

**Consideration of Proposed Repeal of 22 Tex. Admin. Code §§220.2- §220.4, and
Consideration of Proposed Amendments to 22 Tex. Admin. Code §220.1**

Background: During the 85th legislative session, the Texas Legislature enacted House Bill (HB) 2950, which took effect September 1, 2017.

HB 2950 repeals the current Nurse Licensure Compact, Occupations Code §§304.001 and 304.009. HB 2950 adds §304.0015, which constitutes the Enhanced Nurse Licensure Compact (Compact).

Under Occupations Code §304.0015, Article VIII of the Compact directs the Interstate Commission of Nurse Licensure Compact Administrators (Commission) to promulgate uniform rules that shall become binding on the party states, including Texas. Article VIII specifies the Commission's rulemaking process, including procedural notice and hearing requirements.

The new Compact provides that Texas nurses will be subject to any rules or amendments adopted by the Commission. This renders §§220.1-220.4, which relate to the current Nurse Licensure Compact, inapplicable, as the new Compact will be implemented on January 19, 2018, and any uniform rules promulgated by the Commission will be controlling on that date.

In order to provide effective notice to licensed nurses in Texas of the Commission's adopted rules and their applicability, the Board is proposing to repeal current §§220.2-220.4, and amend §220.1 to require Texas nurses to comply with any and all rules adopted by the Commission. Attachment "A" contains the proposed changes.

Board Action: Move to approve the proposed repeal of 22 Texas Administrative Code §§220.2-220.4, 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 repeal of 22 Tex. Admin. Code §§220.2-220.4, as proposed.

Further, move to approve the proposed amendments to 22 Texas Administrative Code §220.1, 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 §220.1, as proposed.

Attachment A:

§220.1. Eligibility and Compliance.

a. Eligibility to hold a multistate licensure privilege under the Nurse Licensure Compact (Compact) shall be determined pursuant to the requirements of Texas Occupations Code §304.0015, Article III (c), and all uniform rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators (Commission).

b. All nurses granted a multistate licensure privilege under the Compact shall comply with all uniform rules adopted by the Commission, which are published on the Board's website.

~~[Definitions For the purpose of the Compact, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:]~~

~~[(1) Board--party state's regulatory body responsible for issuing nurse licenses.]~~

~~[(2) Information system--the coordinated licensure information system.]~~

~~[(3) Primary state of residence--the state of a person's declared fixed permanent and principal home for legal purposes; domicile.]~~

~~[(4) Public--any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.]~~