

1-1 By: Zedler (Senate Sponsor - Nelson) H.B. No. 1718
1-2 (In the Senate - Received from the House May 6, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Health
1-4 and Human Services; May 19, 2005, reported favorably, as amended,
1-5 by the following vote: Yeas 8, Nays 0; May 19, 2005, sent to
1-6 printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Nelson

1-8 On page 2, line 6, amend House Bill 1718 (Engrossed) by adding new
1-9 SECTION 2 to read as follows and renumber the subsequent sections
1-10 appropriately:

1-11 SECTION 2. Subchapter B, Chapter 241, Health and Safety
1-12 Code, is amended by adding Section 241.0262 to read as follows:

1-13 Section 241.0262. CIRCULATING DUTIES FOR SURGICAL
1-14 SERVICES. Circulating duties in the operating room must be
1-15 performed by qualified registered nurses. In accordance with
1-16 approved medical staff policies and procedures, licensed
1-17 vocational nurses and surgical technologists may assist in
1-18 circulatory duties under the direct supervision of a qualified
1-19 registered nurse circulator.

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the regulation of certain nursing practices.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter H, Chapter 301, Occupations Code, is
1-25 amended by adding Section 301.353 to read as follows:

1-26 Sec. 301.353. NURSE FIRST ASSISTANTS; ASSISTING AT SURGERY
1-27 BY OTHER NURSES. (a) In this section, "nurse first assistant"
1-28 means a registered nurse who:

1-29 (1) has completed a nurse first assistant educational
1-30 program approved or recognized by an organization recognized by the
1-31 board; and

1-32 (2) is either:

1-33 (A) certified in perioperative nursing by an
1-34 organization recognized by the board; or

1-35 (B) recognized by the board as an advanced
1-36 practice nurse and qualified by education, training, or experience
1-37 to perform the tasks involved in perioperative nursing.

1-38 (b) Unless the person is a nurse first assistant, the person
1-39 may not use:

1-40 (1) the title "nurse first assistant" or "registered
1-41 nurse first assistant";

1-42 (2) the abbreviation "R.N.F.A."; or

1-43 (3) any other title or abbreviation that implies to
1-44 the public that the person is qualified as a nurse first assistant
1-45 under this section.

1-46 (c) A health maintenance organization or an insurer,
1-47 including an insurer offering a preferred provider benefit plan,
1-48 may not, by contract or any other method, require a physician to use
1-49 the services of a nurse first assistant.

1-50 (d) A nurse who is not a nurse first assistant may assist a
1-51 physician, podiatrist, or dentist in the performance of surgery if
1-52 the nurse:

1-53 (1) assists under the direct personal supervision and
1-54 in the physical presence of the physician, podiatrist, or dentist;

1-55 (2) is in the same sterile field as the physician,
1-56 podiatrist, or dentist;

1-57 (3) is employed by:

1-58 (A) the physician, podiatrist, or dentist;

1-59 (B) a group to which the physician, podiatrist,
1-60 or dentist belongs; or

1-61 (C) a hospital licensed or owned by the state;

1-62 and

2-1 (4) is qualified by education, training, or experience
2-2 to perform the tasks assigned to the nurse.

2-3 (e) A patient or third-party insurer may not be billed
2-4 separately for the services performed by a nurse described by
2-5 Subsection (d).

2-6 SECTION 2. Sections 301.1525, 301.1526, and 301.1527,
2-7 Occupations Code, are repealed.

2-8 SECTION 3. This Act takes effect September 1, 2005.

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