

By: Allen

H.B. No. 1483

A BILL TO BE ENTITLED

AN ACT

1
2 relating to regulation of licensed vocational nurses by the Board
3 of Nurse Examiners and the abolition of the Board of Vocational
4 Nurse Examiners.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1. MERGER OF BOARD OF VOCATIONAL NURSE EXAMINERS INTO
7 BOARD OF NURSE EXAMINERS

8 SECTION 1.001. Section 301.004(a), Occupations Code, is
9 amended to read as follows:

10 (a) This chapter does not apply to:

11 (1) gratuitous nursing care of the sick that is
12 provided by a friend;

13 (2) ~~[nursing care by a licensed vocational nurse~~
14 ~~licensed under Chapter 302,~~

15 ~~[(3)]~~ nursing care provided during a disaster under
16 the state emergency management plan adopted under Section 418.042,
17 Government Code, if the person providing the care does not hold the
18 person out as a registered or professional nurse unless the person
19 is licensed in another state;

20 (3) ~~[(4)]~~ nursing care in which treatment is solely by
21 prayer or spiritual means;

22 (4) ~~[(5)]~~ an act performed by a person under the
23 control or supervision or at the instruction of a person licensed by
24 the Texas State Board of Medical Examiners;

1 (5) [~~(6)~~] an act performed by a person licensed by
2 another state agency if the act is authorized by the statute under
3 which the person is licensed;

4 (6) [~~(7)~~] the practice of nursing that is incidental
5 to a program of study by a student enrolled in a board-accredited
6 nursing education program leading to an initial license as a
7 professional nurse; or

8 (7) [~~(8)~~] the practice of nursing by a registered
9 nurse licensed in another state who is in this state on a nonroutine
10 basis for a period not to exceed 72 hours to:

11 (A) provide care to a patient being transported
12 into, out of, or through this state;

13 (B) provide professional nursing consulting
14 services; or

15 (C) attend or present a continuing nursing
16 education program.

17 SECTION 1.002. Section 301.051(a), Occupations Code, is
18 amended to read as follows:

19 (a) The Board of Nurse Examiners consists of 13 [~~nine~~]
20 members appointed by the governor with the advice and consent of the
21 senate as follows:

22 (1) six [~~registered~~] nurse members, including:

23 (A) one advanced practice nurse;

24 (B) two registered nurses who are not advanced
25 practice nurses or members of a nurse faculty; and

26 (C) three licensed vocational nurses who are not
27 members of a nurse faculty; and

1 (2) three members who are nurse faculty members of
2 schools of nursing, selected as follows:

3 (A) one of whom is a nurse faculty member of a
4 school of nursing offering the baccalaureate degree program;

5 (B) one of whom is a nurse faculty member of a
6 school of nursing offering the associate degree program; and

7 (C) one of whom is a nurse faculty member of a
8 ~~[graduate]~~ school of nursing offering vocational nurse training
9 ~~[preparing advanced practice nurses]~~; and

10 (3) four ~~[(2) three]~~ members who represent the
11 public.

12 SECTION 1.003. Section 301.054, Occupations Code, is
13 amended to read as follows:

14 Sec. 301.054. TERMS. Members of the board serve staggered
15 six-year terms, with the terms of as near one-third of the members
16 as possible ~~[one member who is a practicing registered nurse, one~~
17 ~~member who is a registered nurse engaged in nurse education, and one~~
18 ~~member who is a representative of the public]~~ expiring on January 31
19 of each odd-numbered year.

20 SECTION 1.004. Section 301.059(b), Occupations Code, is
21 amended to read as follows:

22 (b) The training program shall provide information to a
23 participant regarding:

24 (1) this chapter and Chapter 302;

25 (2) the programs operated by the board;

26 (3) the role and functions of the board;

27 (4) the rules of the board, with an emphasis on the

1 rules that relate to disciplinary and investigatory authority;

2 (5) the current budget for the board;

3 (6) the results of the most recent formal audit of the
4 board;

5 (7) the requirements of Chapters 551, 552, 2001, and
6 2002, Government Code;

7 (8) the requirements of the conflict of interest laws
8 and other laws relating to public officials; and

9 (9) any applicable ethics policies adopted by the
10 board or the Texas Ethics Commission.

