

Agenda Item: 1.3
Prepared by: Bruce Holter/BNE Staff
Meeting Date: April, 2007

Legislative Report - 80th Regular Texas Legislative Session: July, 2007

The report that follows includes all bills followed by Board staff which were enacted by the legislature. Bills included in the April 2007 Board Report (Item 1.3) which were not enacted by the legislature are not included in this report. Nursing Department staff member assistance was instrumental in following and reporting on the bills included in this report. Because bills were distributed to staff members by topic areas determined early in the session, several staff members received a larger number of bills to follow. The staff members which reported on the bills are listed by their initials in the first column of the report. Bills impacting the Nursing Practice Act are included first in this report. They are followed by bills which relate to nursing practice or agency operations.

80TH TEXAS LEGISLATURE - ENACTED BILL REPORT

Bills Amending Nursing Practice Act

Bill Number	Bill Summary	Author(s)	Implications for BNE/NPA	Effective Date
<p style="text-align: center;">HB 8</p> <p>Prosecution, punishment, & supervision of sex offenders and to crimes involving sex offenders</p> <p style="text-align: center;">BH</p>	<p>Relating to the prosecution, punishment, and supervision of certain sex offenders and to certain crimes involving sex offenders.</p>	<p style="text-align: center;">Riddle</p>	<p>Sec. 301.4535(a), Occupations Code, is amended to require that the board shall suspend a nurse's license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of continuous sexual abuse of young child or children under Sec. 21.02, Penal Code, or indecency with a child under Sec. 21.11, Penal Code.</p>	<p style="text-align: center;">Effective 9/1/07</p>
<p style="text-align: center;">HB 2426</p> <p>BNE Sunset Bill</p> <p style="text-align: center;">Various Staff</p>	<p>Amends various sections of Ch. 301 and makes conforming changes to Chs. 303 and 304, Tx. Occ. Code. Changes the agency name; and continues the Texas Board of Nursing until 2017.</p> <p>Adds Ch. 305 relating to Advanced Practice Nurse Compact (multi-state recognition).</p> <p>Makes conforming changes in other statutes to coincide with the agency's name change.</p> <p>HB 2426 amends Occupations Code to continue the BNE until 2017; changes name from Board of Nurse Examiners to the Texas Board of Nursing; amends grounds for removal of a member of the board; and provides for per diem</p>	<p style="text-align: center;">Truitt</p>	<p>Continues the operations of the agency. Amends various sections of Ch. 301 and adds Ch. 305 to the Nursing Practice Act (NPA); makes conforming changes to Chs. 303 and 304.</p> <p>Requires the Texas BON to report to the Sunset Commission by 11/1/08 regarding implementation of non-statutory recommendations.</p> <p>Many recommendations have already been adopted into agency rules.</p> <p>There are ongoing efforts to implement recommended changes by the Sunset Commission and changes anticipated by the Legislature.</p>	<p style="text-align: center;">Effective 9/1/07</p>

	<p>travel expenses, as provided by the General Appropriations Act for board members. The BNE is required to create or amend rules on: establishing guidelines concerning the consequences of criminal conviction or deferred adjudication; accreditation of nursing and education programs through one or more national nursing accrediting agencies recognized by the United States Department of Education; establishing the purpose, role, responsibility, and goal of an advisory committee; the establishment of rules which encourage the use of negotiated rule making procedures and alternative dispute resolution; establishing examination requirements, administration, and procedures; amending requirements of a person who is required to report a nurse who is impaired or suspected of being impaired; the peer assistance program; and providing a schedule of sanctions.</p> <p>The bill requires the Texas Board of Nursing to accept the requirements for accrediting the governing institution of a school of nursing of the Texas Higher Education Coordinating Board (THECB).</p> <p>The bill requires the collaboration of the Texas Board of Nursing, the Workforce Commission, and the Texas Higher Education Coordinating Board to implement a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs. The bill would allow employees of the board to dismiss a complaint under certain criteria. The bill would establish a jurisprudence examination. The bill would enact the Advanced Practice Registered Nurse Multi-state Compact.</p>			
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<p>HB 3167</p> <p>Corrections to enacted codes</p> <p>BH</p>	<p>Bill corrects multiple codification errors which occurred during the 79th Regular Legislative Session. Corrects duplicate section code numbers in Sec. 301.353 which occurred when several bills amended same section of NPA.</p>	<p>Swinford</p>	<p>Sec. 301.353, Occupations Code, is renumbered as Sec. 301.354.</p>	<p>Effective 9/1/07</p>
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<p>SB 993</p> <p>Nursing Peer Review & Regulation of Nursing Practice</p> <p>(PRC = Peer Review Committee)</p> <p>C. Marshall</p>	<ul style="list-style-type: none"> - Adds definition of Chief Nursing Officer (CNO) and Patient Safety Committee to Sec. 301.002; - Amends Sec. 301.303 [Continuing Education (CE)] – Board cannot exceed requiring 20 hours CE per biennium; - Changes title of Sec. 301.401 to REPORTING VIOLATIONS AND PATIENT CARE CONCERNS; Amends/clarifies reportable conduct and add definitions under Sec. 301.401; - Amends Sec. 301.402(b) and (e) to allow a nurse or another agency to report to a PRC instead of the BNE (would satisfy reporting requirement); (A report to BNE is not required if a PRC determines conduct was minor incident OR the nurse has ALREADY been reported to the Board) - Deletes definition of Nursing Education Program from Sec. 301.404 as added to Sec. 301.401; - Amends Sec. 301.405(b), (c), & (e) [and deletes (d), (f), (g), & (h)]: clarifies reporting duty of employer as related to nurse’s actions that constitute reportable conduct: PRC to determine if system factors impacted nursing error and to report same to a patient safety committee or the CNO; - Clarification of language that administrative decisions are not subject to peer review; - Sec. 301.407 amended to permit reporting of nurse to PRC (by another state agency), or to BNE; 	<p>Nelson</p>	<p>Amends sections of Chapters 301 and 303 relating to peer review. One change is requiring facilities to have a Patient Safety Committee (PSC) to look at systems issues. Some clarification language is added.</p> <p>Board Charge to Nursing Practice Advisory (NPAC) Committee at July, 2007 Board Meeting to review and revise Peer Review Rules.</p> <p>Places membership requirements into new Sec. 303.0015 [same as repealed Sec. 303.005(h).] In other words, for a RN to invoke safe harbor, a facility must utilize at least 10 nurses, and at least 5 must be RNs; LVNs have Safe Harbor as long as at least 10 nurses are utilized in the facility/agency.</p>	<p>Effective 9/1/07</p>
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	<ul style="list-style-type: none"> - Sec. 301.457 - add subsection (g) reports requiring the BNE to report systems issues to patient safety committee at a facility or to the CNO if believe a nurse’s deficiency in care was the result of a factor beyond the nurse’s control; - Sec. 303.001 - add definition of Patient Safety Committee; - Sec. 303.001 - add (4-a) Definition of Patient Safety Committee (to match 301.002); - Moves requirement for facility or employer to have a peer review committee under new Sec. 303.0015; requires that a facility that utilizes 10 or more “nurses” must have policies and be able to convene a peer review committee.* - Slight amendment to Sec. 303.005(b) re: request for Safe Harbor peer review “for request under Sec. 303.0015”— <i>but no amending of “old” language that says the request is “on a form developed or approved by the board.” (Form is not required under rule 217.20)</i> - Amends Sec. 303.011 (Evaluation by PRC) – adds language already in Rule 217.19 re: PRC determining if errors a result of “deficiencies in...nurse’s judgment, knowledge, training, or skill rather than other factors beyond the nurse’s control.” Further requires PRC to report their findings of system issues to the Pt. Safety Committee. - In addition to deleted sections already mentioned, deletes Secs. 310.303(d), 301.352(e), 301.402(a), and 301.419(a). 			
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Other Bills Monitored by Agency Staff

