

BILL ANALYSIS

Senate Research Center

H.B. 1718
By: Zedler (Nelson)
Health & Human Services
5/17/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, 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, Regular Session, 2001.

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.

H.B. 1718 provides a clear definition of "nurse first assistant" and repeals the confusing language.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 301, Occupations Code, by adding Section 301.353, as follows:

Sec. 301.353. NURSE FIRST ASSISTANTS; ASSISTING AT SURGERY BY OTHER NURSES. (a) Defines "nurse first assistant."

(b) Prohibits a person from using certain titles or abbreviations unless the person is a nurse first assistant.

(c) Prohibits a health maintenance organization or an insurer, including an insurer offering a preferred provider benefit plan, by contract or any other method, from requiring a physician to use the services of a nurse first assistant.

(d) Authorizes a nurse who is not a nurse first assistant to assist a physician, podiatrist, or dentist in the performance of surgery if the nurse meets certain requirements.

(e) Prohibits a patient or third-party insurer from being billed separately for the services performed by a nurse described by Subsection (d).

SECTION 2. Repealer: Sections 301.1525 (Nurse First Assistants), 301.1526 (Certain Nurses Directly Assisting in Surgery), and 301.1527 (Certain Nurses Directly Assisting in Surgery in Small Hospitals), Occupations Code.

SECTION 3. Effective date: September 1, 2005.

SUMMARY OF COMMITTEE CHANGES

COMMITTEE AMENDMENT NO. 1:

On page 2, line 24, amend H.B. 1718 (engrossed version) by adding a new SECTION 2 and renumbering subsequent SECTIONS:

SECTION 2. Amends Subchapter B, Chapter 241, Health and Safety Code, by adding Section 241.0262, as follows:

Sec. 241.0262. CIRCULATING DUTIES FOR SURGICAL SERVICES. Requires circulating duties in the operating room to be performed by qualified registered nurses. Authorizes licensed vocational nurses and surgical technologists, in accordance with approved medical staff policies and procedures, to assist in the circulatory duties under the direct supervision of a qualified registered nurse circulator.