11 SECTION 1.005. Section 301.101(b), Occupations Code, is
12 amended to read as follows:

13 (b) Under the direction of the board, the executive director
14 shall perform the duties required by this chapter or Chapter 302 or
15 designated by the board.

16 SECTION 1.006. Section 301.158, Occupations Code, is
17 amended to read as follows:

18 Sec. 301.158. DISSEMINATION OF INFORMATION. (a) The board
19 shall disseminate, at least twice a year and at other times the
20 board determines necessary, information that is of significant
21 interest to professional nurses and employers of professional
22 nurses in this state, including summaries of final disciplinary
23 action taken against registered nurses by the board since its last
24 dissemination of information.

25 (b) The board may combine the dissemination of information
26 under Subsection (a) with the dissemination of information required
27 under Section 302.155.

1 SECTION 1.007. Section 301.161(a), Occupations Code, is
2 amended to read as follows:

3 (a) The board shall aid in the enforcement of this chapter
4 and Chapter 302.

5 SECTION 1.008. Section 301.164, Occupations Code, is
6 amended to read as follows:

7 Sec. 301.164. ASSISTANCE OF PROSECUTOR. A board member may
8 present to a prosecuting officer a complaint relating to a
9 violation of this chapter or Chapter 302. The board, through its
10 members, officers, counsel, or agents, shall assist in the trial of
11 a case involving an alleged violation of this chapter or Chapter
12 302, subject to the control of the prosecuting officers.

13 SECTION 1.009. Section 302.001(1), Occupations Code, is
14 amended to read as follows:

15 (1) "Board" means the Board of [~~Vocational~~] Nurse
16 Examiners.

17 ARTICLE 2. CONFORMING AMENDMENTS

18 SECTION 2.001. Section 61.657(b), Education Code, is
19 amended to read as follows:

20 (b) The board shall appoint an eight-member advisory
21 committee to advise the board concerning assistance provided under
22 this subchapter to vocational nursing students. The advisory
23 committee consists of:

- 24 (1) a chair named by the board;
- 25 (2) one representative named by the Licensed
26 Vocational Nurses Association of Texas;
- 27 (3) one representative named by the Texas Organization

1 of Nurse Executives;

2 (4) one representative named by the Board of
3 ~~[Vocational]~~ Nurse Examiners;

4 (5) two representatives of vocational nursing
5 educational programs named by the Texas Association of Vocational
6 Nurse Educators;

7 (6) one representative named by the Texas Health Care
8 Association; and

9 (7) one representative named by the Texas Association
10 of Homes for the Aging.

11 SECTION 2.002. Section 232.002, Family Code, is amended to
12 read as follows:

13 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.

14 The following are licensing authorities subject to this chapter:

- 15 (1) Department of Agriculture;
- 16 (2) Texas Commission on Alcohol and Drug Abuse;
- 17 (3) Texas Alcoholic Beverage Commission;
- 18 (4) Texas Appraiser Licensing and Certification
19 Board;
- 20 (5) Texas Board of Architectural Examiners;
- 21 (6) State Board of Barber Examiners;
- 22 (7) Texas Board of Chiropractic Examiners;
- 23 (8) Comptroller of Public Accounts;
- 24 (9) Texas Cosmetology Commission;
- 25 (10) Court Reporters Certification Board;
- 26 (11) State Board of Dental Examiners;
- 27 (12) Texas State Board of Examiners of Dietitians;