<p>HB 1</p> <p>2008-2009 State Budget</p> <p>BH</p>	<p>Relating to appropriations for the 2008-2009 biennium.</p>	<p>Chisum</p>	<p>The agency's budget request for regulatory response rider funding, an Executive Director salary increase, two performance measure changes and restoration of the 10 percent budget cut were granted .</p>	<p>Effective 9/1/07</p>
<p>HB 66</p> <p>Computer Power Management Software</p> <p>BH</p>	<p>HB 66 requires the Department of Information Resources (DIR) to select by competitive bid a power management software program for state computer networks and personal computers. DIR would determine if the software would benefit a state agency and, if so, the agency would acquire and use the software for its networked personal computers.</p>	<p>Leibowitz</p>	<p>Agency may be required to purchase power management software following study and recommendations by DIR.</p>	<p>Effective 9/1/07</p>
<p>HB 92</p> <p>Prescription Required to Purchase AEDs</p> <p>MH</p>	<p>Related to the acquisition of automated external defibrillators (AEDs).</p>	<p>Branch</p>	<p>No direct impact on the NPA or Rules; however nurses and entities that purchase AEDs should be aware that AEDs require a prescription by a licensed practitioner in the course of his professional practice. Amends the Health & Safety Code.</p>	<p>Effective 5/8/07</p>
<p>HB 109</p> <p>Health Benefit Coverage Information</p> <p>MH</p>	<p>Related to changes with the child health plan program; would use net income versus gross income; would develop a community outreach campaign to include School Based Health Clinics and a toll-free telephone number so families may obtain information on health benefits coverage for children.</p> <p>The Department of State Health Services</p>	<p>Turner Averitt</p>	<p>No direct impact on the NPA and Rules; however, nurses working with children will need to know and comply.</p> <p>Amends the Health & Safety Code.</p>	<p>Effective 6/15/07</p>

	(DSHS) may perform all or part of the campaign. Would change eligibility levels to be consistent with other regulations, i.e: children less than 19 years of age whose family income is at or below 200 percent of the federal poverty level is eligible for health benefits coverage.			
HB 119 Agency Purchasing BH	Relating to the exemption from competitive bidding for certain purchases.	Fred Brown	Current law states that competitive bidding is not required for a purchase by a state agency if the purchase does not exceed \$2,000. HB 119 provides that competitive bidding is not required for a purchase by a state agency if the purchase does not exceed \$5,000 and is not made under written contract.	Effective 9/1/07
HB 246 AIDS/HIV Reporting MH	Related to reporting cases of AIDS/HIV	Alonzo	Nurses may be involved in the data collection/reporting of AIDS/HIV in their practice setting, i.e., doctors offices, public health clinics, infection control, and disease surveillance.	Effective 9/1/07
HB 460 Fraudulent Use or Possession of Deceased Person's Identifying Information C. Marshall	Amends Penal Code Secs. 32.51(a)(1) and (b) making it a crime to hold or use identifying information of a deceased person, including a stillborn infant, with the intent to harm or defraud a person. Current law only makes it a crime if information of a living person is used.	Miller	No direct impact on NPA. Would impact application of rules dealing with eligibility, licensure, and disciplinary actions in relation to criminal history for candidates or licensed nurses seeking to obtain or retain licensure.	Effective 9/1/07
HB 522 Health Insurance Cards	Relates to identification cards provided by the insurer of a health benefit plan to each employee, including dental, vision and pharmacy. Minimum information to include on the card is	Woolley	No direct impact on the NPA and Rules; however, the agency needs to know and comply. Amends the Insurance Code.	Effective 5/25/07

