

By: Allen

H.B. No. 2208

A BILL TO BE ENTITLED

AN ACT

1
2 relating to obtaining criminal history record information for
3 applicants for and holders of a license to practice registered
4 nursing.

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

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

8 Sec. 301.1615. OBTAINING CRIMINAL HISTORY RECORD
9 INFORMATION; HEARING. (a) In addition to the information to which
10 the board is entitled under Section 411.125, Government Code, the
11 board may request and receive criminal history record information
12 from the Federal Bureau of Investigation as provided by Section
13 411.087, Government Code.

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

17 (1) as required under a court order; or

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

20 (c) If, on the basis of criminal history record information
21 obtained by the board, the board proposes to deny an application for
22 a license, refuse to renew a license, or suspend or revoke a license
23 or temporary permit, the applicant or license holder is entitled to
24 a hearing under Section 301.454.

1 SECTION 2. Subchapter F, Chapter 301, Occupations Code, is
2 amended by adding Section 301.2511 to read as follows:

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

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

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

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

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

1 in addition to satisfying any other requirements for license
2 renewal, a complete and legible set of fingerprints, on a form
3 prescribed by the board, for the purpose of obtaining criminal
4 history record information from the Department of Public Safety and
5 the Federal Bureau of Investigation.

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

10 SECTION 4. (a) This Act takes effect September 1, 2003.

11 (b) The change in law made by this Act applies only to an
12 application for the issuance or renewal of a license that is filed
13 with the Board of Nurse Examiners on or after the effective date of
14 this Act. An application for the issuance or renewal of a license
15 that is filed before the effective date of this Act is governed by
16 the law in effect on the date the application was filed, and the
17 former law is continued in effect for that purpose.