- 1 (13) Texas Funeral Service Commission;
2 (14) Texas Department of Health;
3 (15) Texas Department of Human Services;
4 (16) Texas Board of Professional Land Surveying;
5 (17) Texas Department of Licensing and Regulation;
6 (18) Texas State Board of Examiners of Marriage and
7 Family Therapists;
8 (19) Texas State Board of Medical Examiners;
9 (20) Midwifery Board;
10 (21) Texas Commission on Environmental Quality
11 [~~Natural Resource Conservation Commission~~];
12 (22) Board of Nurse Examiners;
13 (23) Texas Board of Occupational Therapy Examiners;
14 (24) Texas Optometry Board;
15 (25) Parks and Wildlife Department;
16 (26) Texas State Board of Examiners of Perfusionists;
17 (27) Texas State Board of Pharmacy;
18 (28) Texas Board of Physical Therapy Examiners;
19 (29) Texas State Board of Plumbing Examiners;
20 (30) Texas State Board of Podiatric Medical Examiners;
21 (31) Polygraph Examiners Board;
22 (32) Texas Commission on Private Security;
23 (33) Texas State Board of Examiners of Professional
24 Counselors;
25 (34) Texas Board of Professional Engineers;
26 (35) Department of Protective and Regulatory
27 Services;

- 1 (36) Texas State Board of Examiners of Psychologists;
2 (37) Texas State Board of Public Accountancy;
3 (38) Department of Public Safety of the State of
4 Texas;
5 (39) Public Utility Commission of Texas;
6 (40) Railroad Commission of Texas;
7 (41) Texas Real Estate Commission;
8 (42) State Bar of Texas;
9 (43) Texas State Board of Social Worker Examiners;
10 (44) State Board of Examiners for Speech-Language
11 Pathology and Audiology;
12 (45) Texas Structural Pest Control Board;
13 (46) Board of Tax Professional Examiners;
14 (47) Secretary of State;
15 (48) Supreme Court of Texas;
16 (49) Texas Transportation Commission;
17 (50) State Board of Veterinary Medical Examiners;
18 (51) ~~Board of Vocational Nurse Examiners;~~
19 ~~[(52)]~~ Texas Ethics Commission;
20 (52) ~~[(53)]~~ Advisory Board of Athletic Trainers;
21 (53) ~~[(54)]~~ State Committee of Examiners in the
22 Fitting and Dispensing of Hearing Instruments;
23 (54) ~~[(55)]~~ Texas Board of Licensure for Professional
24 Medical Physicists;
25 (55) ~~[(56)]~~ Texas Department of Insurance;
26 (56) ~~[(57)]~~ Texas Board of Orthotics and Prosthetics;
27 (57) ~~[(58)]~~ savings and loan commissioner;

1 (58) [~~59~~] Texas Juvenile Probation Commission; and
2 (59) [~~60~~] Texas Lottery Commission under Chapter
3 466, Government Code.

4 SECTION 2.003. Section 487.101(3), Government Code, is
5 amended to read as follows:

6 (3) "Postsecondary educational institution" means:

7 (A) an institution of higher education, as
8 defined by Section 61.003, Education Code;

9 (B) a nonprofit, independent institution
10 approved under Section 61.222, Education Code; or

11 (C) a nonprofit, health-related school or
12 program accredited by the Southern Association of Colleges and
13 Schools, the Liaison Committee on Medical Education, the American
14 Osteopathic Association, the Board of Nurse Examiners, [~~the Board~~
15 ~~of Vocational Nurse Examiners,~~] or, in the case of allied health, an
16 accrediting body recognized by the United States Department of
17 Education.

18 SECTION 2.004. Section 487.151(2), Government Code, is
19 amended to read as follows:

20 (2) "Postsecondary educational institution" means:

21 (A) an institution of higher education, as
22 defined by Section 61.003, Education Code;

23 (B) a nonprofit, independent institution
24 approved under Section 61.222, Education Code; or

25 (C) a nonprofit, health-related school or
26 program accredited by the Southern Association of Colleges and
27 Schools, the Liaison Committee on Medical Education, the American

1 Osteopathic Association, the Board of Nurse Examiners, [~~the Board~~
2 ~~of Vocational Nurse Examiners,~~] or, in the case of allied health, an
3 accrediting body recognized by the United States Department of
4 Education.

5 SECTION 2.005. Section 2054.252(a), Government Code, as
6 added by Chapter 353, Acts of the 77th Legislature, Regular
7 Session, 2001, is amended to read as follows:

8 (a) The following licensing authorities shall participate
9 in the system established under Section 2054.253, as added by
10 Chapter 353, Acts of the 77th Legislature, Regular Session, 2001:

- 11 (1) State Board of Barber Examiners;
- 12 (2) Texas Board of Chiropractic Examiners;
- 13 (3) Texas Cosmetology Commission;
- 14 (4) Court Reporters Certification Board;
- 15 (5) State Board of Dental Examiners;
- 16 (6) Texas Funeral Service Commission;
- 17 (7) Texas Board of Professional Land Surveying;
- 18 (8) Texas State Board of Medical Examiners;
- 19 (9) Board of Nurse Examiners;
- 20 (10) [~~Board of Vocational Nurse Examiners,~~
- 21 [~~(11)~~] Texas Optometry Board;
- 22 (11) [~~(12)~~] Texas Structural Pest Control Board;
- 23 (12) [~~(13)~~] Texas State Board of Pharmacy;
- 24 (13) [~~(14)~~] Executive Council of Physical Therapy and
25 Occupational Therapy Examiners;
- 26 (14) [~~(15)~~] Texas State Board of Plumbing Examiners;
- 27 (15) [~~(16)~~] Texas State Board of Podiatric Medical

1 Examiners;

2 (16) [~~(17)~~] Board of Tax Professional Examiners;

3 (17) [~~(18)~~] Polygraph Examiners Board;

4 (18) [~~(19)~~] Texas State Board of Examiners of
5 Psychologists;

6 (19) [~~(20)~~] State Board of Veterinary Medical
7 Examiners;

8 (20) [~~(21)~~] Texas Real Estate Commission;

9 (21) [~~(22)~~] Texas Appraiser Licensing and
10 Certification Board; and

11 (22) [~~(23)~~] Texas Department of Licensing and
12 Regulation.

13 SECTION 2.006. Section 81.010(c), Health and Safety Code,
14 is amended to read as follows:

15 (c) The council consists of one representative from each of
16 the following agencies appointed by the executive director or
17 commissioner of each agency:

18 (1) the department;

19 (2) the Texas Department of Mental Health and Mental
20 Retardation;

21 (3) the Texas Department of Human Services;

22 (4) the Texas Commission on Alcohol and Drug Abuse;

23 (5) the Texas Rehabilitation Commission;

24 (6) the Texas Youth Commission;

25 (7) the Texas Department of Criminal Justice;

26 (8) the Texas Juvenile Probation Commission;

27 (9) the Texas Commission for the Blind;

- 1 (10) the Texas Commission for the Deaf and Hard of
2 Hearing;
- 3 (11) the Department of Protective and Regulatory
4 Services;
- 5 (12) the Texas Education Agency;
- 6 (13) the Texas State Board of Medical Examiners;
- 7 (14) the Board of Nurse Examiners;
- 8 (15) ~~[the Board of Vocational Nurse Examiners;~~
9 ~~[(16)]~~ the State Board of Dental Examiners;
- 10 (16) ~~[(17)]~~ the Health and Human Services Commission;
- 11 (17) ~~[(18)]~~ the Texas Department on Aging; and
- 12 (18) ~~[(19)]~~ the Texas Workforce Commission.

13 SECTION 2.007. Section 142.022, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 142.022. EXEMPTIONS FOR NURSING STUDENTS AND
16 MEDICATION AIDE TRAINEES. (a) Sections 142.021 and 142.029 do not
17 apply to:

18 (1) a graduate nurse holding a temporary permit issued
19 by the Board of Nurse Examiners;

20 (2) a student enrolled in an accredited school of
21 nursing or program for the education of registered nurses who is
22 administering medications as part of the student's clinical
23 experience;

24 (3) a graduate vocational nurse holding a temporary
25 permit issued by the Board of ~~[Vocational]~~ Nurse Examiners;

26 (4) a student enrolled in an accredited school of
27 vocational nursing or program for the education of vocational

1 nurses who is administering medications as part of the student's
2 clinical experience; or

3 (5) a trainee in a medication aide training program
4 approved by the department under Section 142.024 who is
5 administering medications as part of the trainee's clinical
6 experience.

7 (b) The administration of medications by persons exempted
8 under Subdivisions (1) through (4) of Subsection (a) is governed by
9 the terms of the memorandum of understanding executed by the
10 department and the Board of Nurse Examiners [~~or the department and~~
11 ~~the Board of Vocational Nurse Examiners, as appropriate~~].

