

Adoption of Rule Reviews of chapters 211, 213, and 219

Section 2001.039 of the Texas Government Code requires each agency to review each of its rules every four (4) years and consider whether to re-adopt, re-adopt with amendments, or repeal each rule. The reviews of chapter 211 (General Provisions), chapter 213 (Practice and Procedure), and chapter 219 (Advanced Nurse Practitioner Program) were posted in the July 14, 2006, *Texas Register* (attached) and were done pursuant to this statutory requirement. These rules are continuously assessed to determine whether the reason(s) for originally adopting these chapters continues to exist. Each section of these chapters is continually reevaluated to determine whether it is obsolete, reflects current legal and policy considerations, reflects current procedures and practices of the Board, and/or whether it is in compliance with chapter 2001 of the Texas Government Code (Administrative Practice Act).

The public had thirty (30) days to comment on the rule reviews and to submit any response or suggestion. No comments were received. On September 15, 2006, the adoption of the rule reviews for the aforementioned chapters was published in the *Texas Register* (attached). No action is required by the Board at this time. This completes the rule reviews for 2006.

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Board of Nurse Examiners

Title 22, Part 11

The Board of Nurse Examiners will review and consider whether to re-adopt, re-adopt with amendments, or repeal Title 22 of the Texas Administrative Code, Part 11, Chapter 211, relating to General Provisions. This review is done pursuant to Texas Government Code §2001.039.

The Board will assess whether the reason(s) for adopting or re-adopting this chapter continues to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current general provisions in the governance of the Board, and/or whether it is in compliance with chapter 2001 of the Texas Government Code (Administrative Procedures Act).

Comments on the review may be submitted in writing within 30 days following the publication of this rule review in the *Texas Register* to Katherine Thomas, Executive Director, 333 Guadalupe, Ste. 3-460, Austin, Texas 78701. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional 30 day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-200603582
Katherine Thomas
Executive Director
Board of Nurse Examiners
Filed: July 3, 2006



The Board of Nurse Examiners will review and consider whether to re-adopt, re-adopt with amendments, or repeal Title 22 of the Texas Administrative Code, Part 11, Chapter 213, relating to Practice and Procedure. This review is done pursuant to Texas Government Code §2001.039.

The Board will assess whether the reason(s) for adopting or re-adopting this chapter continues to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current procedures and practices of the Board, and/or whether it is in compliance with chapter 2001 of the Texas Government Code (Administrative Procedures Act). Various sections of this chapter are under review and if changes are determined to be needed, the Board will amend a section, or repeal a section and adopt a new section.

Comments on the review may be submitted in writing within 30 days following the publication of this rule review in the *Texas Register* to Katherine Thomas, Executive Director, 333 Guadalupe, Ste. 3-460, Austin, Texas 78701. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional 30 day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-200603583
Katherine Thomas
Executive Director
Board of Nurse Examiners
Filed: July 3, 2006



The Board of Nurse Examiners will review and consider whether to re-adopt, re-adopt with amendments, or repeal Title 22 of the Texas Administrative Code, Part 11, Chapter 219, relating to Advanced Nurse Practitioner Program. This review is done pursuant to Texas Government Code §2001.039.

The Board will assess whether the reason(s) for adopting or re-adopting this chapter continues to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current provisions relating to advanced educational programs that prepare either nurse practitioners or clinical nurse specialists, and/or whether it is in compliance with chapter 2001 of the Texas Government Code (Administrative Procedures Act).

Comments on the review may be submitted in writing within 30 days following the publication of this rule review in the *Texas Register* to Katherine Thomas, Executive Director, 333 Guadalupe, Ste. 3-460, Austin, Texas 78701. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional 30 day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-200603590
Katherine Thomas
Executive Director
Board of Nurse Examiners
Filed: July 3, 2006



Adopted Rule Review

Texas Council on Purchasing from People with Disabilities

rules continues to exist and the department is readopting all sections in Chapter 29, Subchapter A, without changes.

TRD-200604984
Dolores Alvarado Hibbs
Deputy General Counsel
Texas Department of Agriculture
Filed: September 5, 2006



Texas State Library and Archives Commission

Title 13, Part 1

The Texas State Library and Archives Commission has completed the rule review of Title 13, Part 1, Chapter 9, relating to the Talking Book Program, in accordance with the requirements of Government Code, §2001.039. The proposed review was published in the June 30, 2006 issue of the *Texas Register* (31 TexReg 5365). The commission received no comments on the review of Chapter 9.

The Commission assessed whether the reasons for adopting or readopting the rules in Chapter 9 continue to exist. The Commission found that the rules in Subchapter A: Library Services for Blind and Physically Handicapped Individuals continue to be needed for the administration and operation of the Talking Book Program. The rules in Subchapter B: Adaptive Technology for Texas Public Libraries are not needed, and will be proposed for repeal.

The rules in Chapter 9 are readopted in accordance with Government Code, §2001.039, and under authority of Human Resources Code, §91.082, which permits the Commission to adopt rules to govern the operation of the Talking Book Program.

The adopted sections affect Human Resources Code, §91.082.

TRD-200604931
Edward Seidenberg
Assistant State Librarian
Texas State Library and Archives Commission
Filed: August 31, 2006



Board of Nurse Examiners

Title 22, Part 11

The Board of Nurse Examiners has completed its review and re-adopts without amendment Title 22 of the Texas Administrative Code, Part 11, Chapter 211, relating to General Provisions. This review was done pursuant to Texas Government Code §2001.039. The notice of review was in the July 14, 2006, edition of the *Texas Register* (31 TexReg 5679).

The Board assessed whether the reason(s) for adopting or re-adopting this chapter continued to exist. Each section of the chapter was reviewed to determine whether it was obsolete, reflected current legal and policy considerations, reflected current procedures and practices of the Board, and/or whether it was in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act).

No comments were received in response to the proposed rule review.

TRD-200604937
Katherine Thomas
Executive Director
Board of Nurse Examiners
Filed: August 31, 2006



The Board of Nurse Examiners has completed its review and re-adopts without amendment Title 22 of the Texas Administrative Code, Part 11, Chapter 213, relating to Practice and Procedure. This review was done pursuant to Texas Government Code §2001.039. The notice of review was in the July 14, 2006, edition of the *Texas Register* (31 TexReg 5679).

The Board assessed whether the reason(s) for adopting or re-adopting this chapter continued to exist. Each section of the chapter was reviewed to determine whether it was obsolete, reflected current legal and policy considerations, reflected current procedures and practices of the Board, and/or whether it was in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act). Various sections of this chapter are continuously under review to determine if changes are needed.

No comments were received in response to the proposed rule review.

TRD-200604936
Katherine Thomas
Executive Director
Board of Nurse Examiners
Filed: August 31, 2006



The Board of Nurse Examiners has completed its review and re-adopts without amendment Title 22 of the Texas Administrative Code, Part 11, Chapter 219, relating to Advanced Nurse Practitioner Program. This review was done pursuant to Texas Government Code §2001.039. The notice of review was in the July 14, 2006, edition of the *Texas Register* (31 TexReg 5679).

The Board assessed whether the reason(s) for adopting or re-adopting this chapter continued to exist. Each section of the chapter was reviewed to determine whether it was obsolete, reflected current legal and policy considerations, reflected current procedures and practices of the Board, and/or whether it was in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act). This chapter is subject to future amendments due to its present review by the Board's Advanced Practice Nursing advisory committee.

No comments were received in response to the proposed rule review.

TRD-200604938
Katherine Thomas
Executive Director
Board of Nurse Examiners
Filed: August 31, 2006

