

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1483
By: Allen (Nelson)
Health & Human Services
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Committee Report (Substituted)

DIGEST AND PURPOSE

Texas is one of only five 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 LVNs under Chapter 302, Occupations Code, and the Board of Nurse Examiners regulates 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.

C.S.H.B. 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

Rulemaking authority is expressly granted to the Board of Nurse Examiners for the State of Texas in SECTION 1.015 (Section 301.252, Occupations Code), SECTION 1.026 (Section 301.305, Occupations Code), and SECTION 3.005, of this bill.

Provides that a rule or form adopted by the Board of Vocational Nurse Examiners is a rule or form of the Board of Nurse Examiners and remains in effect until amended or replaced by that board in SECTION 3.003.

SECTION BY SECTION ANALYSIS

ARTICLE 1. SINGLE NURSING BOARD

SECTIONS 1.001-1.056. Abolishes the Board of Vocational Nurse Examiners and transfers its powers to the Board of Nurse Examiners (BNE). Applies standard Sunset language continuing the Board of Nurse Examiners until September 1, 2007, rather than September 1, 2005.

ARTICLE 2. CONFORMING AMENDMENTS

SECTIONS 2.001-2.030. Makes conforming amendments to various sections of the Civil Practice, Education, Government, Health and Safety, and Occupations Codes. (pages 34-56 of bill).

ARTICLE 3. REPEALER; TRANSITION; EFFECTIVE DATE

SECTIONS 3.001-3.006. Makes the following repeals, transitions, and effective dates:

SECTION 3.001. Repealer: On February 1, 2004, the following laws are repealed:

- (1) Chapter 302, Occupations Code; and

(2) Section 303.002(a) (relating to adopting rules in consultation with the Board of Vocational Nurse Examiners), Occupations Code.

SECTION 3.002

(a) Provides that this section provides for the appointment of members to the Board of Nurse Examiners for terms beginning February 1, 2004, to establish the staggering of members' terms in accordance with Sections 301.051 and 301.054, Occupations Code, as amended by this Act.

(b) Provides that the term of one of two registered nurse members of the Board of Nurse Examiners scheduled to expire in 2007 expires January 31, 2004. Requires those members to agree or draw lots to determine whose term expires on that date. Requires the governor, effective February 1, 2004, to appoint one person who is a nurse faculty member of a school of nursing offering vocational nurse training to fill that vacancy and to serve a term expiring January 31, 2007.

(c) Requires the governor, effective February 1, 2004, to appoint one person who must serve as a public member of the Board of Nurse Examiners with a term expiring January 31, 2009, as provided under Section 301.051, Occupations Code, as amended by this Act.

(d) Requires the governor, effective February 1, 2004, to appoint three additional members to the Board of Nurse Examiners to serve in the position of vocational nurse, as provided under Section 301.051, Occupations Code, as amended by this Act. Requires the governor, in appointing those members, to appoint one person to a term expiring January 31, 2005, one to a term expiring January 31, 2007, and one to a term expiring January 31, 2009.

SECTION 3.003.

(a) Provides that on February 1, 2004:

(1) all functions and activities performed by the Board of Vocational Nurse Examiners immediately before that date are transferred to the Board of Nurse Examiners;

(2) a rule or form adopted by the Board of Vocational Nurse Examiners is a rule or form of the Board of Nurse Examiners and remains in effect until amended or replaced by that board;

(3) a reference in law or an administrative rule to the Board of Vocational Nurse Examiners means the Board of Nurse Examiners;

(4) a complaint, investigation, or other proceeding before the Board of Vocational Nurse Examiners is transferred without change in status to the Board of Nurse Examiners, and the Board of Nurse Examiners assumes, as appropriate and without a change in status, the position of the Board of Vocational Nurse Examiners in an action or proceeding to which the Board of Vocational Nurse Examiners is a party;

(5) all money, contracts, leases, property, and obligations of the Board of Vocational Nurse Examiners are transferred to the Board of Nurse Examiners;

(6) a license issued by the Board of Vocational Nurse Examiners is a license of the Board of Nurse Examiners;

(7) an employee of the Board of Vocational Nurse Examiners, except for the Board of Vocational Nurse Examiners' executive director, becomes an

employee of the Board of Nurse Examiners; and

(8) the unexpended and unobligated balance of any money appropriated by the legislature for the Board of Vocational Nurse Examiners is transferred to the Board of Nurse Examiners.

(b) Provides that before February 1, 2004, the Board of Vocational Nurse Examiners may agree with the Board of Nurse Examiners to transfer any property of the Board of Vocational Nurse Examiners to the Board of Nurse Examiners to implement the transfer required by this section.

(c) Requires the Board of Vocational Nurse Examiners, in the period beginning on the effective date of this Act and ending on January 31, 2004, to continue to perform functions and activities under Chapter 302, Occupations Code, or other law as if that chapter had not been repealed or other law had not been amended by this Act, and provides that the former law is continued in effect for that purpose.

SECTION 3.004. (a) Requires BNE, not later than June 1, 2004, to adopt the rules required by Section 301.305, Occupations Code, as added by this Act.

(b) Prohibits a license holder from being required to complete the continuing education requirements imposed by Section 301.305, Occupations Code, as added by this Act, before June 1, 2006.

(c) Provides that as part of the next review conducted under Section 301.003, Occupations Code, as amended by this Act, the Sunset Advisory Commission must evaluate the necessity and effectiveness of mandating continuing education courses for nurses on specific topics.

SECTION 3.005. Provides that in the event of a conflict between a provision of this Act and another Act passed by the 78th Legislature, Regular Session, 2003, that becomes law, this Act prevails and controls regardless of the relative dates of enactment.

SECTION 3.006. (a) Effective date: September 1, 2003.

(b) Provides that Article 2 of this Act takes effect February 1, 2004.