

Proposed Amendments to 22 Tex. Admin. Code § 211.6, Committees of the Board

House Bill 2426 (Sunset Bill) amends the Nursing Practice Act by adding section 301.1595 to the Texas Occupations Code. The new section is as follows:

Sec. 301.1595. ADVISORY COMMITTEES.

- (a) The board may appoint advisory committees to perform the advisory functions assigned by the board.
- (b) An advisory committee shall provide independent expertise on board functions and policies, but may not be involved in setting board policy.
- (c) The board shall adopt rules regarding the purpose, structure, and use of advisory committees, including rules on:
 - (1) the purpose, role, responsibility, and goal of an advisory committee;
 - (2) the size and quorum requirements for an advisory committee;
 - (3) the composition and representation of an advisory committee;
 - (4) the qualifications of advisory committee members, such as experience or area of residence;
 - (5) the appointment procedures for advisory committees;
 - (6) the terms of service for advisory committee members;
 - (7) the training requirements for advisory committee members, if necessary;
 - (8) the method the board will use to receive public input on issues addressed by an advisory committee; and
 - (9) the development of board policies and procedures to ensure advisory committees meet the requirements for open meetings under Chapter 551, Government Code, including notification requirements.
- (d) A board member may not serve as a member of an advisory committee, but may serve as a liaison between an advisory committee and the board. A board member liaison that attends advisory committee meetings may attend only as an observer and not as a participant. A board member liaison is not required to attend advisory committee meetings. The role of a board member liaison is limited to clarifying the board's charge and intent to the advisory committee.
- (e) To the extent of any conflict with Chapter 2110, Government Code, this section and board rules adopted under this section control.

The proposed amendments to section 211.6 are for the purpose of implementing this statute as applicable to the committees' make-up. The purpose of each committee is explicitly stated in the name of the committee. The composition of the committees is based on representation by statewide stakeholder organizations and not the individuals themselves; therefore, a member's experience, area of residence, or term of service is not specified. The board entrusts each stakeholder group to send its own representative to the committee meeting, so the appointment procedure for individual members is not determined by the board. The membership of each committee is comprised of member organizations for the purpose of receiving public input and to utilize negotiated rulemaking.

Section 211.6 was amended in March 2007 to comply with the Sunset Advisory Committee staff's recommendations which were subsequently incorporated into HB 2426. Subsection (f)(11) is recommended for amendment to place the chairperson in the position of scheduling meetings that are convenient to a majority of the committee members in order to ensure a quorum is present to conduct business. Subsection (f)(4) is recommended to incorporate consistency in the rule by designating the presiding officer as the chairperson.

Staff requests that the Board move to propose an amendment to section 211.6 and publish it in the *Texas Register* for a 30-day comment period, and if negative comments are not received in the 30 day comment period, adopt and publish the amendment in the *Texas Register*.

§211.6 Committees of the Board

(a) The following are standing and permanent committees of the board, as established by the board in accordance with the Nursing Practice Act. The responsibilities and authority of these committees include those duties and powers as set forth including other responsibilities and charges which the board may from time to time delegate to these committees.

(b) Eligibility and Disciplinary Committee.

(1) Members of the committee shall be appointed by the president and shall consist of one consumer member and two nurse members. The President shall have authority to substitute committee members when necessary to establish a quorum due to absences of standing members.

(2) The chair shall be named by the president.

(3) Duties and powers. The disciplinary committee shall have the authority to determine matters of eligibility for licensure and discipline of licenses, including temporary suspension of a license, and administrative and civil penalties.

(4) Quorum. Two eligible voting members shall establish a quorum of the Committee of which at least one member is a nurse.

(5) Tele-conference. A meeting by the Committee may be held by telephone conference call or video conference call as authorized by Texas Government Code chapter 551.

(c) Education Liaison. The three board members representing nursing educational programs shall serve as advisory to the staff on matters pertaining to faculty waivers, proposed curriculum revisions and other issues that may arise between regular board meetings. The recommendations of the liaison members are presented to the board at the next regular meeting for consideration.

(d) Advanced Practice Liaison. Three members shall be designated by the president to serve as advisory to the staff on matters pertaining to advanced practitioner waivers and other issues that may arise between regular board meetings. The recommendation of the liaison members are presented to the board at the next regular meeting for consideration.

