

BILL ANALYSIS

S.B. 1053
By: Janek
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The substitute updates the Nursing Practice Act making it more consistent with other professional practice acts in Texas. It allows the Board of Nurse Examiners (board) to obtain criminal background information on licensees and applicants. Additionally, it adds "deferred adjudication or deferred disposition" as a basis for the denial of a license. Furthermore, it requires suspension or revocation of a license for certain offenses.

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 bill authorizes the Board to establish a criminal investigations unit to investigate suspected criminal acts relating to the practice of nursing as authorized by this chapter and to assist federal, state, or local law enforcement agencies in the investigation and prosecution of crimes related to the practice of nursing.

The bill adds a provision that a person may renew an unexpired license on payment of any administrative costs assessed in conducting a hearing as a term for renewal of a license.

A nurse is subject to denial of a license or disciplinary action if they are placed on deferred adjudication community supervision or deferred disposition for a felony or misdemeanor involving moral turpitude.

Requires the board to suspend, revoke or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of murder, capital murder, manslaughter, kidnapping, sexual assault, aggravated sexual assault, indecency, aggravated assault, injures a child, elderly individual, or disabled individual, abandons or endangers a child, aides in suicide, violates a protective order, a protective order involving prejudice or bias, agreement to abduct a child from custody, sale or purchase of a child, robbery, aggravated robbery, an offense which the defendant is required to register as a sex offender, or any law of another state or the Uniform Code of Military Justice that are similar to offenses listed above.

Provides that the board, on final conviction or a plea of guilty or nolo contendere for an offense described above, is prohibited from issuing or renewing a license, or revoke a license if the applicant or license holder did not previously disclose the conviction or plea, and are prohibited from initial, reinstatement or endorsement of a license to practice nursing before the fifth anniversary of the date the person successfully completed community supervision or parole.

Provides that a license may be temporarily restricted, in addition to suspended. Requires a probable cause hearing required under this section to be conducted as a de novo hearing. Makes conforming changes.

Repeals the expiration date of the Nurse Licensure Compact.

EFFECTIVE DATE

September 1, 2005.

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