           (6) the State Bar of Texas;

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

20           (8) the Texas School for the Deaf;

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

22           (10) the Texas Youth Commission;

23           (11) the Department of Assistive and Rehabilitative  
24 Services;

25           (12) the Department of State Health Services, a local  
26 mental health service, a local mental retardation authority, or a  
27 community center providing services to persons with mental illness

1 or retardation;

2 (13) the Texas Private Security Board;

3 (14) a municipal or volunteer fire department;

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

5 (16) a safe house providing shelter to children in  
6 harmful situations;

7 (17) a public or nonprofit hospital or hospital  
8 district;

9 (18) the Texas Juvenile Probation Commission;

10 (19) the securities commissioner, the banking  
11 commissioner, the savings and loan commissioner, or the credit  
12 union commissioner;

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

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

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

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

17 SECTION 55. Section 411.125, Government Code, is amended to  
18 read as follows:

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

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

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

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

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

5           (3) "Postsecondary educational institution" means:

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

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

10           (C) a nonprofit, health-related school or  
11 program accredited by the Southern Association of Colleges and  
12 Schools, the Liaison Committee on Medical Education, the American  
13 Osteopathic Association, the Texas Board of Nursing [~~Nurse~~  
14 ~~Examiners~~], or, in the case of allied health, an accrediting body  
15 recognized by the United States Department of Education.

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

18           (2) "Postsecondary educational institution" means:

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

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

23           (C) a nonprofit, health-related school or  
24 program accredited by the Southern Association of Colleges and  
25 Schools, the Liaison Committee on Medical Education, the American  
26 Osteopathic Association, the Texas Board of Nursing [~~Nurse~~  
27 ~~Examiners~~], or, in the case of allied health, an accrediting body

1 recognized by the United States Department of Education.

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

4 (b) The advisory committee must include:

5 (1) representatives of health and human services  
6 agencies and other state agencies concerned with the use of  
7 telemedical consultations in the Medicaid program and the state  
8 child health plan program, including representatives of:

9 (A) the commission;

10 (B) the [~~Texas~~] Department of State Health  
11 Services;

12 (C) the Office of Rural Community Affairs;

13 (D) the Telecommunications Infrastructure Fund  
14 Board;

15 (E) the Texas Department of Insurance;

16 (F) the Texas [~~State Board of~~] Medical Board  
17 [~~Examiners~~];

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

19 and

20 (H) the Texas State Board of Pharmacy;

21 (2) representatives of health science centers in this  
22 state;

23 (3) experts on telemedicine, telemedical  
24 consultation, and telemedicine medical services or telehealth  
25 services; and

26 (4) representatives of consumers of health services  
27 provided through telemedical consultations and telemedicine

1 medical services or telehealth services.

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

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

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

- 1 (21) Texas State Board of Public Accountancy;
- 2 (22) State Board for Educator Certification;
- 3 (23) Texas Board of Professional Engineers;
- 4 (24) Department of State Health Services;
- 5 (25) Texas Board of Architectural Examiners;
- 6 (26) Texas Racing Commission;
- 7 (27) Commission on Law Enforcement Officer Standards  
8 and Education; and
- 9 (28) Texas Private Security Board.

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

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

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

18 (c) The council consists of one representative from each of  
19 the following agencies appointed by the executive director or  
20 commissioner of each agency:

- 21 (1) the department;
- 22 (2) the Texas Department of Mental Health and Mental  
23 Retardation;
- 24 (3) the Texas Department of Human Services;
- 25 (4) the Texas Commission on Alcohol and Drug Abuse;
- 26 (5) the Texas Rehabilitation Commission;
- 27 (6) the Texas Youth Commission;



- 1 (7) the Texas Department of Criminal Justice;  
2 (8) the Texas Juvenile Probation Commission;  
3 (9) the Texas Commission for the Blind;  
4 (10) the Texas Commission for the Deaf and Hard of  
5 Hearing;  
6 (11) the Department of Protective and Regulatory  
7 Services;  
8 (12) the Texas Education Agency;  
9 (13) the Texas Medical [~~State~~] Board [~~of Medical~~  
10 ~~Examiners~~];  
11 (14) the Texas Board of Nursing [~~Nurse Examiners~~];  
12 (15) the State Board of Dental Examiners;  
13 (16) the Health and Human Services Commission;  
14 (17) the Texas Department on Aging; and  
15 (18) the Texas Workforce Commission.

