

Proposed Amendment to 22 Tex. Admin. Code § 223.1, Fees

The proposed amendment recommends several modifications to fees due mainly to two factors. These factors are the Board's funding requirements in the Appropriations bill and designated fees that the Board collected for programs designated by statute but not being fully provided to those programs. (The fees were going into the State's general revenue fund).

The fees are being increased in accordance with House Bill 1, the General Appropriations Act 2008-2009, 80th Legislature, Regular Session, in particular, page 43 of Article VIII. For legislative budgetary requirements, the board is must raise \$823,100 each fiscal year in appropriated receipts for 2008 and 2009 to fund workshops and the newsletter. Additionally the \$150,000 increase in appropriated receipts will cover increases to the costs of the agency newsletter including postage, paper and labor. The board must also raise an additional \$72,000 in 2008 and \$144,000 in 2009 to cover the across-the-board 2% pay raise given to each state employee by the Legislature. Finally, the Board was given authority via a regulatory response rider to hire three new employees at an additional cost of \$142,837 each year.

A reduction in fees is due to all the designated funds collected for the peer assistance program (TPAPN) not being provided to TPAPN. A potential further reduction is possible due to the fees collected by the Board for the nursing work force data center not being budgeted to that program; therefore, those extra fees have been going into the State's general revenue fund. At the present, permission from the Comptroller to implement this reduction is still pending. Staff's recommendation is that fees be reduced to reflect the appropriate funding. As a result of the budgetary needs and the designated funds, the net result is an adjustment in some of the fees.

Staff requests that the Board move to propose amendments to section 223.1 and publish this section 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 amendments in the *Texas Register*.

§223.1. Fees.

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

(1) Examination: \$100;

(2) Endorsement: \$161;

(3) Licensure renewal (each biennium): ~~\$67~~;

(A) Registered Nurse (RN): \$70;

(B) Licensed Vocational Nurse (LVN): \$60;

(4) reactivating from inactive status:

(A) less than four years– ~~\$10~~ \$5 plus current renewal fee;

(B) more than four years– ~~\$20~~ \$10 plus current renewal fee;

(5) late fee for reactivation from delinquent status:

(A) less than 90 days– ~~\$60~~ \$50 plus current licensure renewal fee;

(B) more than 90 days– ~~\$120~~ \$100 plus current licensure renewal fee;

(6) duplicate or substitute license: ~~\$25~~ \$20;

(7) duplicate or substitute permanent certificate: ~~\$25~~ \$20;

(8) issuance of a temporary permit under §301.258: ~~\$25~~ \$15;

(9) approval of new nursing education programs: \$500;

(10) verification of licensure: \$5;

(11) verification of records: ~~\$25~~ \$20;

(12) bad checks: \$30;

(13) Advanced Practice Nurse initial credentials: ~~\$100~~ \$75;

(14) declaratory order of eligibility: \$150;

(15) eligibility determination: \$150;

(16) docketing fee in non disciplinary matters: \$600;

(17) Licensed Vocational Nurse, Retired; Registered Nurse, Retired; Volunteer Retired Vocational Nurse (VR-VN); Volunteer Retired Registered Nurse (VR-RN); Volunteer Retired Registered Nurse (VR-RN) with qualifications in a given advanced practice nurse role and specialty (e.g., VR-RN, FNP): \$10;

(18) Advanced Practice Nurse renewal: ~~\$60~~ \$52;

(19) Initial Prescriptive Authority: ~~\$50~~ \$25;

(20) outpatient anesthesia registry renewal: \$35;

(21) outpatient anesthesia inspection and advisory opinion: \$625;

(22) Federal Bureau of Investigations (FBI) and Department of Public Safety (DPS) criminal background check for licensees, initial licensure applicants and endorsement applicants: \$39; and

(23) Disciplinary monitoring fees as stated in a Board order.

(b) all fees are non-refundable.