

**SUBJECT:** Allowing APRNs to examine people for certain guardianship proceedings

**COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment

**VOTE:** 7 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Slawson, Vasut  
1 nay — Schofield  
1 absent — Davis

**WITNESSES:** For — Ben King, Ross & Shoalmire PLLC (*Registered, but did not testify*: Andrew Cates, Texas Nurse Practitioners; Guy Herman)  
Against — None

**BACKGROUND:** Some have suggested that advanced practice registered nurses (APRN) should be allowed to perform evaluations for certain guardianship proceedings, as these nurses are often the most familiar with a ward's or proposed ward's condition.

**DIGEST:** HB 3009 would allow an advanced practice registered nurse (APRN) acting under a physician's delegation authority and supervision to perform evaluations for certain guardianship proceedings. An APRN could perform evaluations for:

- determining a proposed ward's incapacity;
- determining a proposed ward's intellectual disability;
- establishing probable cause for court-initiated investigations related to a person's incapacity and whether guardianship was necessary; and
- determining a ward's capacity for the purposes of restoring a ward's capacity or modifying a ward's guardianship.

An APRN's opinion or determination based on an examination of a proposed ward would be considered the delegating physician's opinion or

determination regarding:

- the proposed ward's ability to operate a motor vehicle and make personal decisions on voting;
- updates or endorsements to a prior determination of a proposed ward's intellectual disability; and
- a letter or certificate regarding restoration of a ward's capacity or modification of a ward's guardianship.

The bill also would require a psychologist performing an evaluation of a proposed ward's intellectual disability to be licensed by the Health and Human Services Commission instead of the Department of Aging and Disability.

The bill would take effect September 1, 2023, and would apply only to applications for certain guardianship proceedings filed on or after the effective date.