

1-1 By: Zedler (Senate Sponsor - Deuell) H.B. No. 2131  
1-2 (In the Senate - Received from the House May 5, 2003;  
1-3 May 7, 2003, read first time and referred to Committee on Health  
1-4 and Human Services; May 19, 2003, reported favorably by the  
1-5 following vote: Yeas 8, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation of certain operating room nurses  
1-9 employed by certain other health providers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter D, Chapter 301, Occupations Code, is  
1-12 amended by adding Sections 301.1526 and 301.1527 to read as  
1-13 follows:

1-14 Sec. 301.1526. CERTAIN NURSES DIRECTLY ASSISTING IN  
1-15 SURGERY. (a) This section does not apply to a registered nurse who  
1-16 is a nurse first assistant under Section 301.1525.

1-17 (b) A registered nurse to whom this section applies may  
1-18 directly assist a physician, physician's group, podiatrist, or  
1-19 dentist to perform surgery if the nurse:

1-20 (1) has, before September 1, 2003, directly assisted  
1-21 the physician, physician's group, podiatrist, or dentist to perform  
1-22 surgery for 2,500 or more hours;

1-23 (2) assists under the direct personal supervision and  
1-24 in the physical presence of the physician, physician's group,  
1-25 podiatrist, or dentist in the same sterile field; and

1-26 (3) is employed by the physician, physician's group,  
1-27 podiatrist, or dentist or by a hospital licensed under Chapter 241,  
1-28 Health and Safety Code.

1-29 (c) In this section, "directly assisting in surgery":

1-30 (1) includes:

1-31 (A) holding a retractor;

1-32 (B) grasping tissue;

1-33 (C) using a suction device;

1-34 (D) sponging a wound; and

1-35 (E) following a suture while the physician,  
1-36 physician's group, podiatrist, or dentist sews tissue; and

1-37 (2) does not include:

1-38 (A) making an incision;

1-39 (B) inserting a laparoscopic trocar;

1-40 (C) tying a suture; or

1-41 (D) placing a suture or staple.

1-42 (d) A registered nurse, physician, physician's group,  
1-43 podiatrist, or dentist, or the facility at which surgery is  
1-44 performed under this section, may not separately bill the services  
1-45 of the registered nurse to the patient or to any third-party  
1-46 insurer.

1-47 (e) A registered nurse to whom this section applies may not  
1-48 use:

1-49 (1) the title "nurse first assistant" or "registered  
1-50 nurse first assistant";

1-51 (2) the abbreviation "R.N.F.A."; or

1-52 (3) any other title or abbreviation that implies to  
1-53 the public that the person is qualified as a nurse first assistant  
1-54 under Section 301.1525.

1-55 (f) This section expires January 1, 2007.

1-56 Sec. 301.1527. CERTAIN NURSES DIRECTLY ASSISTING IN SURGERY  
1-57 IN SMALL HOSPITALS. (a) In this section, "small hospital" means a  
1-58 hospital licensed under Chapter 241, Health and Safety Code, that  
1-59 has 100 or fewer beds.

1-60 (b) This section does not apply to a registered nurse who is  
1-61 a nurse first assistant under Section 301.1525.

1-62 (c) A registered nurse to whom this section applies may  
1-63 directly assist a physician, physician's group, podiatrist, or  
1-64 dentist to perform surgery at a small hospital if the nurse:

2-1                   (1) has, before September 1, 2003, directly assisted  
2-2 the physician, physician's group, podiatrist, or dentist to perform  
2-3 surgery for 2,500 or more hours;

2-4                   (2) assists under the direct personal supervision and  
2-5 in the physical presence of the physician, physician's group,  
2-6 podiatrist, or dentist in the same sterile field; and

2-7                   (3) is employed by the physician, physician's group,  
2-8 podiatrist, or dentist or by the small hospital.

2-9                   (d) In this section, "directly assisting in surgery":

2-10                   (1) includes:

2-11                   (A) holding a retractor;

2-12                   (B) grasping tissue;

2-13                   (C) using a suction device;

2-14                   (D) sponging a wound; and

2-15                   (E) following a suture while the physician,  
2-16 physician's group, podiatrist, or dentist sews tissue; and

2-17                   (2) does not include:

2-18                   (A) making an incision;

2-19                   (B) inserting a laparoscopic trocar;

2-20                   (C) tying a suture; or

2-21                   (D) placing a suture or staple.

2-22                   (e) A registered nurse, physician, physician's group,  
2-23 podiatrist, or dentist, or the facility at which surgery is  
2-24 performed under this section, may not separately bill the services  
2-25 of the registered nurse to the patient or to any third-party  
2-26 insurer.

2-27                   (f) A registered nurse to whom this section applies may not  
2-28 use:

2-29                   (1) the title "nurse first assistant" or "registered  
2-30 nurse first assistant";

2-31                   (2) the abbreviation "R.N.F.A."; or

2-32                   (3) any other title or abbreviation that implies to  
2-33 the public that the person is qualified as a nurse first assistant  
2-34 under Section 301.1525.

2-35                   SECTION 2. (a) Except as provided by Subsection (b) of this  
2-36 section, this Act takes effect September 1, 2003.

2-37                   (b) Section 301.1527, Occupations Code, as added by this  
2-38 Act, takes effect January 1, 2007.

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