

## **BILL ANALYSIS**

Senate Research Center  
78R4672 MXM-F

S.B. 718  
By: Madla  
Health & Human Services  
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As Filed

### **DIGEST AND PURPOSE**

Texas has had a critical shortage of registered nurses (RNs) for a number of years. In the fall of 2000, a study by the Center for Health and Economic Policy at The University of Texas Health Science Center at San Antonio reported that the current shortage is driven by demographics rather than economic factors. The RN population is aging, which means more RNs are reaching retirement age. The study also reported a high level of dissatisfaction among RNs. As proposed, S.B. 718 creates a more attractive practice environment for nurses in an effort to attract individuals to the profession and retain them once they have become licensed as RNs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Board of Nurse Examiners in SECTION 1 (Section 301.1605, Occupations Code) and SECTION 3 (Section 301.351, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 301D, Occupations Code, by adding Sections 301.1605 and 301.1606, as follows:

Sec. 301.1605. PILOT PROGRAMS FOR INNOVATIVE APPLICATIONS. (a) Authorizes the Board of Nurse Examiners (BNE) to approve and adopt rules regarding pilot programs for innovative applications in the practice of professional nursing.

(b) Requires BNE to specify the procedures to be followed in applying for approval of a pilot program. Authorizes BNE to condition approval of a program on compliance with this section and rules adopted under this section.

(c) Authorizes BNE, in approving a pilot program, to grant the program an exception to any rule adopted under this chapter, including a rule related to mandatory reporting requirements under Subchapter I or a rule adopted under Chapter 303. Prohibits BNE from granting an exception to the mandatory reporting requirements unless the program meets certain requirements.

Sec. 301.1606. PILOT PROGRAMS ON NURSE REPORTING SYSTEMS. (a) Requires BNE to solicit proposals for pilot programs designed to evaluate the efficacy and effect on protection of the public of reporting systems designed to encourage identification of system errors.

(b) Authorizes BNE, if BNE grants an exception to the mandatory reporting requirements of Subchapter I, to require that the program take certain actions.

(c) Authorizes BNE to require that the entity conducting a pilot program under this section reimburse BNE for the cost of monitoring and evaluating the pilot program.

(d) Authorizes BNE to contract with a third party to perform the monitoring and evaluation.

(e) Authorizes BNE to limit the number of pilot programs that it approves under this section.

SECTION 2. Amends Section 301.251, Occupations Code, by adding Subsection (d), to prohibit a person from using, unless the person holds a license under this chapter or as a vocational nurse under Chapter 302, certain information tending to imply that the person is licensed to provide nursing care.

SECTION 3. Amends Section 301.351, Occupations Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires each licensed registered nurse, while interacting with the public in a professional nursing role, rather than on duty providing direct care to a patient, to wear a clearly legible insignia identifying the nurse as a registered nurse. Prohibits the insignia from containing information other than the registered nurse designation and the nurse's name, certifications, academic degrees, or practice position.

(c) Authorizes BNE to adopt rules establishing specifications for the insignia.

SECTION 4. Amends Section 301.401, Occupations Code, to make a conforming change. Provides that Subsection (a) does not apply to a minor incident, as defined by Section 301.419, if BNE adopts a rule excluding the minor incident from the reporting requirements of this section.

SECTION 5. Amends Section 301.402, Occupations Code, by adding Subsection (f), to authorize a registered nurse to report to the nurse's employer or another entity at which the nurse is authorized to practice any situation that the nurse has reasonable cause to believe exposes a patient to substantial risk of harm as a result of a failure to provide patient care that conforms to minimum standards of acceptable and prevailing professional nursing practice.

SECTION 6. Amends Chapter 301J, Occupations Code, by adding Section 301.4515, as follows:

Sec. 301.4515. USE OF CERTAIN NURSING TITLES. Prohibits a person from using certain titles, in connection with the person's name, unless the person is practicing under the delegated authority of a registered nurse or is otherwise authorized by state or federal law.

SECTION 7. Amends Section 301.457, Occupations Code, by adding Subsection (f), to require BNE to review the evidence to determine the extent to which a deficiency in care by a registered nurse was the result of deficiencies in the registered nurse's judgment, knowledge, training, or skill rather than other factors beyond the nurse's control, in making a determination under Subsection (e). Requires a determination that deficiency in care is attributable to a registered nurse to be based on the extent to which the registered nurse's conduct was the result of a deficiency in the registered nurse's judgment, knowledge, training, or skill.

SECTION 8. Amends Sections 303.005(a), (b), (c), (d), and (f), Occupations Code, as follows:

(a) Adds standards adopted by the Board of Vocational Nurse Examiners for licensed vocational nurses to the definition of "duty to a patient." Deletes modifier "registered" referring to a nurse.

(b)-(d) and (f) Make conforming changes.

SECTION 9. Amends Section 303.006, Occupations Code, by adding Subsection (f), to prohibit a member of the peer review committee whose knowledge of the nurse's conduct was acquired only

through the peer review from reporting that nurse to the licensing board for that conduct, if a peer review committee determines that a nurse has not engaged in conduct required to be reported to the nurse's licensing board. Provides that a committee member is not prohibited from reporting certain information.

SECTION 10. Amends Chapter 303, Occupations Code, by adding Section 303.011, as follows:

Sec. 303.011. EVALUATION BY COMMITTEE. Requires the nursing peer review committee to review the evidence to determine the extent to which a deficiency in care by the nurse was the result of deficiencies in the nurse's judgment, knowledge, training, or skill rather than other factors beyond the nurse's control, in evaluating nurse's conduct. Requires a determination that deficiency in care is attributable to a nurse to be based on the extent to which the nurse's conduct was the result of a deficiency in the nurse's judgment, knowledge, training, or skill.

SECTION 11. Effective date: upon passage or September 1, 2003.