

AN ACT

relating to the regulation of certain operating room nurses employed by certain other health providers.

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

SECTION 1. Subchapter D, Chapter 301, Occupations Code, is amended by adding Sections 301.1526 and 301.1527 to read as follows:

Sec. 301.1526. CERTAIN NURSES DIRECTLY ASSISTING IN SURGERY. (a) This section does not apply to a registered nurse who is a nurse first assistant under Section 301.1525.

(b) A registered nurse to whom this section applies may directly assist a physician, physician's group, podiatrist, or dentist to perform surgery if the nurse:

(1) has, before September 1, 2003, directly assisted the physician, physician's group, podiatrist, or dentist to perform surgery for 2,500 or more hours;

(2) assists under the direct personal supervision and in the physical presence of the physician, physician's group, podiatrist, or dentist in the same sterile field; and

(3) is employed by the physician, physician's group, podiatrist, or dentist or by a hospital licensed under Chapter 241, Health and Safety Code.

(c) In this section, "directly assisting in surgery":

(1) includes:

- 1 (A) holding a retractor;
- 2 (B) grasping tissue;
- 3 (C) using a suction device;
- 4 (D) sponging a wound; and
- 5 (E) following a suture while the physician,
- 6 physician's group, podiatrist, or dentist sews tissue; and

7 (2) does not include:

- 8 (A) making an incision;
- 9 (B) inserting a laparoscopic trocar;
- 10 (C) tying a suture; or
- 11 (D) placing a suture or staple.

12 (d) A registered nurse, physician, physician's group,

13 podiatrist, or dentist, or the facility at which surgery is

14 performed under this section, may not separately bill the services

15 of the registered nurse to the patient or to any third-party

16 insurer.

17 (e) A registered nurse to whom this section applies may not

18 use:

- 19 (1) the title "nurse first assistant" or "registered
- 20 nurse first assistant";
- 21 (2) the abbreviation "R.N.F.A."; or
- 22 (3) any other title or abbreviation that implies to
- 23 the public that the person is qualified as a nurse first assistant
- 24 under Section 301.1525.

25 (f) This section expires January 1, 2007.

26 Sec. 301.1527. CERTAIN NURSES DIRECTLY ASSISTING IN SURGERY

27 IN SMALL HOSPITALS. (a) In this section, "small hospital" means a

1 hospital licensed under Chapter 241, Health and Safety Code, that
2 has 100 or fewer beds.

3 (b) This section does not apply to a registered nurse who is
4 a nurse first assistant under Section 301.1525.

5 (c) A registered nurse to whom this section applies may
6 directly assist a physician, physician's group, podiatrist, or
7 dentist to perform surgery at a small hospital if the nurse:

8 (1) has, before September 1, 2003, directly assisted
9 the physician, physician's group, podiatrist, or dentist to perform
10 surgery for 2,500 or more hours;

11 (2) assists under the direct personal supervision and
12 in the physical presence of the physician, physician's group,
13 podiatrist, or dentist in the same sterile field; and

14 (3) is employed by the physician, physician's group,
15 podiatrist, or dentist or by the small hospital.

16 (d) In this section, "directly assisting in surgery":

17 (1) includes:

18 (A) holding a retractor;

19 (B) grasping tissue;

20 (C) using a suction device;

21 (D) sponging a wound; and

22 (E) following a suture while the physician,
23 physician's group, podiatrist, or dentist sews tissue; and

24 (2) does not include:

25 (A) making an incision;

26 (B) inserting a laparoscopic trocar;

27 (C) tying a suture; or

1 (D) placing a suture or staple.

2 (e) A registered nurse, physician, physician's group,
3 podiatrist, or dentist, or the facility at which surgery is
4 performed under this section, may not separately bill the services
5 of the registered nurse to the patient or to any third-party
6 insurer.

7 (f) A registered nurse to whom this section applies may not
8 use:

9 (1) the title "nurse first assistant" or "registered
10 nurse first assistant";

11 (2) the abbreviation "R.N.F.A."; or

12 (3) any other title or abbreviation that implies to
13 the public that the person is qualified as a nurse first assistant
14 under Section 301.1525.

15 SECTION 2. (a) Except as provided by Subsection (b) of this
16 section, this Act takes effect September 1, 2003.

17 (b) Section 301.1527, Occupations Code, as added by this
18 Act, takes effect January 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2131 was passed by the House on May 2, 2003, by the following vote: Yeas 126, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2131 was passed by the Senate on May 27, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor