

BILL ANALYSIS

Senate Research Center

S.B. 1285
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Health & Human Services
3/16/2001
As Filed

DIGEST AND PURPOSE

Currently, the Board of Nursing Examiners (board) does not have legislative authority to facilitate requests for national background requests. This is due to the requirement of the Federal Bureau of Investigation (FBI), the agency that maintains nationwide information on criminal history, that an entity have the ability to commission a peace officer in order to have access to FBI records. Also, the 75th Legislature authorized the board to conduct a three-year study on the mechanisms for assuring the continued competency of registered nurses and knowledge of laws and regulations governing nursing practice. The pilot projects related to this study are now concluded and ongoing authority to conduct pilot studies would be beneficial to the board. As proposed, S.B. 1285 authorizes the board to commission a peace officer to facilitate access to criminal history records and provides the board with ongoing authority to conduct pilot studies regarding the regulation and practice of nursing.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 301.161, Occupations Code, to authorize the Board of Nursing Examiners (board) to commission as a peace officer to enforce this chapter an employee who has been certified as qualified to be a peace officer by the Commission on Law Enforcement Officer Standards and Education. Provides that an employee commissioned as a peace officer under this subtitle has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this subtitle, except that the employee is prohibited from carrying a firearm or making an arrest.

SECTION 2. Amends Section 301.160, Occupations Code, to authorize the board to approve pilot and demonstration research projects for innovative applications in the regulation and practice of professional nursing. Requires the board to specify the procedures to be followed in applying for approval of a project. Authorizes the approval to include a provision granting an exception to any rule adopted under this chapter. Authorizes the board to extend the time an exception to a rule is granted as necessary for the board to adopt an amendment or modification of a rule. Authorizes the board to condition approval of a project on compliance with this section and rules adopted under this section. Provides that this section does not expand the definition of professional nursing under this chapter. Deletes existing text of Sections 301.160(a)-(j).

SECTION 3. Effective date: September 1, 2001.