MH	<p>defined: name of the issuer of the health benefit plan; name of the administrator of the health benefit plan; name of the policyholder or group contract holder; policy number, contract or evidence of insurance; telephone number or electronic address for authorizations; information should be embedded in the card and accessible through magnetic strip or smart card technology; first date individual became insured; toll-free number a physician or health care provider may obtain that date. Allows for electronic technology changes. Compliance must be submitted by 1/1/08.</p> <p>Identification cards issued by Health Maintenance Organizations (HMO) have requirements as above. A custodial parent or adult child covered under a parent's health benefit plan must be provided with information regarding benefits including an identification card and claim forms.</p>			
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<p>HB 643</p> <p>Dental Charity Care</p> <p>C. Marshall</p>	<p>Amends Tx. Occ. Code Section 257.002 to allow dentist whose license expired > 1 yr ago to renew license to retired status in order to do voluntary charity care.</p>	<p>Hughes</p>	<p>No impact to NPA.</p> <p>FYI for Nurses.</p>	<p>Effective 9/1/07</p>
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<p>HB 709</p> <p>Information regarding umbilical cord blood options</p> <p>J. Zych</p>	<p>HHSC to develop brochure on uses/risks/benefits/future use/storage of stem cells found in umbilical cord blood. Brochure must be available on DSHS web site. Health professionals who attend patients during gestation or delivery are required to provide the brochure to patients and permit patients to arrange for storage or donation of cord blood unless there is a threat to the health of mother/infant or it is against provider's religious beliefs.</p>	<p>Puente</p>	<p>No implications for the NPA or the agency. The bill specifically states the provider is not subject to discipline by the licensing authority for failure to comply. Nurses who practice in these settings need to be aware.</p>	<p>Effective 5/17/2007</p> <p>Cord blood pamphlet development and distribution to begin 1/1/2008.</p>
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<p>HB 921</p> <p>Sharing Information Among State Agencies</p> <p>C. Marshall</p>	<p>Amends Government Code by adding Sec. 2054.096(a) and amends Health and Safety Code Ch. 113. Requires each state agency strategic plan be consistent with data-sharing standards set by a Client Information Interchange Standards Committee to consist of the Governor or his designee, Comptroller or designee, Administrative head of the following agencies or their designee: Dept. of Information Resources (DIR); HHSC, Texas Department of Criminal Justice (TDCJ); Department of Public Safety (DPS); Texas Workforce Commission (TWC); Texas Education Agency (TEA), and any of the state agencies the committee determines necessary. Requires representative of DIR serve as presiding officer of the committee and provide staff and administrative support necessary for the committee to perform its duties. Requires Committee to develop standards for sharing information electronically among state agencies.</p>	<p>Delisi</p>	<p>No direct impact on NPA. Would impact the agency operations as requirements for data sharing would apply.</p>	<p>Effective 6/15/07</p>
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<p>HB 948</p> <p>Drug Labeling Requirements</p> <p>C. Marshall</p>	<p>Amends Tx. Occ. Code Ch. 431.1125 Texas State Board of Pharmacy (TSBP), granting rulemaking authority to TSBP requiring prescription labels to be: in plain, easy-to-understand language; relevant to the RX; and in font size large enough for a patient to read easily.</p>	<p>Davis</p>	<p>No impact to NPA.</p> <p>FYI for Nurses, especially advanced practice registered nurses with prescriptive authority.</p>	<p>Effective 9/1/07</p>
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<p>HB 1059</p> <p>School Website Posting of Required Immunizations</p> <p>MH</p>	<p>Requires school districts that maintain an internet website to post: a list of immunizations required for admission to public school as set forth by the Department of State Health Services and the Public School Board of Trustees; health clinics in the school district that offer influenza vaccine; a list of recommended vaccines, i.e., influenza, unless it becomes required by DSHS.</p>	<p>Parker</p>	<p>No direct impact on the NPA or Rules. School nurses and nurses in physician offices and clinics need to know and comply. Amends the Education Code.</p>	<p>Effective 5/15/07</p>
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<p>HB 1066</p> <p>Establishes Texas Health Services Authority</p> <p>C. Marshall</p>	<p>Amends Health & Safety Code by adding Chapter 182, Texas Health Services Authority. Purpose is to implement (at the State level) health information technology functions identified by the Texas Health Information Technology Advisory Committee. Goal is to expedite development of an Electronic Health Record (EHR) system that is compatible between providers of care. Benefits would include reduction in healthcare costs, improved access to health care, and improved patient safety/ reduction of medical errors.</p> <p>Will be a combination private-public venture with composition of a Governor appointed Board of Directors listed in statute at Sec. 182.052. A non-voting representative of DSHS will also be appointed.</p>	<p>Delisi</p>	<p>No impact on NPA.</p> <p>FYI for Nurses.</p>	<p>Effective 9/1/07</p>
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<p>HB 1082</p> <p>MRSA Reporting Requirements</p> <p>C. Marshall</p>	<p>Require all labs to report all cases of MRSA to HHSC to track prevalence; develop methodology for electronic information exchange; collect and analyze data regarding the sources and possible prevention of MRSA & report no later than September 1, 2009.</p>	<p>Straus</p>	<p>No impact to NPA.</p> <p>FYI for nurses.</p>	<p>Effective 6/15/07</p>
<p>HB 1098</p> <p>HPV</p> <p>MH</p>	<p>Prohibits, as a condition for admission to public school, the immunization against Human Papilloma Virus (HPV). Preempts all contrary executive orders of the governor.</p>	<p>Bonnen et al Hegar</p>	<p>No direct impact on the NPA or Rules. School nurses and nurses administering immunizations will be required to know and comply. Amends the Education Code.</p>	<p>Effective 5/8/07</p>
<p>HB 1297</p> <p>Creation of State Employee Wellness Program</p> <p>MH</p>	<p>Will develop a statewide wellness program to improve the wellness of state employees. Will consist of education targeted at stress management, nutrition, healthy eating habits, alcohol and drug abuse; physical activity, disease prevention and smoking cessation. Will utilize a health risk assessment that customizes a wellness plan for individual employees. A state agency may allow each employee: 30 minutes during normal working hours for exercise 3x/week; to attend on-site wellness seminars; 8 hours of additional leave time each year for receiving a physical or completing an on-line health risk assessment tool.</p>	<p>Delisi Nelson</p>	<p>No direct impact on the NPA or rules. However, the BNE as a state agency will need to know and comply. Amends the Government Code.</p>	<p>Effective 9/1/07</p>
<p>HB 1370</p> <p>HIV/Hepatitis Interagency Coordinating Council</p> <p>MH</p>	<p>Related to the interagency coordinating council for HIV and Hepatitis. The council will: coordinate communications on provision of services; develop a plan that facilitates coordination of agency programs concerning prevention and the delivery of services to individuals with HIV/AIDS/Hepatitis</p>	<p>Coleman Zaffirini</p>	<p>No direct impact on the NPA or Rules; however, <u>the BNE is required to send one representative selected by the ED to quarterly meetings.</u> Nurses most likely will be carrying out the council's plan and prevention programs, ie: in public health settings, clinics, physician offices, discharge teaching. Amends the Health & Safety Code.</p>	<p>Effective 9/1/07</p>

