

Agenda Item # 7.6

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Meeting Date: January 17 & 18, 2008

**Consideration of Proposed Amendment to § 223.1 (Fees), Relating to Reduction
in Costs of FBI Criminal Background Checks**

Effective October 1, 2007, the fee for an FBI fingerprint-based criminal history record information, a/k/a criminal background check, was temporarily reduced from \$24 to \$19.25. (The Texas Department of Public Safety's fee is still \$15.) This fee is for an interim period and subject to change. Due to the variable nature of the fee imposed by the FBI and the Texas Department of Public Safety (DPS), Staff requests that the Board grant it the discretion to adjust the fee, as needed, to reflect the actual fee being imposed by the FBI and the DPS instead of coming to the Board each time the fee is changed and requesting the authority to adjust the fee and amend the rule. Any excess funds collected from licensees and applicants for the criminal background checks go into the general revenue fund. Staff requests that § 223.1 be amended to reflect this change.

Staff recommendation:

The Board move to propose the amendment to section 223.1, relating to fees, and publish in the *Texas Register* for a 30-day comment period. If no comments are received in response to the fee change, adopt the amendment as proposed.

§ 223.1. Fees.

(a) The Texas Board of Nursing has established reasonable and necessary fees for the administration of its functions.

(1) - (21) (No change.)

(22) fee for Federal Bureau of Investigations (FBI) and Department of Public Safety (DPS) criminal background check for licensees, initial licensure applicants and endorsement applicants as determined by fees imposed by the Criminal Justice Information Services (CJIS) Division and the Texas Department of Public Safety; ~~-\$39;~~ and

(23) (No change.)

(b) (No change.)