

By: Zedler

H.B. No. 1718

Substitute the following for H.B. No. 1718:

By: Truitt

C.S.H.B. No. 1718

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain nursing practices.

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

SECTION 1. Subchapter H, Chapter 301, Occupations Code, is amended by adding Section 301.353 to read as follows:

Sec. 301.353. NURSE FIRST ASSISTANTS; ASSISTING AT SURGERY BY OTHER NURSES. (a) In this section, "nurse first assistant" means a registered nurse who:

(1) has completed a nurse first assistant educational program approved or recognized by an organization recognized by the board; and

(2) is either:

(A) certified in perioperative nursing by an organization recognized by the board; or

(B) recognized by the board as an advanced practice nurse and qualified by education, training, or experience to perform the tasks involved in perioperative nursing.

(b) Unless the person is a nurse first assistant, the person may not use:

(1) the title "nurse first assistant" or "registered nurse first assistant";

(2) the abbreviation "R.N.F.A."; or

(3) any other title or abbreviation that implies to the public that the person is qualified as a nurse first assistant

1 under this section.

2 (c) A health maintenance organization or an insurer,
3 including an insurer offering a preferred provider benefit plan,
4 may not, by contract or any other method, require a physician to use
5 the services of a nurse first assistant.

6 (d) A nurse who is not a nurse first assistant may assist a
7 physician, podiatrist, or dentist in the performance of surgery if
8 the nurse:

9 (1) assists under the direct personal supervision and
10 in the physical presence of the physician, podiatrist, or dentist;

11 (2) is in the same sterile field as the physician,
12 podiatrist, or dentist;

13 (3) is employed by:

14 (A) the physician, podiatrist, or dentist;

15 (B) a group to which the physician, podiatrist,
16 or dentist belongs; or

17 (C) a hospital licensed or owned by the state;
18 and

19 (4) is qualified by education, training, or experience
20 to perform the tasks assigned to the nurse.

21 (e) A patient or third-party insurer may not be billed
22 separately for the services performed by a nurse described by
23 Subsection (d).

24 SECTION 2. Sections 301.1525, 301.1526, and 301.1527,
25 Occupations Code, are repealed.

26 SECTION 3. This Act takes effect September 1, 2005.