

Agenda Item: 1.3
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Meeting Date: April, 28-29, 2011

Legislative Report - 82nd Regular Texas Legislative Session: April, 2011

The legislative report which follows includes all legislation currently being monitored by Board staff. The agency is following 170 House and Senate bills. At the time this report was prepared, 5,873 bills had been filed in the legislature. This is an decrease of 20 (19.8%) percent from the previous legislative session. The 82nd Legislative Session is significant because never before have so many bills been filed which would amend the Nursing Practice Act (NPA) (29 bills at present). On May 9, the 119th day of the Session, any House bill not out of committee will no longer be eligible to continue forward in the legislative process. The last day of the regular legislative session is May 30, 2011. The last day that the Governor can sign, veto or take no action on bills passed in the House and Senate is June 19th. The bills are divided into two groups. All bills which would amend the NPA appear first, organized by category. Following these bills, are other bills being followed by agency staff which, while not amending NPA, are of interest to the agency. These bills are organized sequentially starting with the House bills. A full report on enacted legislation will be provided at the July Board Meeting.

Filed Bills Amending NPA

Administration of Medications - Persons with Intellectual and Developmental Disabilities

HB 3611 by Truitt. (Companion to SB 1857) Relating to the administration of medications for persons with intellectual and developmental disabilities.

SB 1857 by Zaffirini. (Companion to HB 3611) Relating to the administration of medications for persons with intellectual and developmental disabilities.

Administration of Medications - RNs

HB 2079 by Christian. Relating to the administration by certain nurses and occupational therapists of treatments, medication, or therapy ordered by a health care practitioner.

Advanced Practice Registered Nurses (APRN) - Independent Practice

Independent Practice Upon Initial APRN Licensure

HB 708 by Hancock. Relating to licensing, regulation, and prescribing and ordering authority of advanced practice registered nurses and the regulation of registered nurses and physician assistants. Grants independent practice to APRNs without supervision. Similar to HB 1266 by Coleman and SB 1260 by Ellis.

HB 1266 by Coleman. (Similar to HB 708) Relating to licensing of advanced practice registered nurses and the authority of those nurses to prescribe and order prescription drugs. Grants independent practice without supervision.

SB 1260 by Ellis. (Companion to HB 1266) Relating to licensing of advanced practice registered nurses and the authority of those nurses to prescribe and order prescription drugs. Grants independent practice without supervision.

Independent Practice After Completing Supervised Practice Hours

HB 915 by Christian. Relating to the authority of advanced practice registered nurses to make medical diagnoses and to prescribe and order prescription drugs and devices. Independent practice bill for APRNs which includes requirement for 3600 hours of supervised practice.

SB 1339 by Royce West. Relating to the authority of advanced practice registered nurses to make medical diagnoses and the prescribe and order prescription drugs and devices. Independent practice bill for APRNs which includes requirement for 500 hours of supervised practice.

Provision of Limited Health Services Not Including Medical Diagnosis or Prescription of Therapeutic or Corrective Measures

SB 846 by Dan Patrick. Relating to the scope of practice of advanced practice nurses at certain sites serving medically underserved populations.

Consolidation of Health Occupations Licensing

HB 3426 by Zedler. (Companion is SB 1785 by Dan Patrick) Relating to the creation of the Texas Department of Health Professions to regulate certain health professions, the transfer of certain powers to the department, and the abolishment of certain state agencies.

SB 1785 by Dan Patrick. (Companion to HB 3426) Relating to the creation of the Texas Department of Health Professions to regulate certain health professions, the transfer of certain powers to the department, and the abolishment of certain state agencies.

Longevity Pay

HB 2954 by Cain. Relating to eliminating longevity pay for state employees and judicial officers and authorizing merit pay for certain state employees. Amends NPA. Related to HB 3168.

HB 3168 by Callegari. Relating to the operation of state agencies. Amends NPA. Similar to HB 2954. Eliminates longevity for state employees. Amends NPA Section 301.355 eliminating reference to longevity pay. Similar to HB 2954 which also eliminates longevity pay and removes language in 301.355 but differs in adding language relating to agency workforce planning requirements.

Patient Advocacy

HB 575 by Donna Howard. Relating to patient advocacy activities by nurses and certain other persons.

SB 192 by Nelson. Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.

