

## **BILL ANALYSIS**

C.S.H.B. 2410  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that nurses are allowed to seek protection under peer review regulations if the nurse believes that he or she is being required to take or refrain from taking certain actions regarding a patient that the nurse believes are in violation of the nursing standard of care under the Nursing Practice Act. To avail themselves of this protection, nurses must fill out a certain form noting the details of the request and how they believe it violates their duty to the patient. There are concerns, however, that due to immediate patient care needs, nurses may not be in a position to stop providing care in order to fill out the form. C.S.H.B. 2410 seeks to address these concerns by authorizing a nurse who is unable to complete the form because of those patient needs to request a determination of whether conduct requested of the nurse violates the nurse's duty to the patient by orally notifying the nurse's supervisor.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2410 amends the Occupations Code to revise the authorization for a nurse to request a nursing peer review committee determination of whether conduct being requested of the nurse by a person required to establish such a committee violates the nurse's duty to a patient by changing the type of form that the nurse may use to request the determination from a form developed or approved by the Texas Board of Nursing to a form developed by the board or another form that meets standards developed by the board.

C.S.H.B. 2410 authorizes a nurse who, because of a patient's immediate care needs, is unable to complete a form requesting such a committee determination to make the request by orally notifying the nurse's supervisor of the request. The bill requires the nurse's supervisor, after receiving such notification, to record in writing certain information concerning the nurse and the nurse's request, the requested conduct or assignment, the supervisor's name, and the collaboration between the nurse and supervisor. The bill requires the written record to be signed and attested to by the requesting nurse and the supervisor who prepared the written report to be a valid request for a nursing peer review committee determination.

### **EFFECTIVE DATE**

September 1, 2019.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2410 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the type of forms a nurse may use to request a determination by a nursing peer review committee of whether conduct being requested of the nurse violates the nurse's duty to a patient.

The substitute does not include a requirement for a nurse requesting such a determination to submit the form before leaving the practice site.

The substitute includes provisions requiring the supervisor of a nurse who is unable to complete a determination request form due to immediate patient care needs and who orally notifies the supervisor of the request to record certain information relating to the request in writing. The substitute includes requirements for that written record.