

Adoption of Amendments to 22 Tex. Admin. Code §213.20, Pertaining to *Informal Proceedings and Alternate Dispute Resolution (ADR)*; §213.29, Pertaining to *Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters*; §213.30, Pertaining to *Declaratory Order of Eligibility for Licensure*; and §213.33, Pertaining to *Factors Considered for Imposition of Penalties/Sanctions and/or Fines*

The proposed amendments to 22 Tex. Admin. Code §213.20, pertaining to *Informal Proceedings and Alternate Dispute Resolution (ADR)*; §213.29, pertaining to *Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters*; §213.30, pertaining to *Declaratory Order of Eligibility for Licensure*; and §213.33, pertaining to *Factors Considered for Imposition of Penalties/Sanctions and/or Fines*, were approved by the Board at its July 23-24, 2009, meeting for submission to the *Texas Register* for public comment. The proposed amendments were published in the *Texas Register* on September 11, 2009, and the comment period ended on October 12, 2009.

The Board received several public comments. The Board considered the public comments at its October 22-23, 2009, meeting, and voted to adopt the amendments to §213.20, pertaining to *Informal Proceedings and Alternate Dispute Resolution (ADR)*; §213.29, pertaining to *Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters*; and §213.30, pertaining to *Declaratory Order of Eligibility for Licensure* as proposed, with authority for 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*. Further, the Board voted to adopt the proposed amendments to §213.33, pertaining to *Factors Considered for Imposition of Penalties/Sanctions and/or Fines*, with changes, and with authority for 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*.

The proposed amendments to §213.20 were adopted without changes and were published in the *Texas Register* on November 6, 2009, and became effective on November 15, 2009. The proposed amendments to §213.29 and §213.30 were adopted with minor, editorial changes necessary for internal consistency and were published in the *Texas Register* on November 6, 2009, and became effective on November 15, 2009.

At its October 22-23, 2009, meeting, the Board determined that it would publish a new notice of proposal with a 30-day comment period before adopting amendments to §213.33. As such, the Board voted to adopt the proposed amendments to §213.33 with changes, in order to restore the original provisions of that section. However, the formatting requirements of the *Texas Register* do not allow for the provisions of §213.33 to be restored, as the Board intended, through a rule adoption *with changes*. Rather, the *Texas Register* required that the proposed amendments to §213.33 be withdrawn. In doing so, the provisions of §213.33 that were originally proposed for amendment were fully restored. The withdrawal of the proposed amendments to §213.33 was published in the *Texas Register* on November 6, 2009.