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

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

Same as House version.

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~~].

Same as House version.

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 state;

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

(4) an act performed by a person under the delegated authority of a person licensed by the Texas Medical

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[State] Board [~~of Medical Examiners~~];

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

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

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

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

(B) provide nursing consulting services; or

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

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

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

Same as House version.

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

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

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

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

- (1) six nurse members, including:
 - (A) one advanced practice nurse;
 - (B) two registered nurses who are not advanced practice nurses or members of a nurse faculty; and
 - (C) three vocational nurses who are not members of a nurse faculty;
- (2) three members who are nurse faculty members of schools of nursing:
 - (A) one of whom is a nurse faculty member of a school of nursing offering a baccalaureate degree program in preparing registered nurses;
 - (B) one of whom is a nurse faculty member of a school of nursing offering an associate degree program in preparing registered nurses; and
 - (C) one of whom is a nurse faculty member of a school of nursing at an institution of higher education preparing vocational nurses; and
- (3) four members who represent the public.

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

(b) A person is not eligible for appointment as a public

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member of the board if the person or the person's spouse:

- (1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;
- (2) is employed by or participates in the management of a business entity or other organization that:
 - (A) provides health care services; ~~[or]~~
 - (B) sells, manufactures, or distributes health care supplies or equipment; or
 - (C) is regulated by or receives money from the board;
- (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization that:
 - (A) provides health care services; ~~[or]~~
 - (B) sells, manufactures, or distributes health care supplies or equipment; or
 - (C) is regulated by or receives money from the board; or
- (4) uses or receives a substantial amount of tangible goods, services, or funds from the board, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

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

Sec. 301.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a ~~[nonprofit,]~~ cooperative~~[-]~~ and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with

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mutual business or professional problems and in promoting their common interest.

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

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

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

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

(c) ~~[(d)]~~ A person may not be ~~[serve as]~~ a ~~[board]~~ member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the

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person's activities for compensation on behalf of a profession related to the board's operation.

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

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

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

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

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

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

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

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

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

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

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

Same as House version.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a diploma program that is conducted by a single-

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purpose school, usually under the control of a hospital, and that leads to a diploma in nursing.

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

(b) The board shall:

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

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

(B) a program conducted by a hospital;

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

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

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

(5) select one or more national nursing accrediting agencies, recognized by the United States Department of Education and determined by the board to have

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acceptable standards, to accredit schools of nursing and educational programs; and

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

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

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

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

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

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

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(1) is approved by the board;

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

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

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

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

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

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

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

(d-4) The board may recognize and accept as approved under this section a school of nursing or educational program operated in another state and approved by a state board of nursing of another state. The board shall develop policies to ensure that the other state board's

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standards are substantially equivalent to the board's standards.

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

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

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

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

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

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

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

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

(3) provide other information required by the board as necessary to evaluate and establish nursing education and

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workforce policy in this state.

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

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

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

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

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

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

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

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

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

(5) the appointment procedures for advisory committees;

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

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

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

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

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

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

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

Sec. 301.166. USE OF TECHNOLOGY. The board shall implement a policy requiring the board to use appropriate technological solutions to improve the

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board's ability to perform its functions. The policy must ensure that the public is able to interact with the board on the Internet.

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

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

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

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

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

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

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

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

SECTION 16. Section 301.203, Occupations Code, is

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amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(1) the reason for each complaint;

(2) how each complaint was resolved; and

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

SECTION 17. The heading to Section 301.204, Occupations Code, is amended to read as follows:
Sec. 301.204. GENERAL RULES, POLICIES, AND PROCEDURES REGARDING COMPLAINT INVESTIGATION AND DISPOSITION.

Same as House version.

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

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

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- (1) distinguish between categories of complaints;
- (2) ensure that complaints are not dismissed without appropriate consideration;
- (3) require that the board be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the dismissed complaint;
- (4) ensure that the person who filed the complaint has an opportunity to explain the allegations made in the complaint; ~~and~~
- (5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator and the procedures for the board to obtain the services of a private investigator; and
- (6) by rule allow appropriate employees of the board to dismiss a complaint if an investigation demonstrates that:
 - (A) a violation did not occur; or
 - (B) the subject of the complaint is outside the board's jurisdiction.
- (f) At each public meeting of the board, the executive director shall report to the board each complaint dismissed under Subsection (a)(6) since the board's last public meeting.

