

Agenda Item: 1.3
Prepared by: Bruce Holter/BON Staff
Meeting Date: July, 2011

Legislative Report - 82nd Regular Texas Legislative Session

The report that follows includes all bills followed by Board staff which were enacted by the Texas Legislature. Bills included in the April 2011 Board Report (Item 1.3) which were not enacted by the legislature are not included in this report. Nursing, Legal and Operations staff member assistance was instrumental in following and reporting on the bills included in this report. 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 or other sections of the Occupations Code which are applicable to the Board of Nursing are included first in this report. They are followed by bills related to nursing practice or agency operations. The last section of this report includes several bills passed in the Special Session which, at the time this report was prepared, were pending in the Governor's Office.

<p>HB 2092</p> <p>Semi-Independent Status: Nursing & Pharmacy Board</p> <p>BH</p>	<p>Relating to self-directed and semi-independent status of the Texas Board of Nursing and Texas Pharmacy Board.</p>	<p>Rep. Susan King</p>	<p>While the bill was not enacted, it was the first time that this BON Strategic Plan Initiative has been considered by the Texas Legislature. The bill was passed out of House Public Health on May 9, 2011, too late to be moved to the full house for consideration via Calendars. Attempts to add the bill language to other legislation were unsuccessful as well.</p>	<p>N/A</p>
<p>HB 2975/ SB 1360</p> <p>Treatment of Tick-Borne Diseases</p> <p>DB</p>	<p>Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases</p> <p>Encourages nurses treating patients with tick-borne diseases to participate in continuing education on treatment of tick-borne disease every licensure renewal cycle. If nurse is investigated for clinical care of patient with tick-borne disease, take into account the completion of education within two years prior to investigation.</p>	<p>Rep. Todd Hunter</p> <p>Sen. Chris Harris</p>	<p>Amends NPA 301.304</p> <p>Nurses treating patients with tick-borne diseases who participate in continuing education related to treatment of tick-borne disease who are subsequently investigated related to that treatment can show that participation in continuing education within the two years prior to the investigation for the education to be considered in the investigation.</p>	<p>Effective 9/1/2011</p>
<p>SB 192</p> <p>Enhances Patient Advocacy Protections</p> <p>MH</p>	<p>Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.</p> <p>Seeks to improve patient care by expanding the immunities from liability for a person who in good faith, makes a report required or authorized by the NPA related to a patient safety concern. Includes immunity from civil and criminal liability so as not to deter a nurse from making a report that could enhance or promote patient safety.</p>	<p>Sen. Jane Nelson</p>	<p>Amends NPA 301.352, adds 301.4011, 301.402, 301.4025, 301.412, 301.413 and NPR 301.001. Rules 217.19 & 217.20 will need to be revised to reflect these additional changes.</p>	<p>Effective on 9/1/11</p>

	<p>Extends non-retaliatory protections for nurses when refuses an assignment or makes a good faith report related to patient care or requests a NPR committee determination (safe harbor). The same protections apply to nurses who advise other nurses about their rights and obligations to report in good faith. Imposes an administrative penalty not to exceed \$25,000.00 against a person who retaliates by the appropriate licensing agency. Defines a good faith report. Permits a person to file a counterclaim to recover costs. Amends the definition of Nursing Peer Review to include this information.</p>			
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<p>SB 193</p> <p>Regulation of Nursing Practice</p> <p>MBT</p>	<p>Clarifications and updates to the NPA to improve the practice of nursing and patient safety.</p>	<p>Sen. Jane Nelson</p>	<p>Amends Sections 301.207, 301.261(e), 301.352(b), 301.4521(j), 301.455(c), and 301.4551; also adds 303.012 to NPA.</p> <ul style="list-style-type: none"> * Extends protection of confidentiality to certain information for a petition of Declaratory Order. * Allows nurses under 65 years old to apply for retired status and use the appropriate title signifying this status. * Authorizes the disclosure of the results of a physical or psychological exam to determine fitness to practice nursing. * Allows the board to develop a standardized error classification system for use by a nursing peer review committee. 	<p>Effective: 9/1/11</p>
