

Update Regarding Proposed Amendments to 22 Tex. Admin. Code §223.1, Relating to Fees

Proposed amendments to §223.1 were conditionally approved by the Board at its April 2017 meeting. The proposed amendments were intended to address anticipated budgetary requirements set by the Legislature for the upcoming biennium and to address the fiscal implications of new legislation (HB 280¹ and HB 3034²). At that time, Staff anticipated raising the renewal fees of registered nurses and licensed vocational nurses by \$6 (each biennium) to generate sufficient revenue to address the new requirements.

As anticipated, the Legislature enacted SB 1, which includes a contingency revenue rider, and requires the Board to raise an additional \$759,439 to fund nursing salary adjustments, increased funding for the Board's peer assistance program, and legal costs. Also as anticipated, the Legislature enacted HB 280, and Staff estimates an additional \$667,000 will be needed to fund the requirements of HB 280. HB 3034 did not pass, but the Legislature included an unanticipated requirement in HB 2950 that requires the removal of certain disciplinary actions from the Board's website. Staff estimates an additional \$50,050 will be needed to meet the budgetary implications of HB 2950 in this regard. In total, Staff estimates it must raise approximately \$1,476,489 to meet the requirements of SB 1, HB 280, and HB 2950.

¹ Would create a grant program to fund innovative approaches to reduce verbal and physical workplace violence against nurses.

² Would waive certain licensing fees, including renewal, for military service members, military veterans, and their spouses, resulting in a loss to the Board of \$153,390 in revenue each fiscal year.

As a result, Staff estimates that it will only need to increase the renewal fee for licensed vocational nurses by \$2 per biennium (100,000 biennial renewals), resulting in a new renewal fee of \$42 for licensed vocational nurses, and by \$5 per biennium for registered nurses (300,000 biennial renewals), resulting in a new renewal fee of \$65 for registered nurses. Staff anticipates a total generated revenue amount of \$1,700,000 as a result of these increased fees, which should be sufficient to meet the budgetary requirements of SB 1, HB 280, and HB 2950.

Staff filed these proposed amendments to §223.1, which will be published in the *Texas Register* on July 14, 2017. Public comments will be due no later than August 14, 2017. If no negative comments or a request for a rule hearing are received, the proposed amendments will become effective on September 3, 2017.