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

(a) Each applicant for a registered nurse license or a vocational nurse license must submit to the board a

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sworn application that demonstrates the applicant's qualifications under this chapter, accompanied by evidence that the applicant:

- (1) has good professional character; ~~and~~
- (2) has successfully completed a ~~an approved~~ program of professional or vocational nursing education approved under Section 301.157(d); and

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

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

- (1) the development of the examination;
- (2) applicable fees;
- (3) administration of the examination;
- (4) reexamination procedures;
- (5) grading procedures; and
- (6) notice of results.

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

- (1) a professional nursing school approved under Section 301.157(d) [by the board]; or
- (2) a school of professional nurse education located in another state or a foreign country.

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

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

(c-1) The board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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SECTION 22. Section 301.302(a), Occupations Code, is

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amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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disciplinary action against the nurse for a violation of this chapter or board rules, shall balance the need to protect the public and the need to ensure the impaired nurse seeks treatment.

Sec. 301.4106. PEER ASSISTANCE PROGRAMS.

The board by rule shall develop guidelines to:

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

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

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

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

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

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

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

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

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

(1) whether the person:

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

or

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

(2) the seriousness of the violation;

(3) the threat to public safety; and

(4) any mitigating factors.

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

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

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

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

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

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

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

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board may:

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

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

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

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

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

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

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

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

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

(d) On receiving a request for a hearing, the board shall serve notice of the time and place of the hearing by personal delivery or registered or certified mail, return receipt requested. The hearing must be held not later than the 10th day after the date the board receives the request for a hearing unless the parties agree to a later

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hearing date. A hearing under this subsection is subject to Chapter 2001, Government Code.

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

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

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

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

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

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

Same as House version.

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

Same as House version.

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CHAPTER 305. NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

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

NCSBN ADVANCED PRACTICE REGISTERED NURSE COMPACT

ARTICLE 1. FINDINGS AND DECLARATION OF PURPOSE

(a) The party states find that:

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

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

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

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

(5) the current system of duplicative APRN

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licensure/authority to practice for APRNs practicing in multiple states is cumbersome and redundant to both APRNs and states;

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

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

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

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

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

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

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

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

ARTICLE 2. DEFINITIONS

(a) "Advanced practice registered nurse" or "APRN" means a nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist to the extent a party

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state licenses or grants authority to practice in that APRN role and title.

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

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

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

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

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

(g) "Current significant investigative information" means:

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

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

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

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

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

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

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

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

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

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

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

(o) "Remote state action" means:

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

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

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

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

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

ARTICLE 3. GENERAL PROVISIONS AND JURISDICTION

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

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

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

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

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extent permitted by state practice laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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home state is no longer valid;

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

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

ARTICLE 5. ADVERSE ACTIONS

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

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

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information system shall promptly notify the new home state of any such actions.

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

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

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

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

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

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

ARTICLE 6. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

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

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

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

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

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

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

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where the witnesses and/or evidence are located.

ARTICLE 7. COORDINATED LICENSURE INFORMATION SYSTEM

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

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

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

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

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

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individuals except to the extent permitted by the laws of the party state contributing the information.

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

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

ARTICLE 8. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

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

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

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

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ARTICLE 9. IMMUNITY

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

ARTICLE 10. ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

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

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

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

(d) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is

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enacted into the laws of all party states.

ARTICLE 11. CONSTRUCTION AND SEVERABILITY

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

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

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

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

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

Sec. 305.003. RULES; EXPIRATION OF CHAPTER.

(a) The Texas Board of Nursing may adopt rules necessary to implement this chapter.

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

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

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

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

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

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

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

- (1) the Texas Board of Chiropractic Examiners;
- (2) the State Board of Dental Examiners;
- (3) the Texas Optometry Board;
- (4) the Texas State Board of Pharmacy;
- (5) the Texas State Board of Podiatric Medical Examiners;
- (6) the State Board of Veterinary Medical Examiners;
- (7) the Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- (8) the Texas Board of Nursing [~~Nurse Examiners~~];
- (9) the Texas State Board of Examiners of Psychologists;
- (10) the Texas Funeral Service Commission;
- (11) the entity that regulates the practice of physical therapy;

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- (12) the entity that regulates the practice of occupational therapy;
- (13) the health licensing division of the [~~Texas~~] Department of State Health Services; and
- (14) the governor's office.

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

Same as House version.

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

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

Same as House version.

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

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

Same as House version.

(c) The board shall cooperate with the Texas Board of

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Nursing [~~Nurse-Examiners~~] in the adoption of rules under this subchapter to eliminate, to the extent possible, conflicts between the rules adopted by each board.

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

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

Same as House version.