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<p>SB 867</p> <p>Exam Accommodations for Dyslexia</p> <p>MM</p>	<p>SB 867 amends the Occupations Code to require a state agency, for each licensing examination administered by the agency, to provide reasonable examination accommodations to an examinee diagnosed as having dyslexia. The bill requires each state agency to adopt rules necessary to implement the bill's provisions, including rules to establish the eligibility criteria an examinee must meet for accommodation under those provisions. The bill provides for the meaning of "dyslexia" by reference to the Education Code.</p>	<p>Sen. Bob Deuell</p>	<p>SB 867 will require the BON to adopt rules to implement the bill's provisions not later than December 1, 2011. The bill makes its provisions applicable only to a licensing examination offered by a state agency on or after January 1, 2012.</p>	<p>Effective: 9/1/2011</p>
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<p>SB 1179</p> <p>Elimination of Required Reports</p> <p>BH</p>	<p>SB 1179 requires elimination of certain required reports prepared by state agencies and institutions of higher education.</p>	<p>Sen. Jane Nelson</p>	<p>Repeals Sections 301.160(j) and 301.165 of the NPA.</p> <p>Board no longer required to prepare annual reports on pilot programs as well as annual reports to the legislature and Governor's Office concerning all funds received and disbursed.</p>	<p>Effective: 6/17/2011</p>
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<p>SB 1273</p> <p>Access to DPS Databases</p> <p>BH/JZ</p>	<p>SB 1273 relates to the lawful manufacture, distribution, and possession of and prescriptions for controlled substances under the Texas Controlled Substances Act.</p>	<p>Sen. Tommy Williams</p>	<p>Subsections (a) and (i), Section 481.076, Health 11 and Safety Code, are amended to grant access to investigators for the BON to look at DPS information on prescriptions written by nurses.</p> <p>Passage of bill will help in gathering of information in cases involving misuse/abuse in writing of prescriptions by nurses with prescriptive authority.</p>	<p>Effective: 9/1/2011</p>
<p>SB 1303</p> <p>Statutory Cleanup</p> <p>BH/DJ</p>	<p>SB 1303 includes nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature</p>	<p>Sen. Royce West</p>	<p>SB 1303 makes minor corrections to wording of Section 303.005(h) of NPA. Printed and web-based text of NPA to change as amended by SB 1303.</p>	<p>Effective: 9/1/2011</p>

<p>SB 1857</p> <p>DADS Pilot Program: LVNs Providing On-Call Services by Phone</p> <p>MBT + MH</p>	<p>Amends the Human Resource Code governing the Department of Aging and Disability Services (DADS) to authorize unlicensed personnel who have been trained and deemed competent by nursing staff to administer certain medications.</p> <p>Calls for DADS and the Board to conduct a pilot program to evaluate LVNs providing on-call services by telephone to clients who are under the care of the LVN.</p> <p>Unlicensed assistive personnel (UAP) may administer oral, topical and metered dose inhaler medications without RN delegation; provided that the client is stable or predictable, and has been personally assessed by a RN. The UAP must have been trained by a RN or LVN and determined to be competent through demonstration. Competency is reviewed annually and when the client's condition changes. The RN and LVN may only be held accountable or civilly liable and subject to disciplinary action by the BON related to whether the nurse properly performed the assessment, conducted the training and correctly determined the UAP was competent. The BON and the Department of Aging and Disability Services (DADS) will conduct a pilot program to evaluate the safe and effective use of LVNs providing on-call services to client's in these settings. The pilot program will use standardized and validated protocols or decision trees. Data will be collected and analyzed related to the pilot. The BON and DADS will convene an advisory committee of stakeholders to develop goals, outcomes,</p>	<p>Sen. Judith Zaffirini</p>	<p>Provides an exception to Rule 225 Delegation to Unlicensed Assistive Personnel (UAP) in Independent Living Environments. Nurses will need to determine when this exception applies.</p> <p>Limits the board in taking action against a nurse for acts or omissions of UAP's performing the administration of medications.</p> <p>In conjunction with DADS, Board members and Board staff will be participating in the development and oversight of the pilot program to evaluate LVNs providing on-call services by telephone.</p> <p>Amends the Human Resource Code and does not directly impact the NPA or the BON Rules and Regulations. However, nurses working in the HCS and TxHmL settings, and small and medium ICF/MR facilities will need to know and conform to this new law.</p>	<p>Effective: 9/1/2011</p>
