

1-1 By: Madla S.B. No. 1000
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 21, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 21, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1000 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of the practice of nursing.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (b) and (c), Section 105.002, Health
1-13 and Safety Code, are amended to read as follows:

1-14 (b) In conjunction with the committee formed under Section
1-15 104.0155, to avoid duplication of effort, and to the extent funding
1-16 is available through fees collected under Section [~~Sections~~
1-17 301.155(c) [~~and 302.153(d)~~], Occupations Code, the council shall
1-18 establish a nursing resource section within the center for the
1-19 collection and analysis of educational and employment trends for
1-20 nurses in this state.

1-21 (c) If the nursing resource section established under
1-22 Subsection (b) is funded from surcharges collected under Section
1-23 [~~Sections~~] 301.155(c) [~~and 302.153(d)~~], Occupations Code, the
1-24 council shall provide the Board of Nurse Examiners [~~and the Board of~~
1-25 ~~Vocational Nurse Examiners, as applicable,~~] with an annual
1-26 accounting of the money received from the board [~~those boards~~]. The
1-27 council may expend a reasonable amount of the money to pay
1-28 administrative costs of maintaining the nursing resource section.

1-29 SECTION 2. Subsection (e), Section 105.003, Health and
1-30 Safety Code, is amended to read as follows:

1-31 (e) Data received under this section by the nursing resource
1-32 section established under Section 105.002 [~~department under this~~
1-33 ~~section~~] that contains information identifying specific patients
1-34 [~~persons~~] or health care facilities is confidential, is not subject
1-35 to disclosure under Chapter 552, Government Code, and may not be
1-36 released unless all identifying information is removed.

1-37 SECTION 3. Subdivisions (2) and (5), Section 301.002,
1-38 Occupations Code, are amended to read as follows:

1-39 (2) "Professional nursing" means the performance [~~for~~
1-40 ~~compensation~~] of an act that requires substantial specialized
1-41 judgment and skill, the proper performance of which is based on
1-42 knowledge and application of the principles of biological,
1-43 physical, and social science as acquired by a completed course in an
1-44 approved school of professional nursing. The term does not include
1-45 acts of medical diagnosis or the prescription of therapeutic or
1-46 corrective measures. Professional nursing involves:

1-47 (A) the observation, assessment, intervention,
1-48 evaluation, rehabilitation, care and counsel, or health teachings
1-49 of a person who is ill, injured, infirm, or experiencing a change in
1-50 normal health processes;

1-51 (B) the maintenance of health or prevention of
1-52 illness;

1-53 (C) the administration of a medication or
1-54 treatment as ordered by a physician, podiatrist, or dentist;

1-55 (D) the supervision or teaching of nursing;

1-56 (E) the administration, supervision, and
1-57 evaluation of nursing practices, policies, and procedures;

1-58 (F) the requesting, receiving, signing for, and
1-59 distribution of prescription drug samples to patients at sites in
1-60 which a registered nurse is authorized to sign prescription drug
1-61 orders as provided by Subchapter B, Chapter 157; [~~and~~

1-62 (G) the performance of an act delegated by a
1-63 physician under Section 157.052, 157.053, 157.054, 157.0541,

2-1 157.0542, 157.058, or 157.059; and

2-2 (H) the development of the nursing care plan.

2-3 (5) "Vocational nursing" means a directed scope of
2-4 nursing practice, including the performance of an act that requires
2-5 specialized judgment and skill, the proper performance of which is
2-6 based on knowledge and application of the principles of biological,
2-7 physical, and social science as acquired by a completed course in an
2-8 approved school of vocational nursing. The term does not include
2-9 acts of medical diagnosis or the prescription of therapeutic or
2-10 corrective measures. Vocational nursing involves:

2-11 (A) collecting data and performing focused
2-12 nursing assessments of the health status of an individual;

2-13 (B) participating in the planning of the nursing
2-14 care needs of an individual;

2-15 (C) participating in the development and
2-16 modification of the nursing care plan;

2-17 (D) participating in health teaching and
2-18 counseling to promote, attain, and maintain the optimum health
2-19 level of an individual;

2-20 (E) assisting in the evaluation of an
2-21 individual's response to a nursing intervention and the
2-22 identification of an individual's needs; and

2-23 (F) engaging in other acts that require education
2-24 and training, as prescribed by board rules and policies,
2-25 commensurate with the nurse's experience, continuing education,
2-26 and demonstrated competency[, other than professional nursing,
2-27 that generally requires experience and education in biological,
2-28 physical, and social sciences sufficient to qualify as a licensed
2-29 vocational nurse].

2-30 SECTION 4. Subsection (c), Section 301.155, Occupations
2-31 Code, is amended to read as follows:

2-32 (c) The board shall assess a \$3 surcharge for a registered
2-33 nurse and a \$2 surcharge for a vocational nurse to the fee
2-34 established by the board under Subsection (a) for a license holder
2-35 to renew a license under this chapter. The board may use nine cents
2-36 of the registered nurse surcharge and six cents of the vocational
2-37 nurse surcharge to cover the administrative costs of collecting and
2-38 depositing the surcharge. The board quarterly shall transmit the
2-39 remainder [~~\$2.91~~] of each [~~the~~] surcharge to the [~~Texas~~] Department
2-40 of State Health Services to be used only to implement the nursing
2-41 resource section under Section 105.002, Health and Safety Code.
2-42 The board is not required to collect the surcharge if the board
2-43 determines the funds collected are not appropriated for the purpose
2-44 of funding the nursing resource section.

