

By: Jetton

H.B. No. 1770

A BILL TO BE ENTITLED

AN ACT

relating to nurse profiles and certain information concerning  
nurses maintained on the Texas Board of Nursing's Internet website.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section [301.1583](#), Occupations Code, is amended  
to read as follows:

Sec. 301.1583. DISCIPLINARY ACTION. (a) The board may  
~~[shall]~~ remove a disciplinary action from a nurse's profile ~~[the~~  
~~nurse licensure verification page]~~ on the board's Internet website  
if:

(1) the disciplinary action is the only disciplinary  
action taken against the nurse;

(2) the disciplinary action was taken by the board for  
a violation that is not related to the practice of nursing;

(3) the disciplinary action did not result in the  
suspension or revocation of, or the probation of the suspension or  
revocation of, the nurse's license;

(4) the disciplinary action does not provide any  
indication that continued practice by the nurse may risk harm to a  
patient; ~~and~~

(5) the nurse has successfully completed the  
requirements imposed by the board in the disciplinary order related  
to the disciplinary action; and

(6) at least five years have elapsed since the date the

1 disciplinary action was taken.

2 (b) A disciplinary action that is removed from a nurse's  
3 profile [~~the nurse licensure verification page~~] on the board's  
4 Internet website under Subsection (a) shall be removed from the  
5 public portion of the coordinated licensure information system, as  
6 defined by Section 304.0015 in Article II of the Nurse Licensure  
7 Compact.

8 SECTION 2. Subchapter D, Chapter 301, Occupations Code, is  
9 amended by adding Section 301.1584 to read as follows:

10 Sec. 301.1584. NURSE PROFILES. (a) The board shall create  
11 a profile of each nurse licensed under this chapter. The profile  
12 must:

13 (1) include the information required by Subsection  
14 (b); and

15 (2) be compiled in a format that makes the information  
16 contained in the profile easily available to the public.

17 (b) Except as otherwise provided by this chapter, a profile  
18 must contain the following information on each nurse:

19 (1) the name of each board-approved school of nursing  
20 or educational program attended and the dates of graduation;

21 (2) a description of all board-approved advanced  
22 educational programs attended;

23 (3) any certification held by the nurse and recognized  
24 by the board;

25 (4) the number of years the nurse has actively  
26 practiced nursing in:

27 (A) this state; and

1                   (B) another jurisdiction for which the board may  
2 issue a license under Section 301.259 or 301.260;

3                   (5) the name of each hospital or facility in this state  
4 in which the nurse has privileges;

5                   (6) the nurse's primary practice location;

6                   (7) a description of any conviction for a felony, a  
7 Class A or Class B misdemeanor, or a Class C misdemeanor involving  
8 moral turpitude;

9                   (8) a description of any charges reported to the board  
10 to which the nurse has pleaded no contest, for which the nurse is  
11 the subject of deferred adjudication or pretrial diversion, or in  
12 which sufficient facts of guilt were found and the matter was  
13 continued by a court;

14                   (9) a description of any disciplinary action against  
15 the nurse by the board;

16                   (10) a description of any disciplinary action against  
17 the nurse by a nursing licensing board of another state;

18                   (11) a description of any formal charges against the  
19 nurse initiated and filed under Section 301.458 and the status of  
20 the charge;

21                   (12) a description of any medical malpractice claim  
22 against the nurse, not including a description of any offers by the  
23 nurse or another party to settle the claim, for which the nurse was  
24 found liable, a jury awarded monetary damages to the claimant, and  
25 the award has been determined to be final and not subject to further  
26 appeal; and

27                   (13) for a nurse who prescribes or orders a drug or

1 device as delegated by a physician under Chapter 157 or other law,  
2 the name and license number of the delegating physician.

3 (c) On or after the fifth anniversary of the date corrective  
4 action is imposed under Subchapter N, the board may remove from the  
5 profile of the nurse subject to the action any information  
6 regarding the action and any complaint resolved by the action  
7 unless:

8 (1) the complaint was related to the delivery of  
9 health care; or

10 (2) more than one corrective action has been imposed  
11 to resolve complaints alleging the same violation by the nurse,  
12 including a complaint not related to the delivery of health care.

13 (d) Information required to be included under Subsection  
14 (b) that is not maintained by the board in the ordinary course of  
15 the board's duties shall be obtained from a nurse at the time the  
16 nurse renews the nurse's license. In requesting information from  
17 the nurse, the board shall:

18 (1) inform the nurse that compliance with the request  
19 for information is mandatory;

20 (2) inform the nurse of the date the information will  
21 be made available to the public; and

22 (3) instruct the nurse about the requirements under  
23 Subsection (f) for the nurse to obtain a copy of the nurse's profile  
24 to make corrections.

25 (e) This section does not:

26 (1) prevent the board from providing explanatory  
27 information regarding the significance of categories in which

1 malpractice settlements are reported; or

2 (2) require the board to disclose confidential  
3 settlement information.

4 (f) The board shall provide a nurse with a copy of the  
5 nurse's profile if the nurse requests a copy at the time the nurse  
6 renews the nurse's license. If a copy is requested by a nurse, the  
7 board shall provide the nurse one month from the date the copy is  
8 provided to the nurse to correct factual errors in the nurse's  
9 profile.

10 (g) Except as otherwise provided by this section, the board  
11 shall update the information contained in a nurse's profile  
12 annually. The board shall adopt a form that allows a nurse to  
13 update information contained in a nurse's profile. The form shall  
14 be made available on the Internet and in other formats as prescribed  
15 by board rule. The board may adopt rules concerning the type and  
16 content of additional information that may be included in a nurse's  
17 profile.

18 (h) In addition to the information required by Subsection  
19 (b) and except as otherwise provided by this section, a profile must  
20 be updated to contain the text of a formal charge filed under  
21 Section 301.458 against the nurse or of a board order related to the  
22 formal charge not later than the 10th business day after the date  
23 the charge is filed.

24 (i) Not later than the 10th business day after the date the  
25 board issues a final order related to a formal charge filed under  
26 Section 301.458 against a nurse, the board shall:

27 (1) remove from the nurse's profile any record of the

1 formal charge or any prior disciplinary action related to the  
2 formal charge; and

3 (2) update the nurse's profile to contain the board's  
4 final order.

5 (j) Information included in a nurse's profile under  
6 Subsections (b), (h), and (i) may not include any patient  
7 identifying information.

8 (k) Not later than the 10th business day after the date the  
9 board dismisses a formal charge against a nurse required to be  
10 included in the nurse's profile under Subsection (b)(11) or (h) as  
11 baseless, unfounded, or not supported by sufficient evidence that a  
12 violation occurred, or resolves the charge and takes no action  
13 against the nurse's license as a result of the charge, the board  
14 shall:

15 (1) remove from the nurse's profile any record of the  
16 formal charge or any prior disciplinary action related to the  
17 formal charge; and

18 (2) update the nurse's profile to contain the board's  
19 final order dismissing or resolving the charge.

20 (1) The board shall adopt rules as necessary to implement  
21 this section.

22 SECTION 3. Not later than January 1, 2024, the Texas Board  
23 of Nursing shall adopt rules necessary to implement Section  
24 301.1583, Occupations Code, as amended by this Act, and Section  
25 301.1584, Occupations Code, as added by this Act.

26 SECTION 4. This Act takes effect September 1, 2023.