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<p>HB 680</p> <p>Medical Board Complaints</p> <p>BH</p>	<p>H.B. 680 relates to complaints filed with the Texas Medical Board. Medical Board can no longer act on complaints more than seven years old unless the care was provided to a minor. TMB prohibited from accepting anonymous complaints. Doctors who are the subject of a complaint filed by an insurance agent, insurer, pharmaceutical company or third-party administrator would receive the name and address of the complainant no later than 15 days after the complaint is filed, unless it jeopardizes an investigation. Includes requirements that the Medical Board, after receiving the findings of fact by administrative law judge in a contested case to issue a final order based on the ALJ's ruling. ALJ prohibited from making recommendations concerning appropriate action or sanction. TMB required to make a recording of informal conference upon request of the physician under review.</p>	<p>Rep. Charles Schwertner</p>	<p>Nurses should be aware of changes involving complaints against doctors.</p>	<p>Effective: 9/1/2011</p>
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<p>HB 1244</p> <p>Assessment of Student Readiness and Provision of Developmental Coursework to Freshman Students</p> <p>JH</p>	<p>Relating to developmental education and the assessment of student readiness under the Texas Success Initiative and to students enrolled in developmental education at public institutions of higher education.</p> <p>Requires that freshman students entering public institutions of higher education shall be assessed for readiness to perform freshman-level academic coursework. The institution of higher education may refer a student to developmental coursework as necessary to address deficiencies in the student's readiness to perform freshman-level academic coursework. The institution of higher education must offer a range of developmental coursework for this purpose.</p>	<p>Rep. Joaquin Castro</p>	<p>Implications for Nursing Education: Freshman students (who may apply to the nursing program) entering public institutions of higher education will be assessed for their readiness to perform freshman-level coursework and may be provided developmental coursework to meet the deficiencies identified.</p>	<p>Effective: 9/1/11</p>
<p>HB 1380</p> <p>Foreign Doctor Residency Requirements</p> <p>BH</p>	<p>Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state. Reduces residency requirements from three to two years for foreign educated doctors.</p>	<p>Rep. Vicki Truitt</p>	<p>May increase number of foreign-educated doctors in Texas by easing residency requirements for obtaining Texas medical license.</p>	<p>Effective: 9/1/11</p>

<p>HB 1781</p> <p>Obsolete Reporting Requirements</p> <p>BH</p>	<p>Bill relates to obsolete or redundant reporting requirements applicable to state agencies and to certain reports, communications, publications, and other documents.</p> <p>Specifically:</p> <ul style="list-style-type: none"> · the Executive Director of each state agency, not later than August 1, 2012, shall examine the agency's reporting requirements (established by a state statute enacted before January 1, 2009, and not amended since that date) and identify each reporting requirement that the executive director determines is not necessary to accomplish the objectives of the statute containing the reporting requirement, is redundant of other statutory reporting requirements, or is required under statute to be provided at a frequency for which data is not available; and · the Executive Director, not later than August 1, 2012, shall provide to the Governor, Lieutenant Governor, Speaker of the House of Representatives, Chair of the House Committee on Government Efficiency and Reform, Chair of the Senate Committee on Government Organization, chair of each standing committee of the Senate and House of Representatives with jurisdiction over the agency, Texas State Library and Archives Commission, and Legislative Budget Board an electronic report that includes each statutory reporting requirement for which the Executive Director made a determination and the justification for the determination for each reporting requirement. 	<p>Rep. Walter Price</p>	<p>All statutory reports must be evaluated for relevance to statute which established reporting requirement with recommendation made to the Legislature concerning elimination of reports, communications, publications or other documents associated with statute which originated reporting requirement(s). Report to Legislature to be made no later than 8/1/2012.</p>	<p>Effective: 9/1/11</p>