12 SECTION 2.008. Section 242.607, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 242.607. EXEMPTIONS FOR NURSING STUDENTS AND
15 MEDICATION AIDE TRAINEES. (a) Sections 242.606 and 242.614 do not
16 apply to:

17 (1) a graduate nurse holding a temporary permit issued
18 by the Board of Nurse Examiners;

19 (2) a student enrolled in an accredited school of
20 nursing or program for the education of registered nurses who is
21 administering medications as part of the student's clinical
22 experience;

23 (3) a graduate vocational nurse holding a temporary
24 permit issued by the Board of [~~Vocational~~] Nurse Examiners;

25 (4) a student enrolled in an accredited school of
26 vocational nursing or program for the education of vocational
27 nurses who is administering medications as part of the student's

1 clinical experience; or

2 (5) a trainee in a medication aide training program
3 approved by the department under this subchapter who is
4 administering medications as part of the trainee's clinical
5 experience.

6 (b) The administration of medications by persons exempted
7 under Subdivisions (1) through (4) of Subsection (a) is governed by
8 the terms of the memorandum of understanding executed by the
9 department and the Board of Nurse Examiners [~~or the department and~~
10 ~~the Board of Vocational Nurse Examiners, as appropriate~~].

11 SECTION 2.009. Section 36.132(a)(2), Human Resources Code,
12 is amended to read as follows:

13 (2) "Licensing authority" means:

14 (A) the Texas State Board of Medical Examiners;

15 (B) the State Board of Dental Examiners;

16 (C) the Texas State Board of Examiners of
17 Psychologists;

18 (D) the Texas State Board of Social Worker
19 Examiners;

20 (E) the Board of Nurse Examiners;

21 (F) [~~the Board of Vocational Nurse Examiners,~~

22 [~~(G)~~] the Texas Board of Physical Therapy
23 Examiners;

24 (G) [~~(H)~~] the Texas Board of Occupational
25 Therapy Examiners; or

26 (H) [~~(I)~~] another state agency authorized to
27 regulate a provider who receives or is eligible to receive payment

1 for a health care service under the Medicaid program.

2 SECTION 2.010. Section 101.002, Occupations Code, is
3 amended to read as follows:

4 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists
5 of 15 members, with one member appointed by each of the following:

- 6 (1) the Texas Board of Chiropractic Examiners;
- 7 (2) the State Board of Dental Examiners;
- 8 (3) the Texas Optometry Board;
- 9 (4) the Texas State Board of Pharmacy;
- 10 (5) the Texas State Board of Podiatric Medical
11 Examiners;
- 12 (6) the State Board of Veterinary Medical Examiners;
- 13 (7) the Texas State Board of Medical Examiners;
- 14 (8) the Board of Nurse Examiners, who must be a
15 registered nurse;
- 16 (9) the Texas State Board of Examiners of
17 Psychologists;
- 18 (10) the Board of [~~Vocational~~] Nurse Examiners, who
19 must be a vocational nurse;
- 20 (11) the Texas Funeral Service Commission;
- 21 (12) the entity that regulates the practice of
22 physical therapy;
- 23 (13) the entity that regulates the practice of
24 occupational therapy;
- 25 (14) the health licensing division of the Texas
26 Department of Health; and
- 27 (15) the governor's office.

1 SECTION 2.011. Section 203.402, Occupations Code, is
2 amended to read as follows:

3 Sec. 203.402. PROHIBITED REPRESENTATION. A midwife may
4 not:

5 (1) except as provided by Section 203.403, use in
6 connection with the midwife's name a title, abbreviation, or
7 designation tending to imply that the midwife is a "registered" or
8 "certified" midwife as opposed to one who is documented under this
9 chapter;

10 (2) advertise or represent that the midwife is a
11 physician or a graduate of a medical school unless the midwife is
12 licensed to practice medicine by the Texas State Board of Medical
13 Examiners;

14 (3) use advertising or an identification statement
15 that is false, misleading, or deceptive; or

16 (4) except as authorized by rules adopted by the Board
17 of Nurse Examiners [~~and the Board of Vocational Nurse Examiners~~],
18 use in combination with the term "midwife" the term "nurse" or
19 another title, initial, or designation that implies that the
20 midwife is licensed as a registered nurse or licensed vocational
21 nurse.

