

- SUBJECT:** Revising nursing practice regulation
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 5 ayes — Laubenberg, Jackson, McReynolds, Truitt, Zedler
0 nays
4 absent — Delisi, Coleman, Dawson, Solis
- WITNESSES:** None
- BACKGROUND:** In 2003, the 78th Legislature enacted HB 1483 by Allen, which combined the boards for registered nurses and licensed vocational nurses into the Board of Nurse Examiners.
- DIGEST:** CSHB 3100 would make a number of changes to the Nursing Practice Act (Occupations Code, ch. 301). It more explicitly would define “vocational nursing” to describe the professional activities a vocational nurse performs, which include:
- planning and performing nursing assessments, evaluating patient responses, and other functions that require education and training and are commensurate with the nurse’s experience, competency, and continuing education; and
 - requiring a vocational nurse to work under the supervision of a registered nurse, physician, physician assistance, podiatrist, or dentist.
- CSHB 3100 would add information requirements to a report if a registered nurse underwent peer review, including a description of the grounds for reporting the nurse, any factors relating to the grounds that were beyond the nurse’s control, and grounds for termination. The bill also would require peer review if the nurse voluntarily or involuntarily was terminated but would require a report only if the nurse elected to participate in peer review.

In addition, the bill would:

- maintain the surcharge on licenses for registered nurses at \$3, but apply a surcharge of \$2 for vocational nurses, and proportionately would allocate administrative costs;
- expand the prohibition against retaliatory action if a nurse refused to engage in activities that could harm a patient or were unprofessional, regardless of whether the act was required to be reported; and
- require reporting of disciplinary actions against staffing agency nurses, as well as employee nurses.

The bill also would make technical and conforming changes to the act.

CSHB 3100 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005, and would apply to licenses and actions taken on or after that date.

**SUPPORTERS
SAY:**

CSHB 3100 would fix some problems encountered after combining the boards for registered nurses and licensed vocational nurses. It would define licensed vocational nurses in a way that is consistent with the board's definition, clarify the option for peer review when a nurse faced disciplinary action, and specify the type of information included in the peer review report. The bill also would assess the license surcharge more proportionately, because the license for a licensed vocational nurse costs less than for a registered nurse. Agency nurses, essentially temporary staff, also would fall under the same reporting requirements for disciplinary action as regular employees so that they could not escape notice.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute, unlike the original bill, is a Legislative Council draft.

The companion bill, SB 1000 by Madla, passed the Senate on the Local and Uncontested Calendar on April 28 and was reported favorably, without amendment, by the House Public Health Committee on May 9, making it eligible to be considered in lieu of HB 3100.