

Proposed Amendments to 22 Tex. Admin. Code §211.7, Executive Director

House Bill 2426 (Sunset Bill) amends the Nursing Practice Act by adding two provisions to Texas Occupations Code § 301.204 (General Rules, Policies, and Procedures Regarding Complaint Investigation and Disposition). New requirements were added to Subsection (a) and (f) as follows:

- (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:
 - (1) - (5) substantively unchanged.
 - (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.
- (b) - (e) No change.
- (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 211.7 is amended to designate that the Executive Director is the appropriate employee of the board to dismiss a complaint in compliance with this statute and to report this information to the Board.

Staff requests that the Board move to propose an amendment to section 211.7 and publish it in the *Texas Register* for a 30-day comment period, and if negative comments are not received in the 30 day comment period, adopt and publish the amendment in the *Texas Register*.

§211.7 Executive Director

(a) The board shall determine qualifications for and retain an executive director who shall be the chief executive officer of the agency.

(b) The executive director shall have the authority and responsibility for the operations and administration of the agency and such additional powers and duties as prescribed by the board. As chief executive of the board the executive director shall manage all aspects of the agency, including personnel, financial and other resources, in support of the NPA, rules and policies, the board's mission and strategic plan. The executive director shall attend all meetings of the board and may offer recommendations to the board, but shall not vote on matters brought before the board.

(c) The executive director shall have the authority to dismiss a complaint if an investigation demonstrates that a violation did not occur, or the subject of the complaint is outside the board's jurisdiction. At each public meeting of the board, the executive director shall report to the board each complaint dismissed since the board's last public meeting.