

Consideration of Adoption of Repeal of 22 Tex. Admin. Code §213.28, relating to Licensure of Individuals with Criminal History and the Board’s Disciplinary Guidelines for Criminal Conduct and Consideration of Adoption of New 22 Tex. Admin. Code §213.28, relating to Licensure of Individuals with Criminal History and the Board’s Disciplinary Guidelines for Criminal Conduct, including Written Comments Received and Results of Public Hearing, if any

The proposed repeal of §213.28 (including Guidelines) and new §213.28 (including new Guidelines) were approved by the Board at its October 2017 meeting for submission to the *Texas Register* for public comment. The proposed amendments were published in the *Texas Register* on December 8, 2017, and the comment period ended on January 7, 2018. No requests for a public hearing were received on the proposal. One positive written comment was received and is attached hereto as Attachment “A”. The adoption of the proposed repeal (including Guidelines) and new section (including new Guidelines) was authorized by the Board at its October 2017 meeting¹. The amendments will be published in the *Texas Register* and will become effective in February 2018.

¹ At the October 2017 meeting, the Board authorized the adoption of the repeal and new rule, as proposed, so long as no *negative* comments or requests for a public hearing were received.



January 9, 2018

James W. Johnston, General Counsel
Texas Board of Nursing
333 Guadalupe, Suite 3-460
Austin, Texas 78701

Mr. Johnston,

Thank you for taking the Texas Nurses Association's comments on changes to Board of Nursing rules as proposed in the December 8, 2017 issue of the *Texas Register*.

The Texas Nurses Association worked closely with the Legislature and the Board of Nursing during the legislative session on the bill that lead to these proposed amendments. We would like to thank the Board for their efforts to implement the policies adopted by the legislature during the 85th Legislative Session.

The changes to 213.23, *Decisions of the Board*, reflect the statutory changes regarding how the Board will consider findings of fact and conclusions of law in a proposal for decision (PFD). We feel that this is a step in the right direction for nurses' due process rights.

The Board has done an outstanding job of eliminating subjective language in 213.27, *Good Professional Character*, and 217.12, *Unprofessional Conduct*. We expect that the new, objective criteria will assist nurses in understanding their duties and responsibilities. Likewise, we appreciate the Board's changes to 213.28, *Licensure of Individuals with Criminal History*. The changes to all of these rules, taken together, will minimize administrative burdens for the state while continuing to protect the public from serious offenders.

TNA would like to thank the Board and their staff for promoting open and honest discussions between stakeholders throughout this rulemaking process. The process was inclusive and productive.

The Texas Nurses Association appreciates this opportunity to comment on the Board rules and welcome any feedback.

Sincerely,

A handwritten signature in black ink that reads "Jeff Watson". The signature is written in a cursive, flowing style.

Jeff Watson, DNP, RN-BC, NEA-BC, NE-BC, CRRN
President