

BILL ANALYSIS

Senate Research Center
78R10101 MXM-D

H.B. 1515
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Health & Human Services
5/19/2003
Engrossed

DIGEST AND PURPOSE

Under Section 301.455 of the Occupation Code the Board of Nurse Examiners may temporarily suspend a nursing license without notice and hearing if the board finds that the licensee's continued practice constitutes a continuing and imminent threat to the public welfare. Currently, the State Office of Administrative Hearings (SOAH) is required to hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine whether probable cause exists that a continuing and imminent threat to the public welfare exists. H.B. 1515 requires SOAH to hold a preliminary hearing not later than the 30th day after the date of the temporary suspension to determine, de novo, whether probable cause exists that a continuing and imminent threat to the public welfare exists. This bill also requires a final hearing on the matter to be held not later than the 91st day after the date of the temporary suspension.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 301.455(c) and (d), Occupations Code, as follows:

(c) Requires the State Office of Administrative Hearings to hold a preliminary hearing not later than the 30th, rather than 14th, day after the date of the temporary suspension to determine, de novo, whether probable cause exists that a continuing and imminent threat to the public welfare exists.

(d) Requires a final hearing on the matter to be held not later than the 91st, rather than 61st, day after the date of the temporary suspension.

SECTION 2. Effective date: September 1, 2003.

Makes application of this Act prospective.