

By: LaMantia

S.B. No. 1343

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

23 (B) one of whom is a nurse faculty member of a
24 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.