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<p>HB 2069</p> <p>Acceleration of Pharmacist Refills</p> <p>BH/HPC</p>	<p>Relating to the authority of a pharmacist to accelerate refills.</p> <p>Authorizes a pharmacist to dispense up to a 90-day supply of a dangerous drug pursuant to a valid prescription that specifies the dispensing of a lesser amount followed by periodic refills of that amount if:</p> <p>(1) the total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the original prescription, including refills;</p> <p>(2) the patient consents to the dispensing of up to a 90-day supply and the physician has been notified electronically or by telephone;</p> <p>(3) the physician has not specified on the prescription that dispensing the prescription in an initial amount followed by periodic refills is medically necessary;</p> <p>(4) the dangerous drug is not a psychotropic drug; and</p> <p>(5) the patient is at least 18 years of age.</p>	<p>Rep. Elliott Naishtat</p>	<p>Nurses with prescriptive authority should be aware of changes to statutes governing prescription refilling by pharmacists for dangerous drugs.</p>	<p>Effective: 9/1/11</p>
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<p>HB 2080</p> <p>APN Writing of Handicapped Parking Placards</p> <p>JZ</p>	<p>In the 2009 Legislative Session the Transportation Code was amended to allow physician assistants and advanced practice registered nurses operating under the delegated prescriptive authority of a physician to write handicapped parking placards in rural counties with a population of 125,000 or less.</p> <p>H.B. 2080 extends the authority of physician assistants and advanced practice registered nurses acting under physician delegation to write handicapped parking placards anywhere in Texas regardless of population.</p>	<p>Rep. Tracy King</p>	<p>No direct implications for the BON. Advanced practice registered nurses with prescriptive authority need to be aware.</p>	<p>Effective: 6/17/2011</p>
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<p>HB 2098</p> <p>Partnerships with Physicians</p> <p>JZ</p>	<p>Amends the Occupations Code to permit physician assistants to form business partnerships with physicians, allowing them to be minority partners in practice partnerships.</p>	<p>Rep. John Davis</p>	<p>No direct implications for the BON. Advanced practice registered nurses were not included in this legislation. There may be workforce implications.</p>	<p>Effective: 6/17/2011</p>
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<p>HB 3025</p> <p>Requires Filing of Degree Plan by Undergraduate Students in Institutions of Higher Education</p> <p>JH</p>	<p>Relating to measures to facilitate the timely completion of degrees by students of public institutions of higher education.</p> <p>Requires filing of a degree plan by students enrolled in an associate or bachelor's degree program at an institution of higher education in order to be awarded the degree. Degree plan shall be filed not later than the end of the second regular semester or the term immediately following the semester or term in which the student has earned 45 or more semester credit hours. Also allows for transfer of credits from an institution of higher education to a lower-division institution of higher education, with the possibility that the student may be awarded an associate degree based upon transfer credits.</p>	<p>Rep. Dan Branch</p>	<p>Implications for Nursing Education: Students in institutions of higher education will be required to file a degree plan not later than at the end of the second semester or term in which the student has earned 45 semester credit hours. Note: This may present a challenge for students who do not qualify to continue with the nursing major.</p>	<p>Effective: 9/1/11</p>
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<p>SB 27</p> <p>Anaphylaxis Care in Schools</p> <p>MH</p> <p><i>TNA Initiative</i></p>	<p>Relates to policies of school districts and open-enrollment charter schools for care of certain students at risk for anaphylaxis.</p> <p>Schools will be required to develop policy related to the care of students with food allergies and risk for anaphylaxis based on guidelines from the Commissioner of State Health Services in consultation with an ad hoc advisory committee.</p>	<p>Sen. Judith Zaffirini</p>	<p>Amends the Education Code and does not directly impact the NPA or BON Rules and Regulations. However, nurses working in school health will need to know and conform to this new law.</p>	<p>Effective: 6/17/11</p>
