

Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.13, relating to Peer Assistance Program

Background: House Bill (HB) 2950, (the Board's Sunset bill), amended the Occupations Code §301.257 to allow for the re-evaluation of an individual's mandatory participation in a peer assistance program (TPAPN). The bill requires the Board to develop a process to determine, at the time of initial licensure, whether a person should continue to be required to participate in a peer assistance program. In making its determination, the Board is required to review the person's criminal history record information, and, if applicable, determine whether participation in the program is warranted based on the time that has elapsed since the person's conviction or end of community supervision; re-evaluate or require a contractor administering a peer assistance program to re-evaluate the treatment plan or the time the person is required to participate in the peer assistance program based on the person's individualized needs; and authorize, as appropriate, a waiver of peer assistance program completion if the Board is satisfied the person has achieved a satisfactory period of treatment or documented sobriety, as defined by Board rules, and continued participation is not necessary. The proposed amendments, attached as Attachment "A", are necessary to implement these statutory requirements.

Board Action: Move to approve the proposed amendments to 22 Texas Administrative Code §217.13, by adding new subsection (i), 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 Texas Administrative Code §217.13, relating to *Peer Assistance Program*, as proposed.

Attachment "A"

§217.13. Peer Assistance Program.

(i) Re-evaluation of Participation in Peer Assistance Program.

(1) Each individual receiving an eligibility order requiring participation in a peer assistance program upon initial licensure shall be notified by the Board, upon the issuance of a nursing license, that he/she may request re-evaluation of his/her participation in the peer assistance program.

(2) If an individual wishes to have his/her participation in a peer assistance program re-evaluated by the Board, the individual must affirmatively request re-evaluation by the Board and provide the Board with relevant evidence supporting the individual's request.

(3) The following factors shall be considered when re-evaluating an individuals' required participation in a peer assistance program:

(A) the individual's criminal history record information and whether participation in the program is warranted based upon the time that has elapsed since the individual's conviction or end of community supervision;

(B) the individual's treatment plan, as required by the peer assistance program, and the amount of time the individual is required to participate in the peer assistance program based upon the individual's individualized needs; and

(C) verifiable and reliable evidence of the individual's sobriety and abstinence from drugs and alcohol, which may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, letters of support from sponsors, a substance use disorder evaluation, and

evidence of support group attendance.

(4) An individual must comply with the terms of his/her eligibility order until the Board completes its review under this subsection and issues a decision.

(5) The Executive Director is authorized to:

(A) review an individual's request for re-evaluation of his/her participation in a peer assistance program under this subsection;

(B) require a peer assistance program to amend its treatment plan for an individual based upon the individual's individualized needs and/or the amount of time an individual must participate in the peer assistance program;

(C) require the individual to comply with terms and conditions issued and monitored by the Board instead of participating in a peer assistance program; and

(D) execute a waiver of an individual's participation in a peer assistance program if the individual has achieved a satisfactory period of treatment or documented sobriety that complies with Board rules and policies, and it is determined that the individual's continued participation is not necessary for the protection of the public.