Poison Control Centers

HB 1015 by Harper-Brown (Companion to SB 435) Relating to the consolidation of the regional poison control centers into the Texas Poison Control Center.

SB 435 by Nelson - (Companion to HB 1015) Relating to the consolidation of the regional poison control centers into the Texas Poison Control Center.

Regulation of Nursing

HB 1663 by King (companion to SB 193) Relating to the regulation of the practice of nursing.

SB 193 by Nelson (companion to HB 1663) Relating to the regulation of the practice of nursing.

Required Reports

HB 2870 by Harper-Brown. (Companion to SB 1179) Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education. Repeals Section 301.165 of the NPA.

SB 1179 by Nelson (Companion to HB 2870) Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education. Repeals Sections 301.160(j) and 301.165 of the NPA.

Rights and Duties of Nurses

HB 2426 by Senfronia Thompson. Relating to certain rights and duties of nurses.

Self-Directed and Semi-Independent Status

HB 2092 by Susan King. Relating to self-directed and semi-independent status of certain health care regulatory agencies. (Pharmacy and Nursing Boards)

Sovereign Immunity Waiver - Lawsuits by Nurses

HB 884 by Donna Howard. (Companion to SB 1542) Relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.

SB 1542 by Watson. (Companion to HB 884) Relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.

Statutory Cleanup

HB 2657 by Tracy King. (Companion to SB 1303 by Royce West) Relating to nonsubstantive

additions and corrections in enacted codes. Statutory cleanup bill which makes corrections to Section 303.005(h) of the NPA.

SB 1303 by Royce West. (Companion to HB 2657) Relating to nonsubstantive additions and corrections in enacted codes. Statutory cleanup bill which makes corrections to Section 303.005(h) of the NPA.

Tick-Borne Diseases

HB 2975 by Hunter (Companion to SB 1360) Relating to the treatment of tick-borne diseases.

SB 1360 by Harris. (Companion to HB 2975) Relating to the treatment of tick-borne diseases.

Other Monitored Bills

HB 4 by Pitts. Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

HB 21 by Debbie Riddle. Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants.

HB 177 by Jim Jackson. Relating to the requirement of citizenship or lawful presence in the United States for issuance or renewal of certain occupational licenses, driver's licenses, and identification certificates.

HB 178 by Jim Jackson. Relating to requiring governmental entities to participate in the federal electronic verification of work authorization program or E-verify.

HB 197 by Solomons. Relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.

HB 266 by Hilderbran. Relating to the use of address-matching software by certain state agencies.

HB 286 by Lucio III. Relating to the care of elementary and secondary school students with food or other life-threatening allergies.

HB 639 by Branch. Relating to school district policies for the care of students at risk for anaphylaxis. (TNA Initiative)(Companion to SB 27)

HB 682 by Fred Brown. Relating to leasing advertising space on state agency Internet websites.

HB 688 by Dutton. Relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants.

HB 703 by Gutierrez. Relating to enhanced penalties for assault of a health care services provider.

HB 1013 by Fred Brown. (HPC)(Companion to SB 906 by Patrick) relating to the powers and duties of the Texas Medical Board.

HB 1244 by Castro. Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

HB 1460 by Branch. Relating to measures to increase cost efficiency at public institutions of higher education and the Texas Higher Education Coordinating Board, including the elimination of certain reporting and other requirements imposed.

HB 1508 by Legler. Relating to authorizing certain public junior colleges to offer a baccalaureate degree in nursing.

HB 1562 by Guillen. Relating to authorizing state agencies to establish a four-day work week.

HB 1590 by Sylvester Turner. Relating to suspension of the imposition of certain fees under certain conditions.

HB 1615 by Fred Brown. Relating to the administering of medications to children in certain facilities.

HB 1618 by Callegari. Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

HB 1662 by Susan King. Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

HB 1657 by Yvonne Davis. Relating to reporting of healthcare associated infections.

HB 1673 by Jim Jackson. Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

HB 1680 by Geren. (Companion to SB 1000 by Eltife) Relating to Semi-independent status for Real Estate Commission.

HB 1698 by Wayne Smith. Relating to representation of certain agencies by the office of the attorney general in certain law suits. (involving agencies with semi-independent status)

HB 1716 by Garza. Relating to regulations on certain complementary and alternative health care services.

HB 1719 by Rodriguez. Relating to the regulation of health care interpreters.