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<p>SB 32</p> <p>Consolidation of All Tuition Exemptions and Waivers into One Chapter of the Texas Education Code</p> <p>VA</p>	<p>Relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.</p>	<p>Sen. Judith Zaffirini</p>	<p>Impacts rulemaking authority of the Texas Higher Education Coordinating Board.</p> <p>Implications for Nursing Education: Redesignates numbers of the Texas Education Code, specifically changing (1) Section 54.221 Children of Professional Nursing Program Faculty to Section 54.355, and (2) Section 54.222 Preceptors for Professional Nursing Education Programs to Section 54.356.</p>	<p>Effective: 1/1/12</p>
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<p>SB 293</p> <p>Statewide Telehealth Program for Medicaid Recipients</p> <p>MH</p>	<p>Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.</p> <p>If cost-effective, Texas Health and Human Services Commission will establish a statewide telehealth program to provide services to patients with chronic diseases for the purposes of avoiding hospitalizations. Nurses will play a key role in reviewing patient data and working in coordination with the physician to ensure the patient is following and adhering to the treatment plan. Will establish an advisory committee, in which the BON must participate in.</p>	<p>Sen. Kirk Watson</p>	<p>Amends the Government Code and does not directly impact the NPA or the BON Rules and Regulations. However, nurses working with Medicaid recipients and providing telehealth services will need to know and conform to this new law.</p>	<p>Effective: 9/1/11</p>
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<p>SB 533</p> <p>Re-certification of Sexual Assault Nurse Examiners</p> <p>BC</p>	<p>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.</p> <p>The attorney general currently has established rules for the certification of sexual assault nurse examiners. The certification period is valid two years. S.B.533 authorizes the attorney general to establish a re-certification process for sexual assault nurse examiners.</p>	<p>Wendy Davis</p>	<p>Amends Government Code, Chapter 420. Does not amend the NPA or Board Rules. However, nurses working as sexual assault nurse examiners will need to know and conform to this new law and requirements for re-certification.</p>	<p>Effective: 9/1/2011</p>
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<p>SB 794</p> <p>Dedication of monies to fund nursing education</p> <p>VA</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>Amends the Texas Education Code to continue the current dedication of a portion of the tobacco lawsuit settlement funds to support nursing education through August 31, 2015. Recipients would be 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, or to the nursing resource section established under Section 105.002(b), Health and Safety Code.</p>	<p>Sen. Jane Nelson</p>	<p>Implications for Nursing Education: Amends the Texas Education Code to continue the current dedication of a portion of the tobacco lawsuit settlement funds to support nursing education through August 31, 2015.</p>	<p>Effective 9/1/2011</p>
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<p>SB 795</p> <p>Continuing Education Requirements for Nurse Aides</p> <p>MH</p>	<p>Relating to regulation of nurse aides.</p> <p>Seeks to improve the quality of long-term care and specifies requirements for a nurse aide to be listed on the registry: 1) must complete a Department of Aging and Disability Services (DADS) approved training program, and 2) at least 100 hours of course work, and 3) listing expires on second anniversary of date of listing, and 4) to renew, must complete 24 hours of in-service education every two years to include geriatrics and Alzheimer's Disease</p>	<p>Sen. Jane Nelson</p>	<p>Amends the Health & Safety Code and does not directly impact the NPA or BON Rules and Regulations. However, nurses delegating, supervising or working with nurse aides need to know and conform to this new law in order to ensure nurse aides are adequately trained and competent.</p>	<p>Effective: 9/1/11</p>
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SB 1000 Semi-Independent Status for Real Estate Commission MM	SB 1000 makes the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board a self-directed, semi-independent agency.	Sen. Kevin Eltife	Could have implications as far as setting further precedent to allow the BON to become self-directed, semi-independent in the 83 rd Legislative Session.	Effective: 9/01/2011