2-45 SECTION 5. Subsections (c) and (d), Section 301.251,
2-46 Occupations Code, are amended to read as follows:

2-47 (c) This section does not apply to a person entitled to
2-48 practice [~~professional~~] nursing [~~or vocational nursing~~] in this
2-49 state under Chapter 304[, as added by Chapter 1420, Acts of the 77th
2-50 Legislature, Regular Session, 2001].

2-51 (d) Unless the person holds a license under this chapter [~~or~~
2-52 ~~as a vocational nurse under Chapter 302~~], a person may not use, in
2-53 connection with the person's name:

2-54 (1) the title "nurse"; or

2-55 (2) any other designation tending to imply that the
2-56 person is licensed to provide nursing care.

2-57 SECTION 6. Section 301.351, Occupations Code, as amended by
2-58 Section 1.027, Chapter 553, Acts of the 78th Legislature, Regular
2-59 Session, 2003, and Section 5, Chapter 876, Acts of the 78th
2-60 Legislature, Regular Session, 2003, is reenacted and amended to
2-61 read as follows:

2-62 Sec. 301.351. DESIGNATIONS. (a) A person who holds a
2-63 license as a registered nurse under this chapter:

2-64 (1) is referred to as a registered nurse; and

2-65 (2) may use the abbreviation "R.N."

2-66 (b) A person who holds a license as a vocational nurse under
2-67 this chapter:

2-68 (1) is referred to as a licensed vocational nurse or
2-69 vocational nurse; and

3-1 (2) may use the abbreviation "L.V.N." or "V.N."

3-2 (c) While interacting with the public in a [~~professional~~]
3-3 nursing role, each [~~licensed registered~~] nurse shall wear a clearly
3-4 legible insignia identifying the nurse as a registered or
3-5 vocational nurse [~~and each licensed vocational nurse shall wear an~~
3-6 ~~insignia identifying the nurse as a vocational nurse~~]. The
3-7 insignia may not contain information other than:

3-8 (1) the registered or vocational nurse designation;

3-9 (2) the nurse's name, certifications, academic
3-10 degrees, or practice position;

3-11 (3) the name of the employing facility or agency, or
3-12 other employer;

3-13 (4) a picture of the nurse; or

3-14 (5) any other information authorized by the board.

3-15 (d) [~~e~~] The board may adopt rules establishing
3-16 specifications for the insignia.

3-17 SECTION 7. Section 301.352, Occupations Code, is amended by
3-18 amending Subsections (a) and (b) and adding Subsection (e) to read
3-19 as follows:

3-20 (a) A person may not suspend, terminate, or otherwise
3-21 discipline or discriminate against a nurse who refuses to engage in
3-22 an act or omission relating to patient care that would constitute
3-23 grounds for reporting the nurse to the board under Subchapter I,
3-24 that constitutes a minor incident, or that violates this chapter or
3-25 a board rule if the nurse notifies the person at the time of the
3-26 refusal that the reason for refusing is that the act or omission:

3-27 (1) constitutes grounds for reporting the nurse to the
3-28 board; or

3-29 (2) is a violation of this chapter or a rule of the
3-30 board.

3-31 (b) An act by a person under Subsection (a) does not
3-32 constitute a violation of this section if a nursing peer review
3-33 committee under Chapter 303 determines:

3-34 (1) that the act or omission the nurse refused to
3-35 engage in was:

3-36 (A) not conduct reportable to the board under
3-37 Section 301.403;

3-38 (B) a minor incident; or

3-39 (C) a violation of this chapter or a board rule;

3-40 or

3-41 (2) that:

3-42 (A) the act or omission in which the nurse
3-43 refused to engage was conduct reportable to the board, a minor
3-44 incident, or a violation of this chapter or a board rule; and

3-45 (B) the person:

3-46 (i) rescinds any disciplinary or
3-47 discriminatory action taken against the nurse;

3-48 (ii) compensates the nurse for lost wages;

3-49 and

3-50 (iii) restores to the nurse any lost
3-51 benefits.

3-52 (e) In this section, "minor incident" has the meaning
3-53 assigned by Section 301.419.

3-54 SECTION 8. Subchapter H, Chapter 301, Occupations Code, is
3-55 amended by adding Section 301.353 to read as follows:

3-56 Sec. 301.353. SUPERVISION OF VOCATIONAL NURSE. The
3-57 practice of vocational nursing must be performed under the
3-58 supervision of a registered nurse, physician, physician assistant,
3-59 podiatrist, or dentist.