HB 1850 by Elkins. Relating to requiring legislative approval of administrative rules.

HB 1875 by Kolkhorst. Relating to the repeal of certain health programs, task forces, and councils, and to the review of certain health programs, councils, and divisions under the Texas Sunset Act.

HB 1972 by Harper-Brown. Relating to electronic reports and correspondence submitted to state agencies by public entities.

HB 1974 By Sheets. Relating to creating a defined contribution retirement plan for persons eligible to participate in a public statewide retirement system.

HB 1989 by Gallego. (Companion to SB 533) Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

HB 2021 by Pitts. (Companion to SB 1109) Relating to state agency procurement and the comptroller's procurement powers and duties.

HB 2066 by Zerwas. Relating to delegation by a physician of certain cosmetic and dermatological medical treatments

HB 2068 by Naishtat. Health Professions Resource Center (adds social workers to groups studied - FYI only)

HB 2098 by John Davis. Relating to the authority of physicians and physician assistants to form certain entities. (Allows for partnerships between doctors and physician assistants. APRNs are not included in bill language)

HB 2117 by Coleman. (Companion to SB 733) relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

HB 2291 by Callegari. Relating to government regulation of an individual's occupation.

HB 2390 by Sarah Davis. Relating to the types of information relating to emergency responses that are confidential.

HB 2405 by Chisum. (Companion to SB 1001) Relating to discrimination and restraint of trade against certain persons regulated under the Occupations Code.

HB 2427 by Thompson. Relating to the rights and duties of hospital patients and certain health care providers.

HB 2430 by Kolkhorst. Relating to the price charged by a health care provider for a health care service or supply.

HB 2440 by Pitts. Relating to the creation of a Texas Junior College System office.

HB 2446 by Allen. Relating to release of confidential physician-patient communications in certain circumstances.

HB 2451 by Zedler. Relating to the computation of retirement benefits by a public retirement system.

HB 2455 by Zedler. Relating to the licensing and regulation of the practice of integrative medicine; providing penalties.

HB 2478 by Perry. Relating to the provision of nonemergency medical services to Medicaid recipients and reimbursement for those services. Hospitals to determine if person's injury is medical emergency and it is not an emergency, they are to direct the person to an alternate location for treatment.

HB 2483 by Pena. Relating to DNRs and Advance Directives

HB 2489 by Scott. Relating to the discoverability and admissibility of communications of sympathy in certain civil or administrative actions against a health care provider or physician.

HB 2506 by Chisum. Relating to creating defined contribution retirement plans for persons eligible to participate in the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

HB 2515 by Alvarado. Relating to patient safety plans for certain health care facilities.

HB 2523 by Cain. Relating to the purchase of goods and services by state agencies.

HB 2550 by Elkins. Relating to the process under which state agencies and other entities are periodically reviewed under the Texas Sunset Act.

HB 2664 by Phil King. Relating to the abolition of the Texas Facilities Commission and the transfer of its duties to the comptroller, General Land Office, and State Preservation Board.

HB 2665 by Phil King. Relating to abolishing the Texas Funeral Service Commission and the Texas State Board of Plumbing Examiners and transferring the functions of those agencies to the Texas Department of Licensing and Regulation.

HB 2666 by Truitt. Relating to the administration of certain immunizations or vaccinations by a pharmacist.

HB 2720 by Pitts. Relating to unpaid furloughs for state employees.

HB 2804 by Cain. (Companion is SB 1653 by Watson) Relating to the format of the general appropriations bill.

HB 3147 by McClendon. (Companion to SB 1636 by Wendy Davis) Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.

HB 3164 by Hancock. Relating to contracts between advanced practice registered nurses and health maintenance organizations, preferred provider benefit plans or other insurers.

HB 3166 by Callegari. (HPC) Relating to the abolition and consolidation of state agencies. Bill changes composition of HPC to reflect TDLR taking over Funeral Services Commission (pg. 46). Requires most licensing agencies, including the BON to the electronic licensing system under DIR (.40, p. 77, p. 114)(<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2054.htm#2054.353>).

HB 3167 by Callegari. (HPC) Relating to the repeal of occupational licensing requirements. Eliminates regulation of interior design.

HB 3714 by McClendon. Relating to the regulation of controlled substances and the establishment of an electronic system for monitoring controlled substances.