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

18 (c) If the nursing resource section established under  
19 Subsection (b) is funded from surcharges collected under Section  
20 301.155(c), Occupations Code, the council shall provide the Texas  
21 Board of Nursing [~~Nurse Examiners~~] with an annual accounting of the  
22 money received from the board. The council may expend a reasonable  
23 amount of the money to pay administrative costs of maintaining the  
24 nursing resource section.

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

27 (22) "Personal assistance service" means routine

1 ongoing care or services required by an individual in a residence or  
2 independent living environment that enable the individual to engage  
3 in the activities of daily living or to perform the physical  
4 functions required for independent living, including respite  
5 services. The term includes:

6 (A) personal care;

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

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

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

17 (a) The Texas Board of Nursing [~~Nurse Examiners~~] and the  
18 department shall adopt a memorandum of understanding governing the  
19 circumstances under which the provision of health-related tasks or  
20 services do not constitute the practice of professional nursing.  
21 The agencies periodically shall review and shall renew or modify  
22 the memorandum as necessary.

23 (b) The Texas Board of Nursing [~~Nurse Examiners~~] and the  
24 department shall consult with an advisory committee in developing,  
25 modifying, or renewing the memorandum of understanding. The  
26 advisory committee shall be appointed by the Texas Board of Nursing  
27 [~~Nurse Examiners~~] and the department and at a minimum shall

1 include:

2 (1) one representative from the Texas Board of Nursing  
3 [~~Nurse Examiners~~] and one representative from the department to  
4 serve as cochairmen;

5 (2) one representative from the Texas Department of  
6 Mental Health and Mental Retardation;

7 (3) one representative from the Texas Nurses  
8 Association;

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

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

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

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

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

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

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

25 (2) holds a permit issued under Section 142.025 and  
26 acts under the delegated authority of a person who holds a license  
27 under state law that authorizes the person to administer

1 medication;

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

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

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

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

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

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

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

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

27 (5) a trainee in a medication aide training program

1 approved by the department under Section 142.024 who is  
2 administering medications as part of the trainee's clinical  
3 experience.

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

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

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

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

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

17 (1) minimum requirements for staffing by physicians  
18 and nurses;

19 (2) hospital services relating to patient care;

20 (3) fire prevention, safety, and sanitation  
21 requirements in hospitals;

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

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

25 (6) compliance with nursing peer review under  
26 Subchapter I, Chapter 301, and Chapter 303, Occupations Code, and  
27 the rules of the Texas Board of Nursing [~~Nurse Examiners~~] relating

1 to peer review.

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

4 Sec. 242.607. EXEMPTIONS FOR NURSING STUDENTS AND  
5 MEDICATION AIDE TRAINEES. (a) Sections 242.606 and 242.614 do not  
6 apply to:

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

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

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

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

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

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

27 SECTION 70. Section 36.132(a)(2), Human Resources Code, is

1 amended to read as follows:

2 (2) "Licensing authority" means:

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

5 (B) the State Board of Dental Examiners;

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

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

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

11 (F) the Texas Board of Physical Therapy  
12 Examiners;

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

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

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

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

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

26 Sec. 51.969. EMPLOYMENT POLICIES FOR NURSES IN MEDICAL AND  
27 DENTAL UNITS. (a) The president of a medical and dental unit, as

1 defined by Section 61.003, shall determine whether a nurse employed  
2 by the unit for patient care or clinical activities is a full-time  
3 employee for purposes of:

4 (1) employees group benefits under Chapter 1551 or  
5 1601, Insurance Code;

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

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

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

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

17 SUBCHAPTER EE. TEXAS HOSPITAL-BASED NURSING EDUCATION

18 PARTNERSHIP GRANT PROGRAM

19 Sec. 61.9751. DEFINITIONS. In this subchapter:

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

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

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



1 in the partnership.

2 (2) "Nursing education program" means an  
3 undergraduate professional nursing program or a graduate  
4 professional nursing program as those terms are defined by Section  
5 54.221.

6 Sec. 61.9752. PROGRAM: ESTABLISHMENT; ADMINISTRATION;  
7 PURPOSE. (a) The Texas hospital-based nursing education  
8 partnership grant program is established.