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

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

- (1) except as provided by Section 203.403, use in connection with the midwife's name a title, abbreviation, or designation tending to imply that the midwife is a "registered" or "certified" midwife as opposed to one who is licensed under this chapter;
- (2) advertise or represent that the midwife is a physician or a graduate of a medical school unless the midwife is licensed to practice medicine by the Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- (3) use advertising or an identification statement that is false, misleading, or deceptive; or

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

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

Same as House version.

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

- (1) an act to an individual who, by board order, is prohibited from performing the act;
- (2) any of the following acts to a person not licensed as a dentist or dental hygienist:
 - (A) the removal of calculus, deposits, or accretions from the natural and restored surfaces of exposed human teeth and restorations in the human mouth;
 - (B) root planing or the smoothing and polishing of roughened root surfaces or exposed human teeth; or
 - (C) any other act the delegation of which is prohibited by board rule;
- (3) any of the following acts to a person not licensed as a dentist:
 - (A) comprehensive examination or diagnosis and treatment planning;
 - (B) a surgical or cutting procedure on hard or soft tissue;
 - (C) the prescription of a drug, medication, or work authorization;
 - (D) the taking of an impression for a final restoration,

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appliance, or prosthesis;

(E) the making of an intraoral occlusal adjustment;

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

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

(H) the placement of any final restoration; or

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

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

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

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

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

Same as House version.

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

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

Same as House version.

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

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

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

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

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

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

Sec. 304.005. ENFORCEMENT. The Texas Board of

Same as House version.

Same as House version.

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Nursing [~~Nurse Examiners~~] is the state agency responsible for taking action against registered and vocational nurses practicing in this state under a license issued by a state that is a party to the Nurse Licensure Compact as authorized by the Nurse Licensure Compact. The action shall be taken in accordance with the same procedures for taking action against registered and vocational nurses licensed by this state.

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

Same as House version.

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

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

Same as House version.

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

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

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

Same as House version.

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

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

Same as House version.

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

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

(1) licensed in this state; and

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

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

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

Same as House version.

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

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

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

Same as House version.

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

(a) Each agency subject to this subchapter, other than the Texas Board of Nursing [~~Nurse Examiners~~], shall adopt rules to regulate the manner in which a person who

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holds a license issued by the agency may order, instruct, or direct another authorized person in the performance of a radiologic procedure.

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

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

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

Same as House version.

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

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

- (1) a chair named by the board;
- (2) one representative named by the Texas Nurses Association;
- (3) one representative named by the Texas Organization

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of Nurse Executives;

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

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

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

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

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

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

(1) a chair named by the board;

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

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

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

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

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

(7) one representative named by the Texas Association

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of Homes for the Aging.

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

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

(1) expended exclusively on costs related to:

(A) enrolling additional students;

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

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

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

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

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

(2) contingent on the professional nursing program's

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having been approved as a professional nursing program by the board or the Texas Board of Nursing [~~Nurse Examiners~~], as appropriate, by September 1, 2001;

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

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

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

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

- (1) Department of Agriculture;
- (2) Texas Alcoholic Beverage Commission;
- (3) Texas Appraiser Licensing and Certification Board;
- (4) Texas Board of Architectural Examiners;
- (5) Texas Board of Chiropractic Examiners;
- (6) Comptroller of Public Accounts;
- (7) Court Reporters Certification Board;
- (8) State Board of Dental Examiners;
- (9) Texas State Board of Examiners of Dietitians;
- (10) Texas Funeral Service Commission;
- (11) Department of State Health Services;
- (12) Department of Aging and Disability Services;
- (13) Texas Board of Professional Land Surveying;

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- (14) Texas Department of Licensing and Regulation;
- (15) Texas State Board of Examiners of Marriage and Family Therapists;
- (16) Texas [~~State Board of~~] Medical Board [~~Examiners~~];
- (17) Midwifery Board;
- (18) Texas Commission on Environmental Quality;
- (19) Texas Board of Nursing [~~Nurse Examiners~~];
- (20) Texas Board of Occupational Therapy Examiners;
- (21) Texas Optometry Board;
- (22) Parks and Wildlife Department;
- (23) Texas State Board of Examiners of Perfusionists;
- (24) Texas State Board of Pharmacy;
- (25) Texas Board of Physical Therapy Examiners;
- (26) Texas State Board of Plumbing Examiners;
- (27) Texas State Board of Podiatric Medical Examiners;
- (28) Polygraph Examiners Board;
- (29) Texas Private Security Board;
- (30) Texas State Board of Examiners of Professional Counselors;
- (31) Texas Board of Professional Engineers;
- (32) Department of Family and Protective Services;
- (33) Texas State Board of Examiners of Psychologists;
- (34) Texas State Board of Public Accountancy;
- (35) Department of Public Safety of the State of Texas;
- (36) Public Utility Commission of Texas;
- (37) Railroad Commission of Texas;
- (38) Texas Real Estate Commission;
- (39) State Bar of Texas;
- (40) Texas State Board of Social Worker Examiners;
- (41) State Board of Examiners for Speech-Language

