

1-1 By: Allen (Senate Sponsor - Nelson) H.B. No. 2208  
1-2 (In the Senate - Received from the House May 12, 2003;  
1-3 May 13, 2003, read first time and referred to Committee on Health  
1-4 and Human Services; May 22, 2003, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 22, 2003, sent to printer.)

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

1-8 relating to the regulation of the practice of professional nursing.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter D, Chapter 301, Occupations Code, is  
1-11 amended by adding Section 301.1615 to read as follows:

1-12 Sec. 301.1615. OBTAINING CRIMINAL HISTORY RECORD  
1-13 INFORMATION; HEARING. (a) In addition to the information to which  
1-14 the board is entitled under Section 411.125, Government Code, the  
1-15 board may request and receive criminal history record information  
1-16 from the Federal Bureau of Investigation as provided by Section  
1-17 411.087, Government Code.

1-18 (b) Criminal history record information received by the  
1-19 board may be used only by the board and is privileged. The  
1-20 information may not be disclosed to any person other than:

1-21 (1) as required under a court order; or

1-22 (2) to a nursing board that is a member of the nurse  
1-23 licensure compact under Chapter 304.

1-24 (c) If, on the basis of criminal history record information  
1-25 obtained by the board, the board proposes to deny an application for  
1-26 a license, refuse to renew a license, or suspend or revoke a license  
1-27 or temporary permit, the applicant or license holder is entitled to  
1-28 a hearing under Section 301.454.

1-29 SECTION 2. Subchapter F, Chapter 301, Occupations Code, is  
1-30 amended by adding Section 301.2511 to read as follows:

1-31 Sec. 301.2511. CRIMINAL HISTORY RECORD INFORMATION FOR  
1-32 LICENSE APPLICANTS. (a) An applicant for a registered nurse  
1-33 license must submit to the board, in addition to satisfying the  
1-34 other requirements of this subchapter, a complete and legible set  
1-35 of fingerprints, on a form prescribed by the board, for the purpose  
1-36 of obtaining criminal history record information from the  
1-37 Department of Public Safety and the Federal Bureau of  
1-38 Investigation.

1-39 (b) The board may deny a license to an applicant who does not  
1-40 comply with the requirement of Subsection (a). Issuance of a  
1-41 license by the board is conditioned on the board obtaining the  
1-42 applicant's criminal history record information under this  
1-43 section.

1-44 (c) The board by rule may develop a system for initiating  
1-45 the process of obtaining criminal history record information for  
1-46 applicants for a license under this chapter by requiring persons  
1-47 who enroll or plan to enroll in an educational program that prepares  
1-48 a person for a license as a registered nurse to submit to the board a  
1-49 set of fingerprints that meets the requirements of Subsection (a).  
1-50 The board may require payment of a fee by a person who is required to  
1-51 submit a set of fingerprints under this subsection.

1-52 SECTION 3. Subchapter G, Chapter 301, Occupations Code, is  
1-53 amended by adding Section 301.3011 to read as follows:

1-54 Sec. 301.3011. CRIMINAL HISTORY RECORD INFORMATION  
1-55 REQUIREMENT FOR RENEWAL. (a) The board may require that an  
1-56 applicant for renewal of an unexpired license submit to the board,  
1-57 in addition to satisfying any other requirements for license  
1-58 renewal, a complete and legible set of fingerprints, on a form  
1-59 prescribed by the board, for the purpose of obtaining criminal  
1-60 history record information from the Department of Public Safety and  
1-61 the Federal Bureau of Investigation.

1-62 (b) The board may refuse to renew the license of a person who  
1-63 does not comply with the requirement of Subsection (a). Renewal of  
1-64 a license by the board is conditioned on the board obtaining the

2-1 person's criminal history record information under this section.

2-2 SECTION 4. Section 411.125(a), Government Code, is amended  
2-3 to read as follows:

2-4 (a) The Board of Nurse Examiners is entitled to obtain from  
2-5 the department criminal history record information maintained by  
2-6 the department that relates to a person who:

2-7 (1) is an applicant for or the holder of a license  
2-8 issued by [~~from~~] the board;

2-9 (2) has requested a determination of eligibility for a  
2-10 license from the board; or

2-11 (3) is subject to investigation by the board in  
2-12 connection with a complaint or formal charge against the person.

2-13 SECTION 5. (a) This Act takes effect September 1, 2003.

2-14 (b) The change in law made by this Act applies only to an  
2-15 application for the issuance or renewal of a license that is filed  
2-16 with the Board of Nurse Examiners on or after the effective date of  
2-17 this Act. An application for the issuance or renewal of a license  
2-18 that is filed before the effective date of this Act is governed by  
2-19 the law in effect on the date the application was filed, and the  
2-20 former law is continued in effect for that purpose.

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