9 (b) The board shall administer the program in accordance  
10 with this subchapter and rules adopted under this subchapter.

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

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

22 (1) the partnership will meet applicable board and  
23 Texas Board of Nursing standards for instruction and student  
24 competency for the associate, bachelor of science, or master of  
25 science nursing degree granted by each nursing education program  
26 participating in the partnership;

27 (2) each nursing education program participating in

1 the partnership will, as a result of the partnership, enroll in the  
2 nursing education program a sufficient number of additional  
3 students as established by the board;

4 (3) the marginal cost to the state of producing a  
5 graduate of a nursing education program participating in the  
6 partnership will be comparable, as determined under criteria  
7 established by board rule, to the marginal cost to the state of  
8 producing a graduate of a nursing education program not  
9 participating in a partnership;

10 (4) each hospital participating in a partnership with  
11 a nursing education program will provide to students enrolled in  
12 the program clinical placements that:

13 (A) allow the students to take part in providing  
14 or to observe, as appropriate, medical services offered by the  
15 hospital; and

16 (B) meet the clinical education needs of the  
17 students; and

18 (5) the partnership will satisfy any other requirement  
19 established by board rule.

20 (b) In establishing the cost-comparison criteria under  
21 Subsection (a)(3), the board shall exclude reasonable development  
22 and initial implementation costs for the infrastructure necessary  
23 to support a hospital-based nursing education partnership.

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

27 (1) prepares a student to earn an associate or

1 bachelor of science degree in nursing and to achieve initial  
2 licensure as a registered nurse, including by providing an  
3 accelerated program to prepare a student to earn a bachelor of  
4 science degree in nursing;

5 (2) prepares a student to earn a master of science  
6 degree in nursing with a concentration in education; or

7 (3) provides an articulation program providing for  
8 advancement from an associate degree to a bachelor of science  
9 degree in nursing or to a master of science degree in nursing with a  
10 concentration in education.

11 (d) A hospital-based nursing education partnership shall  
12 return to the board money granted to the partnership under this  
13 subchapter that the partnership does not spend on eligible costs  
14 under Subsection (c). As the board determines appropriate to best  
15 achieve the purposes of these programs, the board may:

16 (1) use the money to make grants to other  
17 hospital-based nursing education partnerships;

18 (2) use the money to make grants under the  
19 professional nursing shortage reduction program established under  
20 Subchapter Z; or

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

25 Sec. 61.9754. PRIORITY FOR FUNDING. In awarding a grant  
26 under this subchapter, the board shall give priority to a  
27 hospital-based nursing education partnership that submits a

1 proposal that:

2 (1) provides for collaborative educational models  
3 between one or more participating hospitals and one or more  
4 participating nursing education programs that have signed a  
5 memorandum of understanding or other written agreement under which  
6 the participants agree to comply with standards established by the  
7 board, including any standards the board may establish that:

8 (A) provide for program management that offers a  
9 centralized decision-making process allowing for inclusion of each  
10 entity participating in the partnership;

11 (B) provide for access to clinical training  
12 positions for students in nursing education programs that are not  
13 participating in the partnership; and

14 (C) specify the details of any requirement  
15 relating to a student in a nursing education program participating  
16 in the partnership being employed after graduation in a hospital  
17 participating in the partnership, including any details relating to  
18 the employment of students who do not complete the program, are not  
19 offered a nursing position at the hospital, or choose to pursue  
20 other employment;

21 (2) includes a demonstrable education model to:

22 (A) increase the number of students enrolled in,  
23 the number of students graduating from, and the number of nursing  
24 faculty employed by each nursing education program participating in  
25 the partnership; and

26 (B) improve student retention in each nursing  
27 education program;

1           (3) indicates the availability of money to match all  
2 or a portion of the grant money, including matching money from a  
3 hospital, private or nonprofit entity, or institution of higher  
4 education;

5           (4) provides for completion of a class admitted under  
6 this project to be funded by all members of the partnership if the  
7 funded project ends before the class graduation date;

8           (5) can be replicated by other hospital-based nursing  
9 education partnerships or nursing education programs; and

10           (6) includes plans for sustainability of the  
11 partnership beyond the grant period.