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Pathology and Audiology;
(42) Texas Structural Pest Control Board;
(43) Board of Tax Professional Examiners;
(44) Secretary of State;
(45) Supreme Court of Texas;
(46) Texas Transportation Commission;
(47) State Board of Veterinary Medical Examiners;
(48) Texas Ethics Commission;
(49) Advisory Board of Athletic Trainers;
(50) State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
(51) Texas Board of Licensure for Professional Medical Physicists;
(52) Texas Department of Insurance;
(53) Texas Board of Orthotics and Prosthetics;
(54) savings and loan commissioner;
(55) Texas Juvenile Probation Commission; and
(56) Texas Lottery Commission under Chapter 466, Government Code.

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

- (i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to the following noncriminal justice agencies or entities only:
- (1) the State Board for Educator Certification;
 - (2) a school district, charter school, private school, regional education service center, commercial

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- transportation company, or education shared service arrangement;
- (3) the Texas [~~State Board of~~] Medical Board [~~Examiners~~];
 - (4) the Texas School for the Blind and Visually Impaired;
 - (5) the Board of Law Examiners;
 - (6) the State Bar of Texas;
 - (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
 - (8) the Texas School for the Deaf;
 - (9) the Department of Family and Protective Services;
 - (10) the Texas Youth Commission;
 - (11) the Department of Assistive and Rehabilitative Services;
 - (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
 - (13) the Texas Private Security Board;
 - (14) a municipal or volunteer fire department;
 - (15) the Texas Board of Nursing [~~Nurse Examiners~~];
 - (16) a safe house providing shelter to children in harmful situations;
 - (17) a public or nonprofit hospital or hospital district;
 - (18) the Texas Juvenile Probation Commission;
 - (19) the securities commissioner, the banking commissioner, the savings and loan commissioner, or the credit union commissioner;
 - (20) the Texas State Board of Public Accountancy;

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- (21) the Texas Department of Licensing and Regulation;
- (22) the Health and Human Services Commission; and
- (23) the Department of Aging and Disability Services.

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

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

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

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

- (3) "Postsecondary educational institution" means:
- (A) an institution of higher education, as defined by Section 61.003, Education Code;
 - (B) a nonprofit, independent institution approved under Section 61.222, Education Code; or
 - (C) a nonprofit, health-related school or program

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accredited by the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, the American Osteopathic Association, the Texas Board of Nursing [~~Nurse Examiners~~], or, in the case of allied health, an accrediting body recognized by the United States Department of Education.

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

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

Same as House version.

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

- (b) The advisory committee must include:
- (1) representatives of health and human services agencies and other state agencies concerned with the use of telemedical consultations in the Medicaid program

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and the state child health plan program, including representatives of:

- (A) the commission;
 - (B) the ~~[Texas]~~ Department of State Health Services;
 - (C) the Office of Rural Community Affairs;
 - (D) the Telecommunications Infrastructure Fund Board;
 - (E) the Texas Department of Insurance;
 - (F) the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~;
 - (G) the Texas Board of Nursing ~~[Nurse Examiners]~~; and
 - (H) the Texas State Board of Pharmacy;
- (2) representatives of health science centers in this state;
- (3) experts on telemedicine, telemedical consultation, and telemedicine medical services or telehealth services; and
- (4) representatives of consumers of health services provided through telemedical consultations and telemedicine medical services or telehealth services.

