

BILL ANALYSIS

C.S.H.B. 311
By: Villarreal
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Licensed Vocational Nurses (LVNs) are a vital component of our health care delivery system. These professionals provide direct basic health care in clinics, hospitals, nursing homes, home health care settings and more. Most health-care institutions could not function without LVNs, especially in light of the shortage of Registered Nurses (RNs). As we rely more heavily on this profession in increasingly varied settings, medical directors and other administrators need frequent instruction from the Board of Vocational Nurse Examiners (BVNE) to determine whether LVNs may perform certain tasks in specific settings. However, the BVNE may only state what it believes is appropriate. There are no definitive answers because LVNs are licensed under a "title control act" which simply requires anyone calling themselves a Licensed Vocational Nurse to actually be licensed.

RULEMAKING AUTHORITY

It is the committee's authority that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 311 states that this bill may be cited as the Licensed Vocational Nursing Practice Act and proceeds to clarify to whom the chapter applies. The bill provides that the board may enforce and adopt rules necessary to perform their duties, regulate the practice of vocational nursing, establish standards of professional conduct, and determine whether an act constitutes vocational nursing. The bill provides for the creation of a practice advisory committee that will advise the Board of Vocational Nurse Examiners on scope of practice issues. The board will consist of a combination of RNs, LVNs, and representatives from healthcare associations, nursing educational institutions, and people appointed from various state agencies. The bill assures confidentiality of any complaint or investigation taken by the BVNE concerning a LVN. The bill provides safe-harbor protection for LVNs. Additionally, the peer review process which has been available to RNs is now extended to LVNs in this bill.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute differs from the original version by:

- eliminating reference to vocational nursing consulting services in the applicability chapter;
- clarifying that vocational nurses may not delegate tasks to unlicensed persons, but may continue to assign tasks already delegated by a registered nurse or medical doctor;
- stipulating that vocational nurses must continue to work under the supervision of a registered nurse or medical doctor;
- adding language requiring the formation of an advisory committee which will consult with the Board of Vocational Nurse Examiners prior to decisions that may impact the scope of practice or existing use of vocational nurses in certain health-care settings;
- replaces language pertaining to safe harbor and mandatory reporting requirements with language that is consistent with similar sections within the Nurse Practice Act; and
- clarifies that the nurse practice act does not apply to services delivered to certain disabled persons served by the voucher payment program under Section 531.051 of the Government Code.