12           Sec. 61.9755. GRANTS, GIFTS, AND DONATIONS. In addition to  
13 money appropriated by the legislature, the board may solicit,  
14 receive, and spend grants, gifts, and donations from any public or  
15 private source for the purposes of this subchapter.

16           Sec. 61.9756. RULES. The board shall adopt rules for the  
17 administration of the Texas hospital-based nursing education  
18 partnership grant program. The rules must include:

19           (1) provisions relating to applying for a grant under  
20 this subchapter; and

21           (2) standards of accountability to be met by any  
22 hospital-based nursing education partnership awarded a grant under  
23 this subchapter.

24           Sec. 61.9757. APPROVAL AS NURSING EDUCATION PILOT PROGRAM.  
25 The board and the Texas Board of Nursing shall establish a single  
26 application process under which a hospital-based nursing education  
27 partnership may apply both for approval as a pilot program under

1 Section 301.1605, Occupations Code, and for a grant under this  
2 subchapter.

3 Sec. 61.9758. REPORTING REQUIREMENTS. (a) Each  
4 hospital-based nursing education partnership that receives a grant  
5 under this subchapter shall submit to the board reports, including  
6 financial reports, that provide information concerning the extent  
7 to which during the reporting period the partnership has complied  
8 with accountability standards established by the board.

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

14 Sec. 61.9759. ADMINISTRATIVE COSTS. A reasonable amount,  
15 not to exceed three percent, of any money appropriated for purposes  
16 of this subchapter may be used to pay the costs of administering  
17 this subchapter.

18 SECTION 74. The following laws are repealed:

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

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

22 SECTION 75. (a) On the effective date of this Act, the name  
23 of the Board of Nurse Examiners is changed to the Texas Board of  
24 Nursing.

25 (b) A member serving on the Board of Nurse Examiners on the  
26 effective date of this Act may continue to serve as a member of the  
27 Texas Board of Nursing for the remainder of the member's term.

1 (c) The Texas Board of Nursing shall:

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

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

9 SECTION 76. (a) Not later than January 1, 2008, the Texas  
10 Board of Nursing 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 Texas Board of  
16 Nursing 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 77. 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 78. (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 Texas Board  
5 of Nursing do not affect the entitlement of a member serving on the  
6 Board of Nurse Examiners immediately before September 1, 2007, to  
7 continue to serve and function as a member of the Texas Board of  
8 Nursing for the remainder of the member's term. The changes in law  
9 made by those sections apply only to a member appointed on or after  
10 September 1, 2007.

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

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



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

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

16           SECTION 80. This Act takes effect September 1, 2007.



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2426** by Truitt (Relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2426, Committee Report 2nd House, Substituted: a negative impact of (\$7,707,356) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$3,853,678)
2009	(\$3,853,678)
2010	(\$3,988,678)
2011	(\$6,488,678)
2012	(\$7,143,488)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue Gain/ (Loss) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2007
2008	(\$3,936,652)	\$82,974	3.0
2009	(\$3,935,652)	\$81,974	3.0
2010	(\$4,068,652)	\$79,974	3.0
2011	(\$6,568,652)	\$79,974	3.0
2012	(\$7,224,462)	\$80,974	3.0

**Fiscal Analysis**

The bill would amend Occupations Code to continue the Board of Nurse Examiners until 2017. The bill would change the name of the Board of Nurse Examiners to the Texas Board of Nursing. The bill would amend grounds for removal of a member of the board. The bill would provide for per diem travel expenses, as provided by the General Appropriations Act for board members.

The bill would require the Texas Board of Nursing to create or amend rules on numerous topics such as: establishing guidelines concerning the consequences of criminal conviction or deferred adjudication; the accreditation of nursing and education programs through one or more national



nursing accrediting agencies recognized by the United States Department of Education; establishing the purpose, role, responsibility, and goal of an advisory committee; the establishment of rules which encourage the use of negotiated rulemaking procedures and alternative dispute resolution; establishing examination requirements, administration, and procedures; amending requirements of a person who is required to report a nurse who is impaired or suspected of being impaired; the peer assistance program; and providing a schedule of sanctions.

