

**Consideration of Proposed Amendment to 22 Tex. Admin. Code §213.32,
Pertaining to *Corrective Action Proceedings and Schedule of Administrative
Fines***

Background: In 2009, the Nursing Practice Act (NPA) was amended to grant the Board authority to resolve contested cases through the use of corrective actions. Corrective actions consist of a fine and remedial education and are not disciplinary in nature. Because of their non-disciplinary nature, corrective actions are not reported to the national practitioner database (NPDB) or to other state boards of nursing through the NURSUS database.

The proposed amendment makes clear that corrective actions will not be available to individuals who are practicing in Texas on a nurse licensure compact privilege. Although corrective actions are only considered for the resolution of minor practice violations, the Board has not offered corrective actions to individuals practicing in Texas on a nurse licensure privilege, largely because such information would typically be withheld from other state boards of nursing who may have an interest in their licensees' conduct. The proposed amendment ensures that other state board of nursing will continue to receive information from the Board about their licensees' conduct in Texas and is consistent with the Board's current practice in this regard.

Board Action: Move to approve the proposed amendment to 22 Tex. Admin. Code §213.32, pertaining to *Corrective Action Proceedings and Schedule of Administrative Fines*, as set out in Attachment "A", 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 §213.32, pertaining to *Corrective Action Proceedings and Schedule of Administrative Fines*, as proposed.

Attachment "A"

§213.32. Corrective Action Proceedings and Schedule of Administrative Fines.

A corrective action may be imposed by the Board as specified in the following circumstances.

(1) - (3) (No change.)

(4) The opportunity to enter into an agreed corrective action order is at the sole discretion of the Executive Director as a condition of settlement by agreement and is not available as a result of a contested case proceeding conducted pursuant to the Government Code Chapter 2001. An agreed corrective action will not be available to an individual who is practicing nursing in Texas on a nurse licensure compact privilege.

(5) - (7) (No change.)