22 SECTION 2.012. Section 304.002, Occupations Code, as added
23 by Chapter 1420, Acts of the 77th Legislature, Regular Session,
24 2001, is amended to read as follows:

25 Sec. 304.002. ADMINISTRATION OF COMPACT. The executive
26 director [~~directors~~] of the Board of Nurse Examiners is [~~and the~~
27 ~~Board of Vocational Nurse Examiners are~~] the Nurse Licensure

1 Compact administrator [~~administrators~~] for this state. [~~The~~
2 ~~executive director of the Board of Nurse Examiners is responsible~~
3 ~~for administering matters relating to registered nurses. The~~
4 ~~executive director of the Board of Vocational Nurse Examiners is~~
5 ~~responsible for administering matters relating to licensed~~
6 ~~vocational nurses.~~]

7 SECTION 2.013. Section 304.003, Occupations Code, as added
8 by Chapter 1420, Acts of the 77th Legislature, Regular Session,
9 2001, is amended to read as follows:

10 Sec. 304.003. RULES. The Board of Nurse Examiners [~~and the~~
11 ~~Board of Vocational Nurse Examiners~~] may adopt rules necessary to
12 implement this chapter.

13 SECTION 2.014. Sections 304.004(b) and (c), Occupations
14 Code, as added by Chapter 1420, Acts of the 77th Legislature,
15 Regular Session, 2001, are amended to read as follows:

16 (b) Unless the context indicates otherwise or doing so would
17 be inconsistent with the Nurse Licensure Compact, nurses practicing
18 in this state under a license issued by a state that is a party to
19 the Nurse Licensure Compact have the same rights and obligations as
20 imposed by the laws of this state on license holders of the Board of
21 Nurse Examiners [~~or the Board of Vocational Nurse Examiners~~].

22 (c) The Board of Nurse Examiners has [~~and the Board of~~
23 ~~Vocational Nurse Examiners have~~] the authority to determine whether
24 a right or obligation imposed on license holders applies to nurses
25 practicing in this state under a license issued by a state that is a
26 party to the Nurse Licensure Compact unless that determination is
27 inconsistent with the Nurse Licensure Compact.

1 SECTION 2.015. Section 304.005, Occupations Code, as added
2 by Chapter 1420, Acts of the 77th Legislature, Regular Session,
3 2001, is amended to read as follows:

4 Sec. 304.005. ENFORCEMENT. The Board of Nurse Examiners is
5 [~~and the Board of Vocational Nurse Examiners are~~] the state agency
6 [~~agencies~~] responsible for taking action against registered and
7 vocational nurses practicing in this state under a license issued
8 by a state that is a party to the Nurse Licensure Compact as
9 authorized by the Nurse Licensure Compact. The action shall be
10 taken in accordance with the same procedures for taking action
11 against registered and vocational nurses licensed by this state.

12 SECTION 2.016. Section 304.006(a), Occupations Code, as
13 added by Chapter 1420, Acts of the 77th Legislature, Regular
14 Session, 2001, is amended to read as follows:

15 (a) On request and payment of a reasonable fee, the Board of
16 Nurse Examiners [~~and the Board of Vocational Nurse Examiners~~] shall
17 provide a registered or vocational nurse licensed by this state
18 with a copy of information regarding the nurse maintained by the
19 coordinated licensure information system under Article 7 of the
20 Nurse Licensure Compact.

21 SECTION 2.017. Section 304.007, Occupations Code, as added
22 by Chapter 1420, Acts of the 77th Legislature, Regular Session,
23 2001, is amended to read as follows:

24 Sec. 304.007. ACCESS TO PRACTICE-RELATED INFORMATION.
25 Practice-related information provided by the Board of Nurse
26 Examiners [~~or the Board of Vocational Nurse Examiners~~] to
27 registered or vocational nurses licensed by this state shall be

1 made available by the boards on request and at a reasonable cost to
2 nurses practicing in this state under a license issued by a state
3 that is a party to the Nurse Licensure Compact.

