

By: Howard

H.B. No. 4176

A BILL TO BE ENTITLED

AN ACT

relating to the summary annulment of a nursing license in connection with a fraudulently or unlawfully obtained diploma, license, or other document.

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

SECTION 1. Section 301.454(a), Occupations Code, is amended to read as follows:

(a) Except in the case of a temporary suspension authorized under Section 301.455 or 301.4551, a summary annulment authorized under Section 301.4552, or an action taken in accordance with an agreement between the board and a license holder, the board may not take any disciplinary action relating to a license unless:

(1) the board has served notice to the license holder of the facts or conduct alleged to warrant the intended action; and

(2) the license holder has been given an opportunity, in writing or through an informal meeting, to show compliance with all requirements of law for the retention of the license.

SECTION 2. Subchapter J, Chapter 301, Occupations Code, is amended by adding Section 301.4552 to read as follows:

Sec. 301.4552. SUMMARY ANNULMENT FOR CERTAIN VIOLATIONS.

(a) Notwithstanding any other law, on receipt by the board of credible evidence that the holder of a license issued under this chapter has violated Section 301.451(a)(1), (2), or (3), the board may annul the license without notice or hearing.

1 (b) Immediately on the issuance of an order annulling a
2 license under this section, the board shall serve notice of the
3 annulment, personally or by certified mail, on the individual whose
4 license is annulled. Service is complete and the annulment is
5 effective when the board personally serves the individual or sends
6 the notice.

7 (c) An individual whose license is annulled under this
8 section may request a hearing for the reinstatement of the license
9 not later than the 30th day after the date the order annulling the
10 license is issued. Not later than the 90th day after the date the
11 order was issued, the State Office of Administrative Hearings shall
12 hold the hearing to consider:

13 (1) whether the individual violated Section
14 301.451(a)(1), (2), or (3); and

15 (2) whether the annulment of the license is justified.

16 (d) In any proceeding in connection with an alleged
17 violation of Section 301.451(a)(1), (2), or (3), the license holder
18 has the burden of proving by a preponderance of the evidence that
19 the license was lawfully obtained if the license holder submitted,
20 as part of the license holder's application, a transcript, diploma,
21 or other document required for licensure that was issued or
22 purportedly issued by an entity that has been implicated in a scheme
23 of fraud relating to the issuance of transcripts, diplomas, or
24 similar documents.

25 (e) An individual whose license is annulled under this
26 section may not apply for a license under this chapter until:

27 (1) the first anniversary of the date of issuance of

1 the order annulling the license under this section; and
2 (2) the applicant provides evidence that they have
3 completed a nursing education program meeting the requirements of
4 Texas Occupation Code section 301.157 and the Board rules
5 promulgated under that section.

6 SECTION 3. Section 301.4552(e), Occupations Code, as added
7 by this Act, applies only to a proceeding commenced on or after the
8 effective date of this act. A proceeding commenced before that date
9 is governed by the law in effect on the date the proceeding
10 commenced, and the former law is continued in effect for that
11 purpose.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.