

## **BILL ANALYSIS**

Senate Research Center  
78R12174 JMM-D

H.B. 2208  
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Health & Human Services  
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Engrossed

### **DIGEST AND PURPOSE**

Under current law, Section 411.125 of the Texas Government Code provides that the Board of Nurse Examiners is entitled to receive criminal background checks from the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI) for any applicant for licensure or any person requesting a determination of eligibility for license from the board. This bill relates to the authority of the Board of Nurse Examiners to request and receive the DPS and FBI criminal history information of applicants for licensure as a registered nurse and for currently licensed registered nurses seeking to renew their licenses. H.B. 2208 clarifies the extent of the board's authority to require new license applicants or currently licensed nurses to submit to the board a complete and legible set of fingerprints necessary to obtain criminal history information from the Federal Bureau of Investigation and Texas Department of Public Safety.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Board of Nurse Examiners in SECTION 2 (Section 301.2511, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 301, Occupations Code, by adding Section 301.1615, as follows:

Sec. 301.1615. OBTAINING CRIMINAL HISTORY RECORD INFORMATION; HEARING. (a) Authorizes the Board of Nurse Examiners for the State of Texas (BNE), in addition to the information to which BNE is entitled under Section 411.125, Government Code, to request and receive criminal history record information from the Federal Bureau of Investigation as provided by Section 411.087, Government Code.

(b) Authorizes criminal history record information received by BNE to be used only by BNE and provides that it is privileged. Prohibits the information from being disclosed to any person other than certain entities.

(c) Provides that if, on the basis of criminal history record information obtained by BNE, BNE proposes to deny an application for a license, refuse to renew a license, or suspend or revoke a license or temporary permit, the applicant or license holder is entitled to a hearing under Section 301.454.

SECTION 2. Amends Subchapter F, Chapter 301, Occupations Code, by adding Section 301.2511, as follows:

Sec. 301.2511. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE APPLICANTS. (a) Requires an applicant for a registered nurse license to submit to BNE, in addition to satisfying the other requirements of this subchapter, a complete and legible set of fingerprints, on a form prescribed by BNE, for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) Authorizes BNE to deny a license to an applicant who does not comply with

the requirement of Subsection (a). Provides that issuance of a license by BNE is conditioned on BNE obtaining the applicant's criminal history record information under this section.

(c) Authorizes BNE by rule to develop a system for initiating the process of obtaining criminal history record information for applicants for a license under this chapter by requiring persons who enroll or plan to enroll in an educational program that prepares a person for a license as a registered nurse to submit BNE a set of fingerprints that meets the requirements of Subsection (a). Authorizes BNE to require payment of a fee by a person who is required to submit a set of fingerprints under this subsection.

SECTION 3. Amends Subchapter G, Chapter 301, Occupations Code, by adding Section 301.3011, as follows:

Sec. 301.3011. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR RENEWAL. (a) Authorizes BNE to require that an applicant for renewal of an unexpired license submit to BNE, in addition to satisfying any other requirements for license renewal, a complete and legible set of fingerprints, on a form prescribed by the board, for the purpose of obtaining criminal history record information from the DPS and the Federal Bureau of Investigation.

(b) Authorizes BNE to refuse to renew the license of a person who does not comply with the requirement of Subsection (a). Provides that renewal of a license by BNE is conditioned on BNE obtaining the person's criminal history record information under this section.

SECTION 4. Amends Section 411.125(a), Government Code, to provide that BNE is entitled to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for or the holder of a license issued by BNE.

SECTION 5. (a) Effective date: September 1, 2003.

(b) Makes application of this Act propective.