

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §223.1,
Pertaining to Fees**

Background: In its budget request for the 2016-2017 biennium, the Board requested twenty three (23) new full time employees; \$100,000 for litigation costs; and \$272,000 for merit increases. If approved by the Legislature, these monies will be subject to a contingency rider, which requires the Board to assess or increase fees in an amount sufficient to generate an additional \$2,124,964 during the 2016-17 biennium. In order to meet this demand, the Board has determined that it will be necessary to increase its renewal fees. The Board's current renewal fees for licensed vocational nurses is \$45 each biennium; \$60 for registered nurses each biennium; and \$50 each biennium for advanced practice registered nurses¹.

Additionally, SB 195, if passed, will transfer the prescription monitoring program from the Department of Public Safety to the Pharmacy Board. The estimated funding for the Pharmacy Board, assessed to the Board of Nursing, for use of the program will be \$171,696 for fiscal years 2016-2017. To obtain this funding, the Board will need to assess fees (approximately \$12.25) for advanced practice registered nurses with prescriptive authority. Instituting a prescriptive authority renewal fee of approximately \$13 should generate sufficient revenue necessary to support the prescription monitoring program under SB 195.

The proposed amendments in Attachment "A" will increase the renewal fee for each license level by \$3, resulting in a new renewal fee of \$48 for licensed vocational nurses, \$63 for registered nurses, and \$53 for advanced practice registered nurses. The Board anticipates that this \$3 fee increase in the renewal fee for each nursing license, coupled with the Board's normal revenue growth, will be sufficient to meet the requirements of HB 1 (the budget bill passed by the House). Additionally, the proposed amendments create a renewal fee for advanced practice registered nurses with prescriptive authority. The proposed amendments are necessary to effectuate these fee increases by September 1, 2015.

The need for these proposed fees is, of course, contingent upon the Legislature's actions. The Board will need to enact the proposed fee increases on September 1, 2015 if the following events occur:

1. A contingency revenue rider is attached to the Board's appropriations, requiring a fee increase to certify the funds with the Office of the Comptroller;
2. A contingency revenue rider is attached to the Board's appropriations, requiring

¹ The Board recently reduced its fees, effective January 11, 2015.

additional funds for an across-the board staff salary increase, to increase the agency's contribution to staff retirement or health benefits, or to increase financial support to the State of Texas oversight agencies;

3. A contingency revenue rider is attached to the Board's appropriations to require the agency to raise revenue to implement new legislation; or
4. SB 195 is passed, in substantially similar form as the introduced bill.

Board Action: Move to approve the proposed amendments to 22 Tex. Admin. Code §223.1, pertaining to *Fees*, as set out in Attachment "A", 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 the proposal of the amendments are determined by Board Staff to be necessary to address budgetary concerns, based upon the final actions of the Texas Legislature. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §223.1, pertaining to *Fees*, as proposed.

Attachment "A"

§223.1. Fees.

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

(1) - (2) (No change.)

(3) Licensure renewal (each biennium):

(A) Registered Nurse (RN): \$63 [~~\$60~~];

(B) Licensed Vocational Nurse (LVN): \$48 [~~\$45~~];

(16) Advanced Practice Nurse renewal: \$53 [~~\$50~~];

(17) - (23) (No change.)

(24) renewal of remedial education course: \$100 per course; [~~and~~]

(25) approval of a nursing education program outside Texas' jurisdiction to conduct clinical learning experiences in Texas: \$500; and [-]

(26) Prescriptive Authority Renewal Surcharge – Not to exceed \$15.

(b) (No change.)