

BILL ANALYSIS

C.S.H.B. 1483

By: Allen

Public Health

Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas is one of only 5 states in the country with separate boards and licensing acts for registered nurses (RNs) and licensed vocational nurses (LVNs). (The other four states are California, Louisiana, Georgia, and West Virginia).

In Texas, the Board of Vocational Nurse Examiners regulates Licensed Vocational Nurses (LVNs) under Chapter 302, Occupations Code, and the Board of Nurse Examiners regulates Registered Nurses (RNs) and Advanced Practice Nurses (Nurse Practitioners, Nurse Midwives, Nurse Anesthetists, and Clinical Nurse Specialists) under Chapter 301, Occupations Code.

Nursing practice is on a continuum from those duties performed by less educated/experienced nurses to those performed by nurses with more education and experience. From a public policy perspective, it makes sense that a single board and a single licensing act regulate nursing practice across that continuum, which would provide for more consistency in policy and regulation.

CSHB 1483 combines the jurisdiction of the Board of Nurse Examiners and the Board of Vocational Nurse Examiners and creates a single licensing act for RNs and LVNs.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Nurse Examiners in SECTION 1.009 (Section 301.151, Occupations Code) and SECTION 1.012 (Sec 301.157, Occupations Code) and SECTION 1.015 (Sec 301.252, Occupations Code) of this bill.

ANALYSIS

CSHB 1483 accomplishes the combination of the BNE and the BVNE and the creation of a single nursing licensing act by incorporating relevant sections of the Vocational Nurse Act (Chapter 302, Occupations Code) into the Nursing Practice Act (Chapter 301, Occupations Code).

The bill states that the new combined Board of Nurse Examiners will be comprised of 13 Board members. Membership would consist of:

- # Six (6) nurse members, including:
 - one advance practice nurse,
 - two registered nurses who are not advanced practice nurses or members of a nurse faculty, and
 - three licensed vocational nurses who are not members of a nurse faculty;
- # Three (3) members of nurse faculty, including:
 - one nurse faculty member from baccalaureate degree program,
 - one nurse faculty member from associate degree program, and
 - one nurse faculty member from vocational nurse program.
- # Four (4) members who represent the public

The bill makes conforming changes to the Nursing Peer Review Law (Chapter 303, Occupations Code) and the Nurse Multistate Compact (Chapter 304, Occupations Code) to reflect a single board and to extend safe harbor peer review to LVNs.

The bill makes numerous conforming changes, including changing references in the Nursing Practice Act to include RNs, LVNs, professional nursing, and vocational nursing as appropriate.

The bill repeals the Vocational Nurse Act and transfers all functions and activities performed by the Board of Vocational Nurses to the Board of Nurse Examiners effective February 1, 2004.

EFFECTIVE DATE

SECTION 3.005(b) provides Article 2 of this Act takes effect February 1, 2004. All other sections of this Act take effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by creating not only a single board to regulate nursing, but a single licensing act as well.