

By: Moody

H.B. No. 2635

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Board of Nursing and procedures applicable to complaints against advanced practice registered nurses.

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

SECTION 1. Section 301.051(a), Occupations Code, is amended to read as follows:

(a) The Texas Board of Nursing consists of 15 [~~13~~] members appointed by the governor with the advice and consent of the senate as follows:

(1) seven [~~six~~] nurse members, including:

(A) two [~~one~~] advanced practice registered nurses [~~nurse~~];

(B) two registered nurses who are not advanced practice registered nurses or members of a nurse faculty; and

(C) three vocational nurses who are not members of a nurse faculty;

(2) three members who are nurse faculty members of schools of nursing:

(A) one of whom is a nurse faculty member of a school of nursing offering a baccalaureate degree program in preparing registered nurses;

(B) one of whom is a nurse faculty member of a school of nursing offering an associate degree program in preparing

1 registered nurses; and

2 (C) one of whom is a nurse faculty member of a  
3 school of nursing at an institution of higher education preparing  
4 vocational nurses; and

5 (3) five [~~four~~] members who represent the public.

6 SECTION 2. Section 301.457, Occupations Code, is amended by  
7 adding Subsections (b-1), (h), and (i) to read as follows:

8 (b-1) The board by rule shall provide for the appointment by  
9 the board of advanced practice registered nurses to act as expert  
10 reviewers and assist with complaints and investigations relating to  
11 alleged standard of care violations by advanced practice registered  
12 nurses.

13 (h) Except as provided by Subsection (i), if the board  
14 determines under Subsection (e) that an act by an advanced practice  
15 registered nurse falls below an acceptable standard of care, the  
16 board shall refer the complaint for review by an expert reviewer  
17 appointed under Subsection (b-1) who practices in the same advanced  
18 practice role and population focus as the nurse who is the subject  
19 of the complaint.

20 (i) The board may not refer a complaint against an advanced  
21 practice registered nurse to an expert reviewer under Subsection  
22 (h) if the act alleged in the complaint is:

23 (1) within the scope of practice applicable to a nurse  
24 who is not an advanced practice registered nurse; or

25 (2) considered unprofessional conduct.

26 SECTION 3. Subchapter J, Chapter 301, Occupations Code, is  
27 amended by adding Section 301.4575 to read as follows:

1       Sec. 301.4575. PROCEDURES FOR EXPERT ADVANCED PRACTICE  
2 REGISTERED NURSE REVIEW. An expert advanced practice registered  
3 nurse reviewing a complaint against an advanced practice registered  
4 nurse under Section 301.457(h) shall:

5           (1) determine whether the advanced practice  
6 registered nurse who is the subject of the complaint has violated  
7 the standard of care applicable to the circumstances of the  
8 complaint; and

9           (2) issue a preliminary written report of that  
10 determination to the board.

11       SECTION 4. Section 301.464(b), Occupations Code, is amended  
12 to read as follows:

13       (b) Rules adopted under this section must:

14           (1) provide the complainant and the license holder an  
15 opportunity to be heard; ~~and~~

16           (2) require the presence of a representative of the  
17 board's legal staff or of the attorney general to advise the board  
18 or the board's employees; and

19           (3) if the complaint includes an allegation that an  
20 advanced practice registered nurse has violated the standard of  
21 care, require that notice of the informal proceeding includes a  
22 copy of the report prepared by the expert reviewer under Section  
23 301.4575, with any identifying information other than the role and  
24 population focus of the expert reviewer redacted.

25       SECTION 5. As soon as practicable after the effective date  
26 of this Act, the governor shall appoint two additional members to  
27 the Texas Board of Nursing as required by Section 301.051(a),

1 Occupations Code, as amended by this Act. In appointing those  
2 members, the governor shall appoint one person to a term expiring  
3 January 31, 2025, and one person to a term expiring January 31,  
4 2029.

5 SECTION 6. Not later than February 1, 2024, the Texas Board  
6 of Nursing shall adopt the rules necessary to implement the changes  
7 in law made by this Act.

8 SECTION 7. This Act takes effect September 1, 2023.