<p>HB 1373</p> <p>Chronic Kidney Disease Task Force</p> <p>Glenda Dawson Act</p> <p>MH/C. Marshall</p>	<p>Relates to the creation of a Chronic Kidney Disease Task Force for early diagnosis and treatment to prolong lives and decrease costs by delaying dialysis and transplantation.</p> <p>Amends Health and Safety Code by adding Ch. 98 relating to Chronic Kidney Disease Task Force. Governor names presiding officer; task force is abolished 9/09 and must make legis. Report by 1/09. Consists of DSHS, legislators, physicians, renal care providers, and pt advocates.</p> <p>Goal is to educate health care professionals and individuals about this “silent killer” to increase recognition and treatment.</p>	<p>Guillen Zaffirini</p>	<p>No direct impact on the NPA or Rules; however Nurses may be members of the task force or may participate in training/education aspects.</p> <p>Amends Health & Safety Code by adding Ch. 98.</p>	<p>Effective 6/15/07</p>
<p>HB 1379</p> <p>HPV Education</p> <p>MH</p>	<p>Relates to the Department of State Health Services (DSHS) producing and distributing educational materials on the HPV vaccine. Specific content is listed that should be in the educational materials.</p>	<p>Deshotel Nelson</p>	<p>No direct impact on the NPA or Rules; however, nurses involved with vaccine education must know and comply. Amends the Health & Safety Code.</p>	<p>Effective 9/1/07</p>

<p>HB 1497</p> <p>Closure of Requests for Public Information Due to Lack of Response by Requestor.</p> <p>CM</p>	<p>Amends Government Code Sec. 552.222 regarding requests for public information when the requestor fails to respond to an inquiry from the governmental entity asking for clarification of the information requested.</p> <p>Currently there is no way to close out such inquires when the requestor fails to respond. This bill would provide that the request would be considered withdrawn and closed if the requestor fails to provide a response to the request for information within 61 days. The notice requesting additional information must include consequences of failure to respond to the governmental body's request.</p>	<p>Van Arsdale</p>	<p>No impact on NPA, but potential Impact on internal agency operations re: providing public record information to requestors.</p>	<p>Effective 9/1/07</p>
<p>HB 1747</p> <p>Terminates parental rights with regard to certain abandoned children.</p> <p>J. Hooper</p>	<p>Makes it easier for Texas Department of Family and Protective Services (DFPS) to meet the legal notice provisions for terminating parental rights without requiring additional efforts to identify the parent and serve notice of the suit to the parent by creating a rebuttable presumption that a parent who delivers a child to an emergency infant care provider intend to waive the right of notice of a suit terminating parental rights.</p>	<p>Morrison</p>	<p>Information for nurses working in emergency care facilities.</p>	<p>Effective 6/15/07</p>
<p>HB 1751</p> <p>Funding Sexual Assault Training & Equipment</p> <p>C. Marshall</p>	<p>Amends Ch. 47 Business and Commerce Code; sexually-oriented businesses must determine ways to collect funds (doesn't have to be an admission fee) that will go in part toward funding sexual assault training and equipment for SANE nurses.</p>	<p>Cohen, Dukes, Delisi, Hartnett, Van Arsdale</p>	<p>No impact on NPA.</p> <p>FYI for nurses, especially SANE nurses.</p>	<p>Effective 1/1/08</p>

<p>HB 1973</p> <p>Licensing Process for Physicians</p> <p>C. Marshall</p>	<p>Amends Ch. 153 Tx. Occ. Code: (Medical Practice Act)</p> <p>Prohibits a Texas Medical Board (TMB) board member from providing Expert Witness Testimony in a healthcare liability claim against a physician.</p> <p>Amends Ch. 155 Tx. Occ. Code:</p> <p>Requires TMB to “explore” methods to reduce wait times for new MD licenses; must review processes each year and report to Governor and LBB each year goal progress. Report must include yearly budget for staffing and technology improvements that will allow TMB to issue licenses within a reasonable number of days.</p>	<p>Delisi</p>	<p>None to NPA.</p> <p>FYI for nurses.</p>	<p>Effective 6/15/07</p>
<p>HB 2042</p> <p>Electronic database of state Medicaid providers</p> <p>J Zych</p>	<p>Requires HHSC to establish and administer a searchable, electronic, internet-based database of providers, including advanced practice nurses, that accept Medicaid. Specific information to be included in the database is identified and must include whether the provider is accepting new Medicaid patients.</p>	<p>Dukes</p>	<p>None for the agency or NPA. Advanced practice nurses who are qualified Medicaid providers need to be aware.</p>	<p>Effective 6/15/2007</p> <p>HHSC must adopt rules by 1/1/2008.</p>
<p>HB 2117</p> <p>Emergency Care</p> <p>MH</p>	<p>Relates to a person who in good faith administers emergency care is not liable in civil damages for an act performed during an emergency unless the act is wilfully or wantonly negligent. This includes persons who administer emergency care using an AED and persons who administer emergency care as a volunteer first responder.</p>	<p>Parker Harris</p>	<p>No direct impact on NPA or rules. All nurses will need to know and comply. Amends the Civil Practice and Remedies Code.</p>	<p>Effective 6/15/07</p>