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

- (a) The following licensing entities shall participate in the system established under Section 2054.353:
- (1) Texas Board of Chiropractic Examiners;
 - (2) Court Reporters Certification Board;
 - (3) State Board of Dental Examiners;
 - (4) Texas Funeral Service Commission;
 - (5) Texas Board of Professional Land Surveying;
 - (6) Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~;

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- (7) Texas Board of Nursing [~~Nurse Examiners~~];
- (8) Texas Optometry Board;
- (9) Texas Structural Pest Control Board;
- (10) Texas State Board of Pharmacy;
- (11) Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas State Board of Plumbing Examiners;
- (13) Texas State Board of Podiatric Medical Examiners;
- (14) Board of Tax Professional Examiners;
- (15) Polygraph Examiners Board;
- (16) Texas State Board of Examiners of Psychologists;
- (17) State Board of Veterinary Medical Examiners;
- (18) Texas Real Estate Commission;
- (19) Texas Appraiser Licensing and Certification Board;
- (20) Texas Department of Licensing and Regulation;
- (21) Texas State Board of Public Accountancy;
- (22) State Board for Educator Certification;
- (23) Texas Board of Professional Engineers;
- (24) Department of State Health Services;
- (25) Texas Board of Architectural Examiners;
- (26) Texas Racing Commission;
- (27) Commission on Law Enforcement Officer Standards and Education; and
- (28) Texas Private Security Board.

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

(3) "Health care provider" means a registered nurse recognized as an advanced practice nurse by the Texas

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Board of Nursing [~~Nurse Examiners~~] or a physician assistant licensed by the Texas [~~State Board of~~] Physician Assistant Board [~~Examiners~~].

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

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

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

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

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

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

Same as House version.

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

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

(A) personal care;

(B) health-related services performed under circumstances that are defined as not constituting the practice of professional nursing by the Texas Board of Nursing [~~Nurse Examiners~~] through a memorandum of

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understanding with the department in accordance with Section 142.016; and

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

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

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

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

- (1) one representative from the Texas Board of Nursing [~~Nurse Examiners~~] and one representative from the department to serve as cochairmen;
- (2) one representative from the Texas Department of Mental Health and Mental Retardation;
- (3) one representative from the Texas Nurses

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Association;

- (4) one representative from the Texas Association for Home Care, Incorporated, or its successor;
- (5) one representative from the Texas Hospice Organization, Incorporated, or its successor;
- (6) one representative of the Texas Respite Resource Network or its successor; and
- (7) two representatives of organizations such as the Personal Assistance Task Force or the Disability Consortium that advocate for clients in community-based settings.

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

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

- (1) holds a license under state law that authorizes the person to administer medication;
- (2) holds a permit issued under Section 142.025 and acts under the delegated authority of a person who holds a license under state law that authorizes the person to administer medication;
- (3) administers a medication to a client of a home and community support service agency in accordance with rules of the Texas Board of Nursing [~~Nurse-Examiners~~] that permit delegation of the administration of medication to a person not holding a permit under

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Section 142.025; or

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

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

Sec. 142.022. EXEMPTIONS FOR NURSING STUDENTS AND MEDICATION AIDE TRAINEES.

(a) Sections 142.021 and 142.029 do not apply to:

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

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

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

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

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

(b) The administration of medications by persons exempted under Subdivisions (1) through (4) of

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Subsection (a) is governed by the terms of the memorandum of understanding executed by the department and the Texas Board of Nursing [~~Nurse Examiners~~].

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

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

Same as House version.

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

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

- (1) minimum requirements for staffing by physicians and nurses;
- (2) hospital services relating to patient care;
- (3) fire prevention, safety, and sanitation requirements in hospitals;
- (4) patient care and a patient bill of rights;
- (5) compliance with other state and federal laws affecting the health, safety, and rights of hospital patients; and
- (6) compliance with nursing peer review under Subchapter I, Chapter 301, and Chapter 303, Occupations Code, and the rules of the Texas Board of

Same as House version.

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Nursing [~~Nurse Examiners~~] relating to peer review.

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

Sec. 242.607. EXEMPTIONS FOR NURSING STUDENTS AND MEDICATION AIDE TRAINEES.

(a) Sections 242.606 and 242.614 do not apply to:

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

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

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

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

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

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

Same as House version.

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~~Examiners]~~.

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

(2) "Licensing authority" means:

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

(B) the State Board of Dental Examiners;

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

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

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

(F) the Texas Board of Physical Therapy Examiners;

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

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

Same as House version.

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

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

Same as House version.

No equivalent provision.

SECTION 72. Subchapter Z, Chapter 51, Education

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Code, is amended by adding Section 51.969 to read as follows:

Sec. 51.969. EMPLOYMENT POLICIES FOR NURSES IN MEDICAL AND DENTAL UNITS. (a)

The president of a medical and dental unit, as defined by Section 61.003, shall determine whether a nurse employed by the unit for patient care or clinical activities is a full-time employee for purposes of:

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

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

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

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

No equivalent provision.