The bill would require the Texas Board of Nursing to accept the requirements for accrediting the governing institution of a school of nursing of the Texas Higher Education Coordinating Board. The bill would require the collaboration of the Texas Board of Nursing, the Workforce Commission, and the Texas Higher Education Coordinating Board to establish guidelines for the initial approval of schools of nursing or educational programs. The bill would require the Texas Board of Nursing, the Texas Higher Education Coordinating Board, and the Texas Health Care Policy Council to implement a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs.

The bill would allow employees of the board to dismiss a complaint under certain criteria. The bill would establish a jurisprudence examination.

The bill would enact the Advanced Practice Registered Nurse Multi-state Compact.

The bill would establish a hospital-based nursing education partnership grant program. Under provisions of the bill, the Higher Education Coordinating Board would make grants to hospital-based nursing education partnerships to assist those partnerships in meeting the state's needs for registered nurses. The partnerships would be required to meet Higher Education Coordinating Board and Texas Board of Nursing standards. A grant under the program could only be spent on costs related to the development or operation of a hospital based nursing education partnership that; 1) prepares a student to earn an associate or bachelor of science degree in nursing and to achieve initial licensure as a registered nurse, 2) prepares a student to earn a master of science degree in nursing with a concentration in education or 3) provides an articulation program providing for advancement from an associate degree to a bachelor of science degree in nursing or to a master of science degree in nursing with a concentration in education. Each hospital-based nursing education partnership that receives a grant would be required to submit an annual report including information, including compliance with accountability standards, established by the Coordinating Board.

Not later than January 1, 2008 the Texas Board of Nursing would have to adopt the policies and rules required by the bill. Not later than September 1, 2008, the Texas Board of Nursing would have to develop the jurisprudence examination required by the bill, implement the plan for creating innovative nursing education models as required by the bill. The bill would take effect September 1, 2007.

## **Methodology**

Based on previous nursing education grant competitions, the Higher Education Coordinating Board estimates appropriate grant program funding levels based on the following assumptions:

The Board would conduct two grant competitions, beginning in fiscal year 2008. One would be a competition for large, three-year grants, each averaging \$500,000 per year, for the period of fiscal year 2008, 2009, and 2010. The Coordinating Board would expect to receive nine proposals in the competition and award five grants. The competition would be repeated for the grant period for fiscal year 2011-2013. The Higher Education Coordinating Board estimates that, in this second round of grant competition, 10 proposals would receive grant awards, each averaging \$500,000 per year, for that three-year period.

The second competition to be held in fiscal year 2008 would be for smaller, two-year grants, each averaging \$135,000 per year, for 2008 and 2009. The Coordinating Board would receive 18 proposals in the competition and award nine grants. The competition would be repeated for fiscal year 2010-11 and fiscal year 2012-13. They estimate that 10 proposals would receive grant awards, each averaging \$135,000 per year, for the second round of two-year grants to be awarded in fiscal year 2010. In fiscal year 2012, 15 proposals would receive grants, each averaging \$135,000 per year, for the third round of



two-year grants to be awarded.

Based on these assumptions, the Coordinating Board estimates that grant funding needed for the five-year period is as follows: \$3.7 million in both fiscal year 2008 and fiscal year 2009; \$3.8 million in fiscal year 2010; \$6.3 million in fiscal year 2011; and \$7 million in fiscal year 2012.

The Coordinating Board also estimates it would need to hire one Program Director and one Administrative Assistant III (2 FTEs total) to administer the program. Total costs associated with salaries and benefits, overhead, and travel for the additional FTEs is \$138,678 per year. The Board of Nurse Examiners estimates it would need one additional program specialist to implement provisions of the bill at a cost of \$82,974 in fiscal year 2008, \$81,974 in fiscal year 2009, \$79,974 in fiscal year 2010, \$79,974 in fiscal year 2011, and \$80,974 in fiscal year 2012 for salary, benefits and travel.

Based on information provided by the Board of Nurse Examiners, the Sunset Advisory Commission, the Comptroller of Public Accounts, the Texas Workforce Commission, and the Higher Education Coordinating Board, it is assumed that any additional costs related to the duties and responsibilities associated with continuing the Board of Nurse Examiners could be covered by utilizing existing resources.

This analysis assumes that any increased costs resulting from this bill to the Board of Nurse Examiners would be offset by an increase in fee generated revenue.

