

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §211.6(b),  
Pertaining to *Committees of the Board***

**Background:** Agencies are authorized to adopt rules on an emergency basis pursuant to the Government Code §2001.034 if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. The Board has adopted emergency rules three times since the beginning of the COVID-19 pandemic. Under the Board's current rules, a quorum of the thirteen members of the Board is required to convene in order to deliberate and vote on the adoption of emergency rules, which can cause delay in situations that require flexibility, fluidity, and a rapid response. The proposed amendments, attached as Attachment "A", authorize the Eligibility and Disciplinary Committee (Committee) of the Board to approve the adoption of emergency rules. Because Committee members are generally already assigned to serve in three month intervals, convening the three member Committee is less likely to cause delay in the adoption of rules under emergency conditions.

**Board Action:** Move to approve the proposed amendments to 22 Texas Administrative Code §211.6(b), pertaining to *Committees of the Board*, 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 no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Texas Administrative Code §211.6(b), pertaining to *Committees of the Board*, as proposed.

Attachment "A"

**§221.6. Committees of the Board.**

(a) (No change.)

(b) Eligibility and Disciplinary Committee.

(1) – (2) (No change.)

(3) Duties and powers.

(i) The Committee shall have the authority to determine all matters of eligibility for licensure and discipline of licenses, including temporary suspension of a license, administrative and civil penalties, and consideration and resolution of a default dismissal from the State Office of Administrative Hearings pursuant to Tex. Gov't Code §2001.058(d-1).

(ii) The Committee shall have the authority to approve the adoption of rules on an emergency basis pursuant to Tex. Gov't Code §2001.034.

~~[(3) Duties and powers. The disciplinary committee shall have the authority to determine all matters of eligibility for licensure and discipline of licenses, including temporary suspension of a license, administrative and civil penalties, and consideration and resolution of a default dismissal from the State Office of Administrative Hearings pursuant to Tex. Gov't Code §2001.058(d-1).]~~

(4) – (5) (No change.)

(c) – (f) (No change.)