HB 3265 by Sid Miller. Relating to the assisted administration of medications for persons with intellectual and developmental disabilities.

HB 3281 by Guillen. Relating to the containment of costs incurred in the correctional health care system.

HB 3306 by Marquez. Relating to a person's eligibility for expunction of certain criminal history records and files.

HB 3327 by Woolley. Relating to limiting the liability of persons who employ license holders with criminal convictions.

HB 3286 by Guillen. (Companion to SB 1728 by Zaffirini) Relating to a requirement that developmental coursework required for entering undergraduate students at four-year public institutions of higher education be completed at a public junior college (FYI for Educators).

HB 3299 by Zerwas. Relating to services provided by a health care professional at an assisted living facility.

HB 3333 by Pena. Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.

HB 3373 by Murphy. Relating to state contribution to the cost of certain dependents' participation in the group benefits program for state employees and their dependents.

HB 3419 by Darby. Relating to state fiscal matters related to certain regulatory agencies.

HB 3425 by Zedler. Relating to a continuous improvement process at state agencies.

HB 3428 by Zedler. (HPC) Relating to the eligibility of certain physicians to provide and receive remuneration for workers' compensation health care services.

HB 3435 by Raymond. Relating to honesty in state taxation.

HB 3556 by Lucio III. Relating to a requirement that a state agency reveal the identity of certain anonymous complainants to the person against whom the state agency has initiated a contested case.

HB 3490 by Menendez. Relating to the discharge of certain patients from a hospital.

HB 3493 by Coleman. Relating to the creation of the employee wellness program.

HB 3516 by Branch. (Companion to SB 1874 by Zaffirini) Relating to requiring a public institution of higher education to make certain faculty information available to the public on the institution's Internet website (FYI for Educators).

HB 3562 by Lucio III. (Companion to SB 1523 by Hinojosa) Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.

HB 3601 by Garza. (HPC) Relating to the issuance of cease and desist orders by the Texas Medical Board.

HB 3630 by Hunter. Relating to certain unprofessional conduct by a health care provider.

HB 3644 by Pitts. (Companion to SB 1588 by Ogden) Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

HB 3665 by Otto. Relating to state fiscal matters related to general government.

HB 3666 by Zerwas. (Companion to SB 1580 by Ogden) Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs. Includes language relating to telemonitoring and Medicaid nursing assessments.

HB 3677 by Fred Brown. Relating to the administrative fee charged by the Department of Information Resources to other entities for the purchase of certain commodity items

HB 3684 by Callegari. (Companion to SB 1252 by Williams) Relating to evaluating and providing for efficient government resource allocation.

HB 3695 by Gallego. Relating to confidentiality of Class C misdemeanor records related to the conviction of a child.

HB 3701 by Fletcher. Relating to the confidentiality of certain personal information.

HB 3714 by McClendon. Relating to the regulation of controlled substances and the establishment of an electronic system for monitoring controlled substances. Bill moves the controlled substances program from DPS to the Pharmacy Board, has implications for prescriptions for controlled substances, and specifically states that the BON can access the database for investigations.

HB 3790 by Pitts. (Companion to SB 1811 by Duncan) Relating to state fiscal matters.

HB 3801 by Sarah Davis. Relating to the exception of certain personal information from disclosure under the public information law.

HJR 140 by Hunter. Proposing a constitutional amendment on the length of legislative terms and number of years a person may serve in the legislature.

HJR 154 by Dutton. Proposing a constitutional amendment increasing the number of state senators from 31 to 41.

SB 27 by Zaffirini. (TNA Initiative)(Companion to HB 639) Relating to school district policies for the care of students at risk for anaphylaxis.

SB 32 by Zaffirini. Relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.

SB 145 by Hinojosa. Relating to student loan repayment assistance for nurses employed as faculty members at certain institutions of higher education.

SB 165 by Shapiro. Relating to zero-based budgeting for state agencies as a part of the sunset review process.

SB 293 by Watson. (Companion to HB 70 by Martinez and HB 842 by John Davis) Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.

SB 295 by Watson. (companion to HB 703) Relating to enhanced penalties for assault of a health care services provider.

SB 301 by Wentworth. Relating to filing a complaint against a person licensed to engage in a business, occupation, or profession. (Complaints must be sworn)

SB 533 by Wendy Davis. (Companion to HB 1989) Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

SB 733 by Ellis. (Companion to HB 2117) Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

SB 793 by Nelson. Relating to incentives to recruit and retain allied health education program faculty.