<p>HB 2313</p> <p>Obesity Awareness Week</p> <p>MH</p>	<p>The second full week in May will be designated as Obesity Awareness Week. Intent is to raise awareness of the health risks associated with obesity and to encourage a healthy lifestyle.</p>	<p>Rose Nichols</p>	<p>No direct impact on the NPA. Informational only for BNE wellness program. Amends the Government Code.</p>	<p>Effective 6/15/07</p>
<p>HB 2389</p> <p>Rights of a minor in the custody of the TDCJ to consent to medical, dental, psychological, and surgical treatment.</p> <p>J. Hooper</p>	<p>Establishes a mechanism whereby inmates who are minors may consent to medical, dental, psychological, and surgical treatment.</p>	<p>Madden</p>	<p>Information for nurses working with minors in the custody of the Texas Department of Criminal Justice.</p>	<p>Effective 6/15/07</p>
<p>HB 2827</p> <p>Anaphylaxis Treatment by EMS</p> <p>C. Marshall</p>	<p>Amends Health and Safety Code Sec. 773.014. Permits EMS staff to carry Epi pens on ambulance and use in appropriate emergency situations.</p>	<p>Taylor Gonzales, Truitt, McReynolds</p>	<p>No impact to NPA. FYI for Nurses</p>	<p>Effective 6/15/07</p>
<p>HB 3430</p> <p>Agency Purchasing Practices</p> <p>BH</p>	<p>Relating to the availability of information about state agency expenditures and rules, and comptroller reports.</p>	<p>Strama</p>	<p>HB 3430 improves the existing information system of state expenditures by creating a single, searchable, and publicly available online database of state expenditures.</p> <p>Agency staff have already adapted purchasing procedures to meet new requirements taking effect 10/1/07.</p>	<p>Effective 10/01/07</p>

<p>HB 3443</p> <p>Establishes a new Texas Hospital-Based Nursing Education Partnership Grant Program to increase the number of nurses in Texas by fostering innovation through partnership models.</p> <p>R. Wilson</p>	<p>Relating to the creation of the Texas Hospital-Based Nursing Education Partnership Grant Program.</p>	<p>Howard, Donna West, Royce</p>	<p>THECB will administer grants to increase the number of nurses in Texas by fostering innovation through partnership models, leveraging existing expertise and infrastructure in both practice and academia, and expanding nursing education. Grants will be awarded to hospital partners.</p> <p>Grants receiving approval will need to be reviewed by BNE staff to see if a waiver of BNE education rules, under BNE Innovative Pilot Programs, will be necessary.</p>	<p>Effective 6/15/07</p>
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<p>HB 3473</p> <p>Consent for Medical Treatment (settings where 3rd party can consent)</p> <p>C. Marshall</p>	<p>Amends H&SC Ch. 313 relating to persons who can consent for treatment of a patient who is incompetent to consent for themselves; adds Home and Community Support Service Agencies (HCSSA) to the list of settings where a third party providing healthcare to the patient would document notification of the family or MPOA by the MD of the condition and treatment for the patient in the medical record—the entry has to be co-signed by an employee of the healthcare provider and the surrogate decision-maker ASAP.</p>	<p>Delisi</p>	<p>No direct Impact to NPA.</p> <p>FYI for nurses working in hospitals, nursing homes, home health and anywhere else pt. receiving services from a HCSSA.</p> <p>No fiscal impact reported</p>	<p>Effective 9/1/07</p>
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<p>HB 3560</p> <p>Transfer of Texas Building & Procurement Commission Functions to Comptroller's Office</p> <p>BH</p>	<p>Relating to transferring to the comptroller the duties of the Texas Building and Procurement Commission (TBPC) that do not primarily concern state facilities and renaming the commission the Texas Facilities Commission.</p>	<p>Swinford</p>	<p>Bill currently under study. Mark Majek currently serving on task group analyzing impact of bill passage.</p>	<p>Effective 9/1/07</p>
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<p>HB 3618</p> <p>Diabetes Pilot Program in Border Region</p> <p>MH</p>	<p>Relates to the development of a pilot program in border region school districts designed to prevent and detect Type 2 Diabetes. Heights, weights and blood glucose levels will be collected before and during the educational pilot program for analysis and comparison in order to determine the effectiveness of the pilot program.</p>	<p>Raymond Zaffirini</p>	<p>No direct impact on the NPA and rules. School nurses and nurses working with school age children will need to know and comply. Amends the Health and Safety Code.</p>	<p>Effective 6/15/07</p>
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<p>HB 3735</p> <p>Diabetes Demonstration Pilot Program</p> <p>MH/V. Ayars</p>	<p>Provides local diabetes care and education in the Memorial Health System of East Texas. The Texas Department of State Health Services and the Texas Diabetes Council will assist in the establishment of the pilot program. Designed to provide a comprehensive approach to promoting the prevention and treatment of acanthosis nigricans and diabetes mellitus.</p>	<p>McReynolds Nichols</p>	<p>No direct impact on the NPA and rules. Nurses working with the pilot program or at Memorial Health System of East Texas will need to know and comply.</p>	<p>Effective 6-15-07</p>
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<p>SB 7</p> <p>CPR/AEDs in School Districts</p> <p>MH</p>	<p>Related to school district requirements to provide instruction on CPR and the use of AEDs. In addition, school districts must make an AED available on every campus and every university interscholastic league athletic competition (UIL). At least one district employee must be trained and present at any time. Safety procedures must be developed for the response to a medical emergency involving cardiac arrest.</p>	<p>Hinojosa Eissler</p>	<p>No direct impact on the NPA or Rules; however, school nurses' (and other key school personnel) must participate in a CPR/AED certification program with the American Heart Association or the American Red Cross. School nurses will be an integral part of the purchase, training, maintenance and monitoring of a Public Access to Defibrillation (PAD) program. As well as with the development of an emergency response policy.</p> <p>Amends the Education Code.</p>	<p>Effective 9/1/07</p>
<p>SB 24</p> <p>Telehealth/ Telemedicine services provided under Medicaid</p> <p>J Zych</p>	<p>Provides for Medicaid reimbursement of physicians providing telemedicine services (assessment and evaluation) from a distance site if another provider is on site and the patient's condition is not likely to deteriorate significantly within 30 days of the date the service is provided. Agreements for reimbursement of the on-site provider are also addressed. Delayed implementation is authorized as needed to obtain federal waivers/authorizations.</p>	<p>Nelson</p>	<p>None for the agency or the NPA. APNs working with patients in these settings need to be aware.</p>	<p>Reimbursement provisions effective 9/1/07</p>
<p>SB 29</p> <p>Data Collection by SHCC</p> <p>C. Marshall</p>	<p>The Health Professions Resource Center (HPRC), part of the Statewide Health Coordinating Council (SHCC), collects data from 30 licensing boards.</p> <p>This bill amends the Health & Safety Code, Sec 105.003, to require collection of demographic data for agencies participating in SHCC.</p> <p>Specifically lists LVNs and RNs (including APNs)</p>	<p>Nelson</p>	<p>BNE already collects some of the required demographic data. Major additions include place of birth, practice setting(s) mailing address (including zip code and county) and weekly hours worked at each practice setting.</p> <p>Must revise all applications, electronic demographic data tracking, and (if possible) develop online method of reporting practice setting changes.</p> <p>Will require rule revision to add timely reporting of mandatory information (similar to Rule 217.7 regarding address and name changes).</p>	<p>Effective 3/1/08</p>

