

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §211.7,
Pertaining to Executive Director**

Background: Historically, the Board has allowed an individual whose license is encumbered by a Board order (eligibility or disciplinary) to request an exception to the order. These requests, along with requests to return to direct patient care¹, are routinely placed on the Eligibility and Disciplinary Committee's (Committee) agenda for review and determination. Over time, these requests have grown in number and complexity². Further, because of the limited amount of time for Committee meetings, individuals sometimes have to wait several months before their requests can be heard and decided by the Committee. In an effort to reduce the amount of time individuals must wait to have their requests heard, and to reduce the number of items on the Committee's agendas, Staff is recommending a rule amendment that would allow the Executive Director to review and, if merited, grant requests that fall within, and are consistent with, public safety and the parameters of the Board's Disciplinary Matrix. Requests that are not granted by the Executive Director could then be placed on the next practicable Committee agenda for review and determination by the Committee. Further, Staff's recommended amendment requires the Executive Director to develop guidelines related to the review of exceptions to Board orders and to report to the Board regularly regarding the number of exceptions that are granted by the Executive Director. Attached here to as Attachment "A" is Staff's recommended amendment.

Board Action: Move to approve the proposed amendments to 22 Tex. Admin. Code §211.7, Pertaining to *Executive Director*, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §211.7, Pertaining to *Executive Director*, as proposed.

¹ These requests are made by licensees whose licenses are in limited status, but wish to return to direct patient care.

² In 2009, 25 requests were received by the Board. In 2010, 31 requests were received by the Board. In 2011 and 2012, 40 requests were received by the Board.

Attachment "A"

§211.7. Executive Director.

(a) - (g) (No change.)

(h) The Executive Director may grant a request for a limited license or negotiate an agreed order to return a limited licensee back to direct patient care. The Executive Director may negotiate an agreed resolution to a request for an exception to a stipulation contained in an existing order of the Board. The Executive Director shall not grant a request for exception under this rule unless he/she is of the opinion that the requested relief falls within, and is consistent with, public safety and the parameters of §213.33(b), (g), and (h) of this title. Otherwise, a request for exception to an existing order of the Board may be scheduled without prejudice before the next practicable Eligibility and Disciplinary Committee meeting for review and determination. The Executive Director shall establish guidelines for review and approval of requests for exceptions to existing Board orders, including how often such requests may be made. The Executive Director shall report summaries of decisions related to requests for exceptions to existing Board orders to the Board at its regularly scheduled meetings.