

BILL ANALYSIS

C.S.H.B. 1718
By: Zedler
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Legislature amended the Occupations Code and added sections relating to the regulation of certain operating room nurses employed by other health providers. The intent of the legislation was to ensure that qualified, experienced nurses employed by doctors, hospitals, or physicians groups who have been assisting doctors in the operating room for many years could continue to perform their duties if they did not want to be reimbursed for those duties and therefore did not want to go through the process to become a Registered Nurse First Assistant (RNFA) under the changes made to the Nursing Practices Act by the 77th Legislature.

However, the language that was added was too prescriptive to cover the broad range of operating room procedures and practices in every health care setting. The resulting confusion made it difficult to determine what an assisting nurse could do or not do even at the request and under the direct supervision of the operating physician. Additionally, the entire provision expires in January 2007, which would result in nurses with years of experience being unable to continue performing their duties.

The substitute provides a clear definition of "nurse first assistant" and repeals the confusing language.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The substitute defines the qualifications of a nurse first assistant as; a registered nurse who has completed a nurse first assistant educational program approved or recognized by an organization recognized by the board, and is either certified in perioperative nursing by an organization recognized by the board or recognized by the board as an advance practice nurse and qualified by education, training, or experience to perform the tasks involved in perioperative nursing.

Only a nurse first assistant, the person may use the title "nurse first assistant" or "registered nurse first assistant," the abbreviation "R.N.F.A." A health maintenance organization, preferred provider organization, or an insurer, may not require a physician to use the services of a nurse first assistant. The patient or third-party insurer may not be billed separately for the services performed by a nurse who is not a nurse first assistant.

A nurse that is not a nurse first assistant may assist a provider, podiatrist, or dentist in the performance of surgery if the nurse is; under the direct supervision, in the same sterile field, is employed by the provider, podiatrist, dentist or group to which they belong, and is qualified by education, training, or experience. The substitute removes the ambiguous requirements and confusing language for RNFA's.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute makes technical and corrective changes in Section 1 of the bill.

C.S.H.B. 1718 79(R)