### **Technology**

There would be a technology cost to the Board of Nurse Examiners of \$2,000 in fiscal year 2008 and \$1,000 in fiscal year 2012.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 507 Board of Nurse Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, MN, AH, MW





**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 3, 2007**

**TO:** Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2426** by Truitt (Relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Occupations Code to continue the Board of Nurse Examiners until 2017. The bill would change the name of the Board of Nurse Examiners to the Texas Board of Nursing. The bill would amend grounds for removal of a member of the board. The bill would provide for per diem travel expenses, as provided by the General Appropriations Act for board members.

The bill would require the Texas Board of Nursing to create or amend rules on numerous topics such as: establishing guidelines concerning the consequences of criminal conviction or deferred adjudication; the accreditation of nursing and education programs through one or more national nursing accrediting agencies recognized by the United States Department of Education; establishing the purpose, role, responsibility, and goal of an advisory committee; the establishment of rules which encourage the use of negotiated rulemaking procedures and alternative dispute resolution; establishing examination requirements, administration, and procedures; amending requirements of a person who is required to report a nurse who is impaired or suspected of being impaired; the peer assistance program; and providing a schedule of sanctions.

The bill would require the Texas Board of Nursing to accept the requirements for accrediting the governing institution of a school of nursing of the Texas Higher Education Coordinating Board. The bill would require the collaboration of the Texas Board of Nursing, the Workforce Commission, and the Texas Higher Education Coordinating Board to establish guidelines for the initial approval of schools of nursing or educational programs. The bill would require the Texas Board of Nursing, the Texas Higher Education Coordinating Board, and the Texas Health Care Policy Council to implement a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs.

The bill would allow employees of the board to dismiss a complaint under certain criteria. The bill would establish a jurisprudence examination.

The bill would enact the Advanced Practice Registered Nurse Multi-state Compact.

Based on information provided by the Board of Nurse Examiners, the Sunset Advisory Commission, the Comptroller of Public Accounts, the Texas Workforce Commission, and the Higher Education Coordinating Board, it is assumed that any additional costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.

Not later than January 1, 2008 the Texas Board of Nursing would have to adopt the policies and rules required by the bill. Not later than September 1, 2008, the Texas Board of Nursing would have to develop the jurisprudence examination required by the bill, implement the plan for creating innovative nursing education models as required by the bill. The bill would take effect September 1, 2007.



**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 320 Texas Workforce Commission, 507 Board of Nurse Examiners, 304 Comptroller of Public Accounts, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, MN, CL, AH



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 3, 2007

TO: Honorable Dianne White Delisi, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2426** by Truitt (Relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Occupations Code to continue the Board of Nurse Examiners until 2017. The bill would change the name of the Board of Nurse Examiners to the Texas Board of Nursing. The bill would amend grounds for removal of a member of the board. The bill would provide for per diem travel expenses, as provided by the General Appropriations Act for board members.

The bill would require the Texas Board of Nursing to create or amend rules on numerous topics such as: establishing guidelines concerning the consequences of criminal conviction or deferred adjudication; the accreditation of nursing and education programs through one or more national nursing accrediting agencies recognized by the United States Department of Education; establishing the purpose, role, responsibility, and goal of an advisory committee; the establishment of rules which encourage the use of negotiated rulemaking procedures and alternative dispute resolution; establishing examination requirements, administration, and procedures; amending requirements of a person who is required to report a nurse who is impaired or suspected of being impaired; the peer assistance program; and providing a schedule of sanctions.

The bill would require the Texas Board of Nursing to accept the requirements for accrediting the governing institution of a school of nursing of the Texas Higher Education Coordinating Board. The bill would require the collaboration of the Texas Board of Nursing, the Workforce Commission, and the Texas Higher Education Coordinating Board to implement a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs.

The bill would allow employees of the board to dismiss a complaint under certain criteria. The bill would establish a jurisprudence examination.

The bill would enact the Advanced Practice Registered Nurse Multi-state Compact.

Based on information provided by the Board of Nurse Examiners, the Sunset Advisory Commission, the Comptroller of Public Accounts, the Texas Workforce Commission, and the Higher Education Coordinating Board, it is assumed that any additional costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.

Not later than January 1, 2008 the Texas Board of Nursing would have to adopt the policies and rules required by the bill. Not later than September 1, 2008, the Board of Nurse Examiners would have to develop the jurisprudence examination required by the bill, implement the plan for creating innovative nursing education models as required by the bill. The bill would take effect September 1, 2007.