4 SECTION 2.018. Section 304.008(a), Occupations Code, as
5 added by Chapter 1420, Acts of the 77th Legislature, Regular
6 Session, 2001, is amended to read as follows:

7 (a) In reporting information to the coordinated licensure
8 information system under Article 7 of the Nurse Licensure Compact,
9 the Board of Nurse Examiners [~~and the Board of Vocational Nurse~~
10 ~~Examiners~~] may disclose personally identifiable information about
11 the nurse, including social security number.

12 SECTION 2.019. Section 304.009(a), Occupations Code, as
13 added by Chapter 1420, Acts of the 77th Legislature, Regular
14 Session, 2001, is amended to read as follows:

15 (a) The governor may withdraw this state from the Nurse
16 Licensure Compact if the Board of Nurse Examiners [~~or the Board of~~
17 ~~Vocational Nurse Examiners~~] notifies the governor that a state that
18 is party to the compact changed, after January 1, 1999, the state's
19 requirements for licensing a nurse and that the state's
20 requirements, as changed, are substantially lower than the
21 requirements for licensing a nurse in this state.

22 ARTICLE 3. REPEALER; TRANSITION; EFFECTIVE DATE

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

25 (1) Sections 302.002, 302.101, 302.104, 302.105,
26 302.106, 302.156, 302.157, 302.158, 303.002(a), Occupations Code;
27 and

1 (2) Subchapters B and E, Chapter 302, Occupations
2 Code.

3 SECTION 3.002. (a) This section provides for the
4 appointment of members to the Board of Nurse Examiners for terms
5 beginning February 1, 2004, to establish the staggering of members'
6 terms in accordance with Sections 301.051 and 301.054, Occupations
7 Code, as amended by this Act.

8 (b) The term of one of two registered nurse members of the
9 Board of Nurse Examiners scheduled to expire in 2007 expires
10 January 31, 2004. Those members shall draw lots to determine whose
11 term expires on that date. Effective February 1, 2004, the governor
12 shall appoint one person who is a nurse faculty member of a school
13 of nursing offering vocational nurse training to fill that vacancy
14 and to serve a term expiring January 31, 2007.

15 (c) Effective February 1, 2004, the governor shall appoint
16 one person who shall serve as a public member of the Board of Nurse
17 Examiners with a term expiring January 31, 2009, as provided under
18 Section 301.051, Occupations Code, as amended by this Act.

19 (d) Effective February 1, 2004, the governor shall appoint
20 three additional members to the Board of Nurse Examiners to serve in
21 the position of licensed vocational nurse, as provided under
22 Section 301.051, Occupations Code, as amended by this Act. In
23 appointing those members, the governor shall appoint one person to
24 a term expiring January 31, 2005, one to a term expiring January 31,
25 2007, and one to a term expiring January 31, 2009.

26 SECTION 3.003. (a) On February 1, 2004:

27 (1) all functions and activities performed by the

1 Board of Vocational Nurse Examiners immediately before that date
2 are transferred to the Board of Nurse Examiners;

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

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

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

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

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

21 (7) an employee of the Board of Vocational Nurse
22 Examiners, except for the Board of Vocational Nurse Examiners'
23 executive director, becomes an employee of the Board of Nurse
24 Examiners; and

25 (8) the unexpended and unobligated balance of any
26 money appropriated by the legislature for the Board of Vocational
27 Nurse Examiners related to Chapter 302, Occupations Code, is

1 transferred to the Board of Nurse Examiners.

2 (b) Before February 1, 2004, the Board of Vocational Nurse
3 Examiners may agree with the Board of Nurse Examiners to transfer
4 any property of the Board of Vocational Nurse Examiners to the Board
5 of Nurse Examiners to implement the transfer required by this
6 section.

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

13 SECTION 3.004. (a) Except as provided by Subsection (b) of
14 this section, this Act takes effect September 1, 2003.

15 (b) Articles 1 and 2 of this Act take effect February 1,
16 2004.