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

SUBCHAPTER EE. TEXAS HOSPITAL-BASED NURSING EDUCATION

PARTNERSHIP GRANT PROGRAM

Sec. 61.9751. DEFINITIONS. In this subchapter:

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

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

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

(2) "Nursing education program" means an undergraduate professional nursing program or a graduate professional nursing program as those terms are defined by Section 54.221.

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

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

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

Sec. 61.9753. GRANTS: CONDITIONS; LIMITATIONS. (a) The board may make a grant under

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this subchapter to a hospital-based nursing education partnership only if the board determines that:

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

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

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

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

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

(B) meet the clinical education needs of the students; and

(5) the partnership will satisfy any other requirement established by board rule.

(b) In establishing the cost-comparison criteria under Subsection (a)(3), the board shall exclude reasonable development and initial implementation costs for the

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infrastructure necessary to support a hospital-based nursing education partnership.

(c) A grant under this subchapter may be spent only 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, including by providing an accelerated program to prepare a student to earn a bachelor of science degree in nursing;

(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.

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

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

(2) use the money to make grants under the professional nursing shortage reduction program established under Subchapter Z; or

(3) transfer the money to the permanent fund for higher education nursing, allied health, and other health-related programs established under Subchapter C, Chapter 63.

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for use in making grants under that subchapter.
Sec. 61.9754. PRIORITY FOR FUNDING. In
awarding a grant under this subchapter, the board shall
give priority to a hospital-based nursing education
partnership that submits a proposal that:
(1) provides for collaborative educational models
between one or more participating hospitals and one or
more participating nursing education programs that have
signed a memorandum of understanding or other written
agreement under which the participants agree to comply
with standards established by the board, including any
standards the board may establish that:
(A) provide for program management that offers a
centralized decision-making process allowing for
inclusion of each entity participating in the partnership;
(B) provide for access to clinical training positions for
students in nursing education programs that are not
participating in the partnership; and
(C) specify the details of any requirement relating to a
student in a nursing education program participating in
the partnership being employed after graduation in a
hospital participating in the partnership, including any
details relating to the employment of students who do not
complete the program, are not offered a nursing position
at the hospital, or choose to pursue other employment;
(2) includes a demonstrable education model to:
(A) increase the number of students enrolled in, the
number of students graduating from, and the number of
nursing faculty employed by each nursing education
program participating in the partnership; and

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(B) improve student retention in each nursing education program;

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

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

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

(6) includes plans for sustainability of the partnership beyond the grant period.

Sec. 61.9755. GRANTS, GIFTS, AND DONATIONS.

In addition to money appropriated by the legislature, the board may solicit, receive, and spend grants, gifts, and donations from any public or private source for the purposes of this subchapter.

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

(1) provisions relating to applying for a grant under this subchapter; and

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

Sec. 61.9757. APPROVAL AS NURSING

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EDUCATION PILOT PROGRAM. The board and the Texas Board of Nursing shall establish a single application process under which a hospital-based nursing education partnership may apply both for approval as a pilot program under Section 301.1605, Occupations Code, and for a grant under this subchapter.

Sec. 61.9758. REPORTING REQUIREMENTS. (a) Each hospital-based nursing education partnership that receives a grant under this subchapter shall submit to the board reports, including financial reports, that provide information concerning the extent to which during the reporting period the partnership has complied with accountability standards established by the board.

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

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

SECTION 72. The following laws are repealed:

- (1) Section 301.059(d), Occupations Code; and
- (2) Sections 301.160(f), (g), and (h), Occupations Code.

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

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

(c) The Texas Board of Nursing shall:

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

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

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

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

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

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

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

(2) implement the plan for creating innovative nursing

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SECTION 75. Same as House version.

SECTION 76. Same as House version.

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education models as required under Section 301.157(h), Occupations Code, as added by this Act, and report to the Sunset Advisory Commission regarding the plan and the board's effort to increase enrollment in nursing education programs.

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

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

(b) The changes in law made by this Act related to the filing, investigation, or resolution of a complaint under Chapter 301, Occupations Code, as amended by this Act, apply only to a complaint filed with the Texas Board of Nursing on or after the effective date of this Act. A

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SECTION 77. Same as House version.

SECTION 78. Same as House version.

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complaint filed before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

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

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

No equivalent provision.

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SECTION 79. As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the Texas hospital-based nursing education partnership grant program

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established under Subchapter EE, Chapter 61, Education Code, as added by this Act. The board may adopt the initial rules in the manner provided by law for emergency rules.

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

SECTION 80. Same as House version.