

1-1 By: LaMantia S.B. No. 1343
1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 April 17, 2023, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the composition of the Texas Board of Nursing and
1-20 procedures applicable to complaints against advanced practice
1-21 registered nurses.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 301.051(a), Occupations Code, is amended
1-24 to read as follows:

1-25 (a) The Texas Board of Nursing consists of 15 [~~13~~] members
1-26 appointed by the governor with the advice and consent of the senate
1-27 as follows:

1-28 (1) seven [~~six~~] nurse members, including:

1-29 (A) two [~~one~~] advanced practice registered
1-30 nurses [~~nurse~~];

1-31 (B) two registered nurses who are not advanced
1-32 practice registered nurses or members of a nurse faculty; and

1-33 (C) three vocational nurses who are not members
1-34 of a nurse faculty;

1-35 (2) three members who are nurse faculty members of
1-36 schools of nursing:

1-37 (A) one of whom is a nurse faculty member of a
1-38 school of nursing offering a baccalaureate degree program in
1-39 preparing registered nurses;

1-40 (B) one of whom is a nurse faculty member of a
1-41 school of nursing offering an associate degree program in preparing
1-42 registered nurses; and

1-43 (C) one of whom is a nurse faculty member of a
1-44 school of nursing at an institution of higher education preparing
1-45 vocational nurses; and

1-46 (3) five [~~four~~] members who represent the public.

1-47 SECTION 2. Section 301.457, Occupations Code, is amended by
1-48 adding Subsections (b-1), (h), and (i) to read as follows:

1-49 (b-1) The board by rule shall provide for the appointment by
1-50 the board of advanced practice registered nurses to act as expert
1-51 reviewers and assist with complaints and investigations relating to
1-52 alleged standard of care violations by advanced practice registered
1-53 nurses.

1-54 (h) Except as provided by Subsection (i), if the board
1-55 determines under Subsection (e) that an act by an advanced practice
1-56 registered nurse falls below an acceptable standard of care, the
1-57 board shall refer the complaint for review by an expert reviewer
1-58 appointed under Subsection (b-1) who practices in the same advanced
1-59 practice role and population focus as the nurse who is the subject
1-60 of the complaint.

1-61 (i) The board may not refer a complaint against an advanced

2-1 practice registered nurse to an expert reviewer under Subsection
2-2 (h) if the act alleged in the complaint is:

2-3 (1) within the scope of practice applicable to a nurse
2-4 who is not an advanced practice registered nurse; or

2-5 (2) considered unprofessional conduct.

2-6 SECTION 3. Subchapter J, Chapter 301, Occupations Code, is
2-7 amended by adding Section 301.4575 to read as follows:

2-8 Sec. 301.4575. PROCEDURES FOR EXPERT ADVANCED PRACTICE
2-9 REGISTERED NURSE REVIEW. An expert advanced practice registered
2-10 nurse reviewing a complaint against an advanced practice registered
2-11 nurse under Section 301.457(h) shall:

2-12 (1) determine whether the advanced practice
2-13 registered nurse who is the subject of the complaint has violated
2-14 the standard of care applicable to the circumstances of the
2-15 complaint; and

2-16 (2) issue a preliminary written report of that
2-17 determination to the board.

2-18 SECTION 4. Section 301.464(b), Occupations Code, is amended
2-19 to read as follows:

2-20 (b) Rules adopted under this section must:

2-21 (1) provide the complainant and the license holder an
2-22 opportunity to be heard; ~~and~~

2-23 (2) require the presence of a representative of the
2-24 board's legal staff or of the attorney general to advise the board
2-25 or the board's employees; and

2-26 (3) if the complaint includes an allegation that an
2-27 advanced practice registered nurse has violated the standard of
2-28 care, require that notice of the informal proceeding includes a
2-29 copy of the report prepared by the expert reviewer under Section
2-30 301.4575, with any identifying information other than the role and
2-31 population focus of the expert reviewer redacted.

2-32 SECTION 5. As soon as practicable after the effective date
2-33 of this Act, the governor shall appoint two additional members to
2-34 the Texas Board of Nursing as required by Section 301.051(a),
2-35 Occupations Code, as amended by this Act. In appointing those
2-36 members, the governor shall appoint one person to a term expiring
2-37 January 31, 2025, and one person to a term expiring January 31,
2-38 2029.

2-39 SECTION 6. Not later than February 1, 2024, the Texas Board
2-40 of Nursing shall adopt the rules necessary to implement the changes
2-41 in law made by this Act.

2-42 SECTION 7. This Act takes effect September 1, 2023.

2-43 * * * * *