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SB 1534 Inclusion of Career Schools and Colleges in THECB Review of Institutional Groupings Under the Board's Higher Education Accountability System. JH	Relating to the operation, certification, and accountability of career schools or colleges. Requires that career schools and colleges that offer degrees are included in the THECB regular reviews of institutional groupings under the board's higher education accountability system. The bill describes career schools and colleges that are included in this requirement. The bill further states that every career school or college desiring to operate in this state shall make written application to the commissioner for a certificate of approval. Schools not regulated by THECB shall post this fact on their website and provide information about filing a complaint with the applicable regulatory agency.	Sen. Florence Shapiro	Implications for Nursing Education: Provides regulatory activity from THECB for applicable career schools and colleges in Texas.	Effective: 9/1/11
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<p>SB 1588</p> <p>Unspent Agency Funding</p> <p>MM</p>	<p>SB 1588 would abolish most funds and accounts created or recreated and dedications or rededications of revenue by an act of the 82nd Legislature. The abolishment of the funds would occur on August 31, 2011, or the date that the act creating or recreating the fund or account or dedicating or rededicating revenue took effect, whichever was later.</p>	<p>Sen. Steve Ogden</p>	<p>This bill puts into law the ability for the legislature to “sweep” unspent funds in dedicated accounts and use it in future budgets and allow the Comptroller to use the additional funds in the biennial revenue estimate. For the BON, it would mean that any unspent funds are swept and given to the State of Texas. No new implications to the BON since this is already done.</p>	<p>Effective: 6/17/2011</p>
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<p>SB 1618</p> <p>Electronic Reporting</p> <p>MM</p>	<p>State agencies are required by law to report to the legislature on a variety of subjects and issues. Requiring state agencies to print copies of each report and deliver them to each legislative office is arcane and wasteful of state resources. Generally, once a report is mandated, its relevance is never reviewed to determine the necessity of continuing the requirement. SB 1618 requires all state agencies to submit all reports required by the legislature in electronic format. It also requires that school districts submit electronically any reports required by the Texas Education Agency. Additionally, it requires the Sunset Advisory Commission to review the reporting requirements imposed on each state agency as that agency is under review to determine whether they should be continued.</p>	<p>Senator Kel Seliger</p>	<p>Although this will have little impact on the BON, we will file more reports electronically instead both copying and mailing paper copies and filing electronic versions simultaneously. Will save time and some paper.</p>	<p>Effective: 9/01/2011</p>
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<p>SB 1638</p> <p>Public Access to Employee Contact Information</p> <p>MM</p>	<p>S.B. 1638 amends the Government Code to require each employee or official of a governmental body and each former employee or official of a governmental body to choose whether to allow public access to emergency contact information, in addition to certain other information, in the custody of the governmental body. The bill excepts from public disclosure emergency contact information relating to certain employees, officials, and officers of a governmental body. The bill prohibits public disclosure of emergency contact information relating to a peace officer, county jailer, security officer, or employee of the Texas Department of Criminal Justice or a prosecutor's office if the individual that is the subject of the information chooses to restrict public access to the information and notifies the governmental body of that choice accompanied by evidence of the individual's status.</p> <p>S.B. 1638 excepts a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, and a personal identification document issued by an agency of another state or country, in addition to such records issued by an agency of Texas, from requirements relating to the availability of public information. The bill makes a photocopy or other copy of an identification badge issued to an official or employee of a governmental body confidential.</p>	<p>Sen. Wendy Davis</p>	<p>This would allow BON employees to choose to keep emergency contact information confidential and allow the BON to keep employee badges confidential or deny the photocopying of an ID badge.</p>	<p>Effective: 6/17/2011</p>