SB 794 by Nelson. Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

SB 795 by Nelson. Relating to Nurse Aides.

SB 797 by Nelson. Relating to objective assessment processes for acute nursing services and certain other services provided under the Medicaid program.

SB 835 by Deuell. Relating to prevention, treatment, and management of concussions affecting public and private school students participating in interscholastic athletics.

SB 867 by Deuell. Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

SB 906 by Patrick. (HPC)(Companion to HB 1013 by Fred Brown) Relating to the powers and duties of the Texas Medical Board.

SB 963 by Uresti. Relating to certification of a person as eligible for disabled parking privileges. Talks about physician delegation for signing handicap parking placards. Mentions APNs indirectly as someone under physician delegation under chapter 157.

SB 1000 by Eltife. (Companion to HB 1680 by Geren) Relating to self-directed and semi-independent status of the Texas Real Estate Commission.

SB 1001 by Carona. (Companion to HB 2405) Relating to discrimination and restraint of trade against certain persons regulated under the Occupations Code.

SB 1109 by Williams. (Companion to HB 2021) Relating to state agency procurement and the comptroller's procurement powers and duties.

SB 1179 by Nelson. (Companion to HB 2870 by Harper-Brown) relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.

SB 1206 by Deuell. Relating to medical care and health care services provided by a health care professional in a licensed freestanding emergency medical care facility.

SB 1252 by Williams. (Companion to HB 3684 by Callegari) Relating to evaluating and providing for efficient government resource allocation.

SB 1273 by Williams. Relating to the lawful manufacture, distribution, and possession of and prescriptions for controlled substances under the Texas Controlled Substances Act.

SB 1278 by Ogden. Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations. (Similar to HB 4)

SB 1289 by Watson. Relating to the requirement that health care practitioners wear photo identification badges.

SB 1396 by Dan Patrick. Relating to measures to increase cost efficiency at public institutions of higher education and the Texas Higher Education Coordinating Board.

SB 1523 by Hinojosa. (Companion to HB 3562 by Lucio III) Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.

SB 1534 by Shapiro. Relating to the operation and certification of career schools or colleges.

SB 1588 by Ogden. (Companion to HB 3644 by Pitts) Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

SB 1601 by Seliger. Relating to the licensing and regulation of chiropractors.

SB 1618 by Seliger. Relating to electronic reporting by certain state entities and to the review of continual report requirements.

SB 1632 by Birdwell. Relating to certain do-not-resuscitate orders and advance directives.

SB 1636 by Wendy Davis. (Companion to HB 3147 by McClendon) Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.

SB 1638 by Wendy Davis. Relating to the exception of certain personal information from required disclosure under the public information law.

SB 1652 by Watson. Relating to the implementation of new technology and new processes for the purposes of budget transparency, fiscal responsibility, and open government.

SB 1653 by Watson. (Companion to HB 2804 by Cain) Relating to the format of the general appropriations bill.

SB 1664 by Duncan. Relating to the powers and duties of and benefits available under the Employees Retirement System of Texas.

SB 1728 by Zaffirini. (Companion to HB 3286 by Guillen) Relating to a requirement that developmental coursework required for entering undergraduate students at four-year public institutions of higher education be completed at a public junior college (FYI for Educators).

SB 1733 by Van de Putte. Relating to the occupational licensing of spouses of members of the military.

SB 1750 by Uresti. Relating to a physician's authority to delegate prescribing acts to physician assistants.

SB 1756 by Uresti. Relating to the substitution by a pharmacist of certain opioid analgesic drugs.

SB 1770 by Williams. Relating to contracts between advanced practice registered nurses and health maintenance organizations, preferred provider benefit plans or other insurers.

SB 1790 by Dan Patrick. Relating to distributing or prescribing abortion-inducing drugs.

SB 1791 by Dan Patrick. Relating to requiring certain state retirees from the elected class to contribute toward the cost of health insurance

SB 1811 by Duncan. (Companion to HB 3790 by Pitts) Relating to state fiscal matters.

SB 1874 by Zaffirini. (Companion to HB 3516 by Branch) Relating to requiring a public institution of higher education to make certain faculty information available to the public on the institution's Internet website. (FYI for Educators)