SB 138 Retention of Nursing Students D. Joy	Relating to promoting the retention and graduation of students enrolled in professional nursing programs.	Nelson	No impact to BNE. Impacts THECB to develop methods to promote retention and graduation of students enrolled in a professional nursing program and adopt rules to implement those methods the board considers feasible, including recommendation on financial aid.	Effective 9/1/07
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SB 139 THECB and BNE to study current nursing curriculum and recommend improvements in order to ensure that Texas nursing programs teach the highest quality nursing curriculum. R. Wilson	Relating to a study on improving the curricula of professional and vocational nursing education programs. The Texas Higher Education Coordinating Board, in consultation with the Board of Nurse Examiners, shall conduct a study to identify methods to improve the curricula of professional and vocational nursing programs. The study must focus on methods to improve instruction on providing safe and high-quality nursing care to patients.	Nelson Kolkhorst	THECB plans to employ outside consult to conduct study. BNE to work with THECB, providing additional consultation. The study shall be completed by 12/31/08. THECB will complete and distribute. Recommendations concerning methods to improve the curricula of professional and vocational nursing programs, including instruction relating to patient care. Depending on the recommendations, future revisions to Rule 214 and Rule 215 will probably be required.	Effective 6/15/07
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SB 140 Immunizations for Students in Health-Related Programs D. Joy	Relating to a study of the feasibility of providing immunizations to certain students enrolled in health professional degree programs.	Nelson	No impact on BNE. Impacts THECB and DSHS to conduct a joint study regarding the feasibility of providing free or discounted immunizations to economically disadvantaged students enrolled in health professional degree programs at institutions of higher education in Texas. Recommendations to be submitted to legislature by January 2009.	Effective 9/1/07
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<p>SB 141</p> <p>Feasibility of health professions students taking combined health science classes.</p> <p>R. Wilson</p>	<p>Relating to a feasibility study regarding joint health science courses at public institutions of higher education. The board, in consultation with the administrative head of each state agency that is a member of or otherwise represented on the Health Professions Council (HPC) or with the administrative head's designee, shall conduct a study to evaluate the feasibility of institutions of higher education providing courses in which students enrolled in different health science or health profession education programs may enroll to study basic health science curricula together.</p>	<p>Nelson Morrison</p>	<p>Kathy Thomas or designee must assist THECB in conducting the study.</p> <p>Depending on the results of the study, revisions to Rule 215 and 219 may be required.</p>	<p>Effective 6/15/07</p>
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<p>SB 143</p> <p>Fetal/Infant mortality review and related health warnings</p> <p>J Zych</p>	<p>Permits but does not mandate establishment of fetal/infant mortality review committees under local health authorities for the purpose of improving health and well-being of women, infants and families and reducing racial disparities in the rates of fetal/ infant mortality. Committee must be culturally diverse and represent multiple disciplines, including one RN and one nurse-midwife or licensed midwife. Patient consent is not required. Medical records are de-identified and confidential. Meetings are not considered open meetings and records are not subject to disclosure. Statistical information and research reports may be published by the committee provided confidential information is not released. Makes disclosure of confidential information by committee members a class A misdemeanor.</p> <p>Also adds language to signs posted regarding sale of tobacco products addressing negative implications for the fetus when women smoke during pregnancy.</p>	<p>West</p>	<p>None for the agency or NPA.</p> <p>RNs and some CNMs may be asked to serve on the committees and need to be aware.</p>	<p>Effective 9/1/2007</p>
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<p>SB 156</p> <p>Public Health Nursing Visits to New Mothers</p> <p>MH</p>	<p>Related to a competitive grant program to fund nurse-family partnership programs or the expansion of existing programs in certain Texas communities. Specifically includes the YWCA of Metropolitan Dallas as a recipient of a grant. The partnership programs must operate in multiple communities and provide services to approximately 1200 families. A model developed by the Nurse-Family Partnership National Service Office must be used. RNs regularly visit the homes of low-income, first time mothers to improve pregnancy outcomes; improve child health and development; improve family economic self-sufficiency and stability; reduce the incidence of child abuse and neglect. Visits begin not later than a mother's 28th week of gestation and end when the child reaches two years of age. Application guidelines are defined, including demonstrating the needs of a community. A state nurse consultant will be utilized. Monitoring and evaluation of the program is defined.</p>	<p>Madden Shapiro</p>	<p>No direct impact on the NPA or Rules; however, RNs in public health settings or employed through the nurse family partnership must know and comply. Amends the Government Code.</p>	<p>Effective 9/1/07</p>
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<p>SB 201</p> <p>Tuition Exemptions for Nursing Preceptors and Children</p> <p>D. Joy /B. Sims</p>	<p>Relating to tuition exemptions at public institution of higher education for certain professional nursing program preceptors and their children.</p>	<p>Nelson</p>	<p>No impact on BNE. Impacts THECB to study the tuition exemptions at public institutions of higher education for certain professional nursing program preceptors and their children.</p>	<p>Effective 9/1/07</p>
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<p>SB 204</p> <p>Electronic Medical Records Software Requirements</p> <p>C. Marshall</p>	<p>Amends Ch. 161 Health and Safety Code re: electronic medical records software to record immunizations, requiring that it have the ability to electronically interface with an immunization registry and generate electronic reports. Would authorize Executive Commissioner of HHSC to specify fields necessary for inclusion in immunization registry.</p>	<p>Nelson</p> <p>[Co-authors Van de Putte & Zaffirini]</p>	<p>No impact to NPA.</p> <p>FYI to nurses, esp. public health, school nurses, or if acute care facilities give pneumococcal or flu vaccines.</p> <p>No fiscal impact.</p>	<p>Effective 6/15/07</p>
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<p>SB 288</p> <p>Advisory Panel on Infections Established</p> <p>C. Marshall</p>	<p>Amends Ch. 98 of H&S Code. Establish a permanent Advisory Panel on Health Care-Associated Infections within the regulatory licensing unit of the health care quality section of DSHS as an advisory panel to guide the implementation, development, & evaluation of state health care-associated infection rate reporting system.</p>	<p>Nelson</p>	<p>None to NPA.</p> <p>FYI for Nurses: Advisory panel must have 2 infection control professionals who meet both of the following criteria:</p> <ul style="list-style-type: none"> • Must be RN, and • Must be certified in Infection Control and Epidemiology. <p>Fiscal Impact: > \$1 million/year cost; Do not believe it was funded in state budget.</p>	<p>Effective 6/15/07</p>
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<p>SB 289</p> <p>Encourages nursing schools to utilize more part-time or adjunct faculty by allowing professional nursing shortage reduction grants to be used for part-time faculty.</p> <p>R. Wilson</p>	<p>Relating to the use of professional nursing shortage reduction program grants to encourage clinical nursing instruction by part-time faculty at public or private institutions of higher education. Amends certain language in Education Code related to the previous THECB Innovative Grant Program.</p>	<p>Nelson Morrison</p>	<p>Grants receiving approval will need to be reviewed by BNE staff to see if a waiver of BNE education rules, under Innovative Pilot Programs, will be necessary.</p>	<p>Effective 6/15/07</p>
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<p>SB 415</p> <p>Type 2 diabetes risk assessment program</p> <p>V. Ayars</p>	<p>Creates a risk assessment program for Type 2 diabetes mellitus and a Risk Assessment Program Advisory Committee. The University of Texas - Pan American Border Health Office shall coordinate the risk assessment for Type 2 diabetes of individuals attending schools located in Texas Education Agency Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20. The risk assessment will be performed at the same time hearing and vision screening or spinal screening is performed.</p>	<p>Lucio</p>	<p>The University of Texas - Pan American Border Health Office will consult with the BNE in order to determine the training requirements necessary for a nurse or other person to conduct risk assessment activities.</p>	<p>Effective 9/1/07</p>
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<p>SB 556</p> <p>Interagency Obesity Council</p> <p>MH</p>	<p>Related to the creation of an interagency obesity council.</p>	<p>Lucio</p>	<p>No direct impact on the NPA or Rules. Informational only as it applies to the BNE's wellness program. Amends the Health & Safety Code by adding Ch. 114.</p>	<p>Effective 6/15/07</p>
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<p>SB 592</p> <p>Meeting Notification by Fax</p> <p>BH</p>	<p>Current law does not allow the presiding officer of a governmental body to communicate to the media notice of an emergency meeting or emergency addition to an agenda through facsimile transmission or electronic mail.</p> <p>SB 592 will correct this by allowing presiding officers of governmental bodies the option to communicate through facsimile transmission or electronic mail the notice of an emergency meeting or emergency addition to an agenda.</p>	<p>Wentworth</p>	<p>Grants additional flexibility concerning notification of emergency meetings or meeting agenda additions.</p>	<p>Effective 9/1/07</p>
<p>SB 625</p> <p>Restrictions on substitution of transplant immuno-suppressant medications</p> <p>J Zych/C. Marshall</p>	<p>Prohibits a pharmacist from substituting an immuno-suppressant drug prescribed for a transplant patient unless first obtaining a signed authorization from the prescribing practitioner. Emergency provisions created if prescriber is unavailable. Similar rules to apply to narrow therapeutic index drugs. Creates a joint committee of the Pharmacy and Medical Boards to recommend a list of narrow therapeutic index drugs and applicable rules for consideration by the Pharmacy Board.</p>	<p>Janek</p>	<p>None to NPA. Advanced practice nurses and nurses in transplant settings or working with patients on narrow therapeutic index medications need to be aware.</p>	<p>Effective 6/15/07</p>
<p>SB 758</p> <p>Improvement in child protective services, providing penalties.</p> <p>J. Hooper</p>	<p>Follow-up of 79th session to continue reforms in protective services and to improve the quality and accountability in foster care.</p>	<p>Nelson</p>	<p>Information for nurses working in settings where they care for children in foster care.</p>	<p>Effective 9/1/07</p>

