

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §223.1,  
Pertaining to Fees**

**Background:** In its budget request for the 2018-2019 biennium, the Board requested up to \$2,198,518 in exceptional items. If approved by the Legislature, these monies will be subject to a contingency rider, which requires the Board to assess or increase fees in an amount sufficient to generate an additional \$2,198,518 during the 2018-19 biennium. In order to meet this demand, the Board has determined that it will be necessary to increase its renewal fees. The Board's current renewal fee for licensed vocational nurses is \$40 each biennium; \$60 for registered nurses each biennium; and \$50 each biennium for advanced practice registered nurses.

Additionally, HB 280, if passed, will create a grant program to fund innovative approaches to reducing verbal and physical workplace violence against nurses. To obtain this funding, the Board will need to increase the current assessment to LVNs and RNs from \$2 and \$3, respectively, up to \$3 and \$5 per LVN and RN renewal, respectively. Also, HB 3034 would waive certain licensing fees, including renewal, for military service members, military veterans, and their spouses. If this bill passes, the Board would potentially lose up to \$153,390 in revenue per fiscal year.

The proposed amendments in Attachment "A" will increase the renewal fee for each license level by \$6, resulting in a new renewal fee of \$46 for licensed vocational nurses, \$66 for registered nurses, and \$56 for advanced practice registered nurses. The Board anticipates that this \$6 fee increase in the renewal fee for each nursing license, coupled with the Board's normal revenue growth, will be sufficient to meet the requirements of SB 1 (the budget bill passed by the Senate). The proposed amendments are necessary to effectuate these fee increases by September 1, 2017.

The need for these proposed fees is, of course, contingent upon the Legislature's actions. The Board will need to enact the proposed fee increases on September 1, 2017 if the following events occur:

1. A contingency revenue rider is attached to the Board's appropriations, requiring a fee increase to certify the funds with the Office of the Comptroller.
2. A contingency revenue rider is attached to the Board's appropriations to require the agency to raise revenue to implement new legislation.
3. HB 280 is passed, in substantially similar form as the introduced bill.
4. HB 3034 is passed, in substantially similar form as the introduced bill.

**Board Action:** Move to approve the proposed amendments to 22 Tex. Admin. Code §223.1, pertaining to *Fees*, 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 the proposal of the amendments are determined by Board Staff to be necessary to address budgetary concerns, based upon the final actions of the Texas Legislature. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §223.1, pertaining to *Fees*, as proposed.

## Attachment "A"

### §223.1. Fees.

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

(1) - (2) (No change.)

(3) Licensure renewal (each biennium):

(A) Registered Nurse (RN): \$66 [~~\$60~~];

(B) Licensed Vocational Nurse (LVN): \$46 [~~\$40~~];

(4) - (10) (No Change.)

(11) Advanced Practice Nurse renewal: \$56 [~~\$50~~];

(12) - (21) (No change.)

(b) (No change.)