

By: Allen

H.B. No. 2208

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of professional nursing.

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

SECTION 1. Subchapter D, Chapter 301, Occupations Code, is amended by adding Section 301.1615 to read as follows:

Sec. 301.1615. OBTAINING CRIMINAL HISTORY RECORD INFORMATION; HEARING. (a) In addition to the information to which the board is entitled under Section 411.125, Government Code, the board may request and receive criminal history record information from the Federal Bureau of Investigation as provided by Section 411.087, Government Code.

(b) Criminal history record information received by the board may be used only by the board and is privileged. The information may not be disclosed to any person other than:

(1) as required under a court order; or

(2) to a nursing board that is a member of the nurse licensure compact under Chapter 304.

(c) If, on the basis of criminal history record information obtained by the board, the board 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. Subchapter F, Chapter 301, Occupations Code, is amended by adding Section 301.2511 to read as follows:

1 Sec. 301.2511. CRIMINAL HISTORY RECORD INFORMATION FOR
2 LICENSE APPLICANTS. (a) An applicant for a registered nurse
3 license must submit to the board, in addition to satisfying the
4 other requirements of this subchapter, a complete and legible set
5 of fingerprints, on a form prescribed by the board, for the purpose
6 of obtaining criminal history record information from the
7 Department of Public Safety and the Federal Bureau of
8 Investigation.

9 (b) The board may deny a license to an applicant who does not
10 comply with the requirement of Subsection (a). Issuance of a
11 license by the board is conditioned on the board obtaining the
12 applicant's criminal history record information under this
13 section.

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

22 SECTION 3. Subchapter G, Chapter 301, Occupations Code, is
23 amended by adding Section 301.3011 to read as follows:

24 Sec. 301.3011. CRIMINAL HISTORY RECORD INFORMATION
25 REQUIREMENT FOR RENEWAL. (a) The board may require that an
26 applicant for renewal of an unexpired license submit to the board,
27 in addition to satisfying any other requirements for license

1 renewal, a complete and legible set of fingerprints, on a form
2 prescribed by the board, for the purpose of obtaining criminal
3 history record information from the Department of Public Safety and
4 the Federal Bureau of Investigation.

5 (b) The board may refuse to renew the license of a person who
6 does not comply with the requirement of Subsection (a). Renewal of
7 a license by the board is conditioned on the board obtaining the
8 person's criminal history record information under this section.

9 SECTION 4. Section 411.125(a), Government Code, is amended
10 to read as follows:

11 (a) The Board of Nurse Examiners is entitled to obtain from
12 the department criminal history record information maintained by
13 the department that relates to a person who:

14 (1) is an applicant for or the holder of a license
15 issued by [~~from~~] the board;

16 (2) has requested a determination of eligibility for a
17 license from the board; or

18 (3) is subject to investigation by the board in
19 connection with a complaint or formal charge against the person.

20 SECTION 5. (a) This Act takes effect September 1, 2003.

21 (b) The change in law made by this Act applies only to an
22 application for the issuance or renewal of a license that is filed
23 with the Board of Nurse Examiners on or after the effective date of
24 this Act. An application for the issuance or renewal of a license
25 that is filed before the effective date of this Act is governed by
26 the law in effect on the date the application was filed, and the
27 former law is continued in effect for that purpose.