<p>SB 811</p> <p>Vaccine Selection in the Vaccine for Children Program</p> <p>MH</p>	<p>The Department of State Health Services (DSHS) will allow health care providers to select influenza vaccine from the entire list of available influenza vaccine approved by the US FDA, recommended by the federal Advisory Committee on Immunization Practices; and available under contract with CDC and US Public Health Service. Both trivalent virus and live attenuated influenza vaccines could be used.</p>	<p>Janek Dukes</p>	<p>No direct impact on the NPA or Rules. Nurses administering vaccine in the Vaccine for Children program will need to know and comply.</p> <p>Amends the Health & Safety Code.</p>	<p>Effective 6/15/07</p>
<p>SB 992</p> <p>Continues the current dedication of a portion of the tobacco lawsuit settlement funds to support nursing schools.</p> <p>R. Wilson</p>	<p>Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.</p>	<p>Nelson Howard, Donna</p>	<p>THECB shall continue to award grants to programs preparing students for initial licensure as registered nurses or programs preparing qualified faculty members with a master's or doctoral degree for the program, including programs at two-year institutions of higher education, four-year general academic teaching institutions, health science centers, and independent or private institutions of higher education.</p> <p>Grants receiving approval will need to be reviewed by BNE staff to see if a waiver of BNE education rules, under BNE Innovative Pilot Programs, will be necessary.</p>	<p>Effective 6/15/07</p>
<p>SB 994</p> <p>Prescriptions for certain controlled substances</p> <p>J Zych</p>	<p>Permits a pharmacist to dispense prescriptions for controlled substances in schedules III through V under oral, telephonic or electronically communicated prescriptions.</p>	<p>Nelson</p>	<p>None to NPA. Advanced practice nurses and nurses transmitting prescriptions to the pharmacy need to be aware.</p>	<p>Effective 9/1/07 to conduct occurring on or after that date.</p>

<p>SB 1185</p> <p>Home Loans for Nurse Educators</p> <p>D. Joy</p>	<p>Relating to certain low interest home loan programs offered by the state.</p>	<p>Nelson</p>	<p>Impacts nursing education by creating eligible home loans for professional educators and nursing faculty.</p> <p>Impacts the Texas State Affordable Housing Corporation to allocate a portion of state monies for professional educators home loan programs.</p>	<p>Effective 9/1/07</p>
<p>SB 1310</p> <p>Travel Reimbursement for State Employees</p> <p>BH</p>	<p>This bill requires state agencies to process travel reimbursement requests within 45 days of submission, if the expenses are not in dispute. This bill also requires state agencies to reimburse state employees for reimbursable travel expenses within 30 days of any resolution of a dispute between the agency and employee in regard to travel expenses.</p>	<p>Wentworth</p>	<p>Agency processes travel reimbursement requests in a timely manner. No impact foreseen.</p>	<p>Effective 6/15/07</p>
<p>SB 1694</p> <p>Fraud Investigations & Criminal Offenses re: Medicaid Programs</p> <p>C. Marshall</p>	<p>Amends Ch. 531 Government Code by adding Sec. 531.1031 Duty to Exchange Information Regarding Allegations of Medicaid Fraud or Abuse.</p> <p>Authorizes information sharing between certain agencies and boards regarding investigations of Medicaid fraud and abuse.</p> <p>Prohibits remuneration for recommending goods or services for medical assistance.</p> <p>Would apply to nurses and to the BNE.</p>	<p>Nelson</p>	<p>No direct impact on NPA. May be beneficial to include Government Code reference in Rules to clarify a nurse's and the BNE's responsibility to share and receive applicable information, maintain confidentiality of the information, and categorization of receiving illegal remuneration as unprofessional conduct.</p>	<p>Effective 9/1/07</p>
<p>SB 1731</p> <p>Reimbursement and consumer protection/ access to health</p>	<p>Creates a web-based consumer guide to health care that advises consumers of average charges for services in hospitals, ambulatory surgery centers, and birth centers to be developed and maintained by DSHS.. Also requires TMB to post a consumer's guide related to charges. Requires</p>	<p>Duncan</p>	<p>None for the NPA. Will impact anyone dealing with the billing end of healthcare in these settings.</p> <p>APNs that are required to comply need to be aware. Enforcement may receive complaints if APNs fail to comply.</p>	<p>Effective 9/1/07 for policies issued or renewed on or after that date.</p>

care information J Zych/C. Marshall	facilities and health care professionals respectively to develop and disclose billing policies and post notice of policies in patient waiting areas. Requires refund of overpayment within 30 days of date overpayment discovered. Must provide itemized statements within ten days if requested. Requires third party insurers to submit data on certain reimbursement rates to TDI. Requires health benefit plans to notify patients of network facilities that have non-network providers. Requires TDI to form an advisory committee to study network adequacy.			
SB 1761 Pilot program for health services in state office complexes J Zych	Expands pilot program that provides on-site employee health services to state employees. Bill expands pilot programs to allow both advanced practice nurses and physician assistants to provide services to state employees.	Uresti	None to the NPA or the agency. FYI only.	Effective 9/1/2007
SB 1766 Expansion of Consumer-Directed Services for Disabled & Elderly C. Marshall	Amends Texas Government Code, Sec. 531.051 (under the Health and Human Services Commission) Establishes an ongoing Work Group to develop expanded consumer-directed models. A provider agency would serve either as a fiscal agent (payroll, taxes) or as the employer performing administrative functions for the consumer (hiring, dismissal, etc). Defines "legally authorized representative."	Watson Co-Authors Nelson Zaffarini	No impact to NPA. No significant fiscal impact reported. BNE practice consultants may be needed to serve on rule-making consumer directed workgroup as resource experts with regard to interpretation of NPA and board rules.	Effective 9/1/07

<p>SB 1879</p> <p>Regulation of controlled substances</p> <p>J Zych</p>	<p>Enhances monitoring of all controlled substance prescriptions to prevent misuse. Permits late fee charge for late renewals of controlled substances permits. Establishes requirement for patient's age or date of birth on prescriptions for controlled substances. Requires provider's state controlled substances permit number in addition to DEA registration number on prescriptions for controlled substances. Creates process for assessing substantial administrative penalties (\$1000 per violation) and an appeal process for violations. Forms a pain treatment review committee that includes a non-voting resource members that includes a nurse from the BNE selected by the executive director. An advisory committee to advise DPS also requires a representative from the BNE. BNE required to submit reports regarding number and types of actions related to violations of the Controlled Substances Act.</p>	<p>Williams</p>	<ul style="list-style-type: none"> • Reports regarding the number and types of actions taken related to violations of the Controlled Substances Act must be reported to the presiding officers of the Senate Health and Human Services Committee and House Public Health Committee beginning November 1, 2007 with updates on May 1 and November 1 of each successive year through November 1, 2011. • Representatives from the BNE need to be selected by the executive director to serve on the two identified committees. • APNs who prescribe controlled substances need to be aware of the new requirements and potential for penalties. 	<p>Effective 6/15/2007</p> <p>First report due to legislature 11-1-2007.</p>
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