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<p>SB 1664</p> <p>ERS Benefits</p> <p>MM</p>	<p>SB 1664 revises various sections of the Government and Insurance Codes administered by ERS. The bill would create a tobacco user health care premium differential that tobacco users would have to pay monthly at a rate set by ERS, if not set by the Legislature in the general appropriations act. ERS would have to develop a plan for providing tobacco cessation coverage that included tobacco cessation prescription drugs. ERS would have to implement both the premium differential and the cessation coverage plan by January 1, 2012. The bill would allow the decoupling of the ERS member contribution rate from the state contribution rate for fiscal 2012. If the state contribution rate was set below 6.5 percent, the employee contribution rate would remain 6.5 percent. Likewise, the bill would allow the decoupling of the LECOS member contribution rate from the state contribution rate for fiscal 2012. If the state contribution rate was set below 0.5 percent, the member contribution rate would remain 0.5 percent. This bill creates an employer enrollment fee, in an amount not to exceed a percentage of the employer's total payroll as determined by the general appropriations act, that would be deposited into the ERS GBP health insurance trust fund.</p>	<p>Sen. Robert Duncan</p>	<p>This bill will require the BON to pay a 1% employer enrollment fee to the Employee's Retirement System for employee benefits and create a new tobacco users fee requiring state employees who smoke to pay a higher premium.</p> <p>Estimated enrollment cost to the BON would be \$50,000 per fiscal year. Agency staff who smoke will have to pay a higher insurance premium.</p>	<p>Effective: 9/01/2011</p>
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<p>SB 1733</p> <p>Licensure for Spouse of Active Duty Military</p> <p>MM</p>	<p>SB 1733 amends the Occupations Code to require a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States and either holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for the license or, within the five years preceding the application date, held the license in Texas that expired while the applicant lived in another state for at least six months. SB 1733 requires the rules adopted under the bill's provisions to include provisions to allow alternative demonstrations of competency to meet the requirements for obtaining the license and authorizes the executive director of a state agency to issue a license by endorsement to an applicant described by the bill's provisions in the same manner as the Texas Commission of Licensing and Regulation under provisions of law relating to the commission's authority to issue licenses by endorsement.</p>	<p>Sen. Leticia Van de Putte</p>	<p>Initially, the BON exceeds the requirements of SB 1733 but will have to review the CE rules to comply with "alternate" demonstration of competency.</p>	<p>Effective: 6/17/2011</p>
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Special Session Legislation

<p style="text-align: center;">SB 7</p> <p>Health Care Cost Saving</p>	<p>This bill includes various items of interest which will be studied further if the Governor signs the bill. Among those areas of interest included in this bill are: acute nursing services provided in the Medicaid environment; establishment of the Texas Institute of Health Care Quality and Efficiency under HHSC; development of an objective assessment process for assessing Medicaid recipients for acute nursing services by the Health and Human Services Commission; development of a statewide standardized patient risk identification system under DSHS; development of a reporting system under DSHS for health care associated infections where information collected would be shared with the Texas Institute of Health Care Quality and Efficiency towards reducing potentially preventable admissions and improved quality of care for patients; requires health care facility adoption of policies to protect patients from vaccine preventable diseases; and amendment of the Education Code to establish the Texas Emergency and Trauma Care Education Partnership Program to financially assist doctors and registered nurses considering working in emergency and trauma care.</p>	<p style="text-align: center;">Sen. Jane Nelson</p>	<p>Staff will continue monitoring this legislation and may report on this bill in October if signed by the Governor.</p>	<p style="text-align: center;">Sent to the Governor</p>
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