**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 507 Board of Nurse Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, CL, AH





**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 20, 2007**

**TO:** Honorable Dianne White Delisi, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2426** by Truitt (Relating to the continuation and functions of the Board of Nurse Examiners.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2426, As Introduced: a negative impact of (\$206,964) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$103,482)
2009	(\$103,482)
2010	(\$103,482)
2011	(\$103,482)
2012	(\$103,482)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Probable Savings from <i>GENERAL REVENUE FUND</i> 1
2008	(\$105,716)	\$2,234
2009	(\$105,716)	\$2,234
2010	(\$105,716)	\$2,234
2011	(\$105,716)	\$2,234
2012	(\$105,716)	\$2,234

**Fiscal Analysis**

The bill would amend Occupations Code to implement continue the Board of Nurse Examiners in existence until 2017. The bill would amend grounds for removal of a member of the board. The bill would provide for per diem travel expenses, as provided by the General Appropriations Act for board members.

The bill would require the board to create or amend rules on numerous topics such as: establishing guidelines concerning the consequences of criminal conviction or deferred adjudication; the approval of nursing and education programs through one or more national nursing accrediting agencies recognized by the United States Department of Education; establishing the purpose, role, responsibility, and goal of an advisory committee; the establishment of rules which encourage the use of negotiated rulemaking procedures and alternative dispute resolution; establishing examination



requirements, administration, and procedures; amending requirements of a person who is required to report a nurse who is impaired or suspected of being impaired; the peer assistance program; and providing a schedule of sanctions.

The bill would require the collaboration of the Board of Nurse Examiners with the Texas Higher Education Coordinating Board to implement a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs.

The bill would allow the board to appoint advisory committees to perform the advisory functions assigned by the board. The bill would prohibit a board member from serving as a member of an advisory committee and prohibit a board member liaison from collecting travel expenses for advisory committee meetings the member attends.

The bill would allow employees of the board to dismiss a complaint under certain criteria. The bill would establish a jurisprudence examination. The bill would decrease the penalties for the renewal of licenses which have been expired less than 1 year. The bill would amend the maximum amount of an administrative penalty to change from \$2,500 to \$5,000.

The bill would enact the Advanced Practice Registered Nurse Multistate Compact.

Not later than January 1, 2008 the Board of Nurse Examiners would have to adopt the policies and rules required by the bill. Not later than September 1, 2008, the Board of Nurse Examiners would have to develop the jurisprudence examination required by the bill, implement the plan for creating innovative nursing education models as required by the bill, and report to the Sunset Advisory Commission regarding the plan and the board's effort to increase enrollment in nursing education programs.

## **Methodology**

Based on information provided by the Board of Nurse Examiners, the Comptroller of Public Accounts, and the Sunset Advisory Commission, this analysis assumes that there would be an annual savings of \$2,234 per year in General Revenue from the provisions of the bill which relate to the prohibition of Board members to serve on advisory committees and specifying that Board members liaisons are not entitled to travel expenses for attending advisory committee meetings. This annual savings is based on the average annual expenditures for these purposes in fiscal year 2004, fiscal year 2005, and fiscal year 2006.

The bill would amend the renewal fee structure. Under current statute, the Board charges \$117 for the renewal of a license which is expired between 1 and 90 days and \$167 for the renewal of a license which is expired more than 90 days but less than 1 year. The bill would amend this fee structure to provide a renewal fee of \$100.50 for the renewal license which would be expired between 1 and 90 days and \$134 for the renewal of a license which would be expired more than 90 days but less than 1 year. In fiscal year 2006, there were 2,327 individuals who renewed their license when the license was expired between 1 and 90 days and 2,040 individuals who renewed their license when the license was expired between 90 days and 1 year. The analysis estimates the same number of late renewals in fiscal years 2008 through 2012 which would result in a loss of \$38,396 in General Revenue per year for the renewal of licenses which have been expired between 1 and 90 days and a loss of \$67,320 in General Revenue per year for the renewal of licenses which have been expired between 90 days and 1 year.

Based on information provided by the Board of Nurse Examiners, it is assumed that any additional costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.



**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 507 Board of Nurse Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, CL, MW, AH