(e) Other standing or ad hoc committees. The board may designate other standing or ad hoc committees as deemed necessary. Such committees shall have and exercise such authority as may be granted by the board.

(f) Advisory Committees. The president may appoint, with the authorization of the board, advisory committees for the performance of such activities as may be appropriate or required by law.

(1) The board has established the following committees that advise the board on a continuous basis or as charged by the Board:

(A) the Advanced Practice Nursing Advisory Committee (APNAC) advises the Board on practice issues and regulations that have or may have an impact on advanced practice nursing. The APNAC is comprised of representatives from the following:

(i) Texas Association of Nurse Anesthetists (TANA);

(ii) Coalition for Nurses in Advanced Practice (CNAP);

(iii) Texas Nurse Practitioners (TNP);

(iv) Consortium of Texas Certified Nurse-Midwives (CTCNM);

(v) Texas Clinical Nurse Specialists (TXCNS);

(vi) Texas Organization of Nurse Executives (TONE);

(vii) Texas Nurses Association (TNA);

(viii) CRNA Educator;

(ix) CNS Education;

(x) CNM Education;

(xi) NP Educator; and

(xii) other members approved by the Board.

(B) the Advisory Committee on Education (ACE) advises the Board on education and practice issues that have or may have an impact on the regulation of nursing education in Texas. The ACE is comprised of representatives from the following:

(i) Licensed Vocational Nurses Association of Texas (LVNAT);

(ii) Texas Association of Vocational Nurse Educators (TAVNE);

(iii) Texas Organization of Baccalaureate and Graduate Nursing Education (TOBGNE);

(iv) Texas Organization of Associate Degree Nursing (TOADN);

(v) Texas League for Vocational Nursing (TLVN);

(vi) Texas Organization of Nurse Executives (TONE);

(vii) Texas Nurses Association (TNA);

(viii) Texas Association of Deans and Directors Professional Nursing Programs (TADDPNS);

(ix) various educators in Texas nursing programs;

(x) interested state agencies; and

(xi) other members approved by the Board.

(C) the Nursing Practice Advisory Committee (NPAC) reviews and analyzes issues that affect the practice of nursing. The NPAC is comprised of representatives from the following:

(i) Licensed Vocational Nurses Association of Texas (LVNAT);

(ii) Texas Association of Vocational Nurse Educators (TAVNE);

(iii) Texas League for Vocational Nursing (TLVN);

(iv) Texas Organization of Nurse Executives (TONE);

(v) Texas Nurses Association (TNA);

(vi) Texas School Nurses Organization (TSNO);

(vii) Texas Department of Aging and Disability Services (DADS);

(viii) Texas Association for Home Care (TAHC);

(ix) Texas Department of State Health Services (DSHS);

(x) Texas Association of Homes and Services for the Aging (TAHSA);

(xi) Texas Hospital Association (THA); and

(xii) other members approved by the Board.

(2) The Board may amend the committee memberships as needed.

(3) A board member or members appointed by the President of the board or the board may serve as a liaison(s) to a committee and report to the Board the recommendations of the committee for consideration by the Board.

(4) Each committee shall select from among its members a chairperson ~~presiding officer~~ who shall report to the agency or Board as needed.

(5) Each committee's work and usefulness shall be evaluated annually.

(6) The committees will provide notice of meetings, as feasible, on the Secretary of State's web site to allow the public an opportunity to participate.

(7) The Executive Director shall appoint staff to support the committee.

(8) The committee may consult with the board liaison(s) to authorize the committee to investigate identified topics or issues pending the development and communication of a formal charge by the Board.

(9) Committee members will be expected to attend meetings. The chairperson has the discretion to recommend the dismissal of a member who does not regularly attend. The Board or Executive Director has the authority to approve the dismissal of a member.

(10) Advisory committees chairs may invite individuals as expert resources to participate in committee discussions and deliberations. Invited experts serve as ad hoc members and do not have voting privileges.

(11) ~~The committees will meet on a schedule established by the chair of each committee.~~ The committees will meet as needed. Meeting times will be scheduled by the chairperson of each committee who shall determine whether a majority of the members will be in attendance to establish a quorum.

(12) The decisions of the committee are advisory only.