3-60 SECTION 9. Subsection (a), Section 301.401, Occupations
3-61 Code, is amended to read as follows:

3-62 (a) Except as provided by Subsection (b), the following are
3-63 grounds for reporting a nurse under Section 301.402, 301.403,
3-64 301.405, or 301.407:

3-65 (1) [~~unnecessary or~~] likely exposure by the nurse of a
3-66 patient or other person to an unnecessary [~~a~~] risk of harm;

3-67 (2) unprofessional conduct by the nurse;

3-68 (3) failure by the nurse to adequately care for a
3-69 patient;

4-1 (4) failure by the nurse to conform to the minimum
4-2 standards of acceptable [~~professional~~] nursing practice; or

4-3 (5) impairment or likely impairment of the nurse's
4-4 practice by chemical dependency.

4-5 SECTION 10. Subsections (c) and (f), Section 301.402,
4-6 Occupations Code, are amended to read as follows:

4-7 (c) In a written, signed report to the appropriate licensing
4-8 board or accrediting body, a nurse may report a licensed health care
4-9 practitioner, agency, or facility that the nurse has reasonable
4-10 cause to believe has exposed a patient to substantial risk of harm
4-11 as a result of failing to provide patient care that conforms to the:

4-12 (1) minimum standards of acceptable and prevailing
4-13 professional [nursing] practice, for a report made regarding a
4-14 practitioner; or

4-15 (2) statutory, regulatory, or accreditation
4-16 standards, for a report made regarding an agency or facility.

4-17 (f) A [~~registered~~] nurse may report to the nurse's employer
4-18 or another entity at which the nurse is authorized to practice any
4-19 situation that the nurse has reasonable cause to believe exposes a
4-20 patient to substantial risk of harm as a result of a failure to
4-21 provide patient care that conforms to minimum standards of
4-22 acceptable and prevailing professional [~~nursing~~] practice or to
4-23 statutory, regulatory, or accreditation standards. For purposes of
4-24 this subsection, the employer or entity includes an employee or
4-25 agent of the employer or entity.

4-26 SECTION 11. Section 301.403, Occupations Code, is amended
4-27 to read as follows:

4-28 Sec. 301.403. DUTY OF PEER REVIEW COMMITTEE TO REPORT. A
4-29 nursing peer review committee operating under Chapter 303 that has
4-30 a ground for reporting a nurse under Section 301.401 shall file with
4-31 the board a written, signed report that includes:

4-32 (1) the identity of the nurse;

4-33 (2) a description of any corrective action taken
4-34 against the nurse;

4-35 (3) a statement whether the nursing peer review
4-36 committee recommends that the board take formal disciplinary action
4-37 against the nurse; [~~and~~]

4-38 (4) a description of the ground for reporting;

4-39 (5) the extent to which any deficiency in care
4-40 provided by the reported nurse was the result of a factor beyond the
4-41 nurse's control rather than a deficiency in the nurse's judgment,
4-42 knowledge, training, or skill; and

4-43 (6) any additional information the board requires.

4-44 SECTION 12. Section 301.405, Occupations Code, is amended
4-45 by amending Subsections (b), (c), (d), (e), and (g), and adding
4-46 Subsection (h) to read as follows:

4-47 (b) A person that terminates, suspends for more than seven
4-48 days, or takes other substantive disciplinary action, as defined by
4-49 the board, against a nurse, or a substantially equivalent action
4-50 against a nurse who is a staffing agency nurse, because a ground
4-51 under Section 301.401 exists to report the nurse shall report in
4-52 writing to the board:

4-53 (1) the identity of the nurse;

4-54 (2) the ground that preceded the termination,
4-55 suspension, or other substantive disciplinary action or
4-56 substantially equivalent action; and

4-57 (3) any additional information the board requires.

4-58 (c) Except as provided by Subsection (g), each person
4-59 subject to this section that regularly employs, hires, or otherwise
4-60 contracts for the services of 10 or more nurses shall develop a
4-61 written plan for identifying and reporting a nurse [~~in its service~~
4-62 ~~against whom a ground~~] under Section 301.401(a) [~~301.401 exists~~].
4-63 The plan must provide [~~include an appropriate process~~] for the
4-64 review of the nurse and the incident by a nursing peer review
4-65 committee established and operated under Chapter 303 [~~of any~~
4-66 ~~incident reportable under this section and for the affected nurse~~
4-67 ~~to submit rebuttal information to that committee~~]. Review by the
4-68 committee is only advisory, but is required, even if the nurse is
4-69 voluntarily or involuntarily terminated.

5-1 (d) The nursing [review by the] peer review committee shall
5-2 submit a report to the board that contains the information required
5-3 by Section 301.403. A report is not required under this subsection
5-4 if the nurse was terminated, either voluntarily or involuntarily,
5-5 and elected not to participate in peer review [must include a
5-6 determination as to whether a ground under Section 301.401 exists
5-7 to report the nurse undergoing review. The peer review committee's
5-8 determination must be included in the report made to the board under
5-9 Subsection (b)].

5-10 (e) The requirement under Subsection (c) that a [report to
5-11 the board be reviewed by a] nursing peer review committee review the
5-12 nurse and the incident[+

5-13 [~~(1)~~ applies only to a required report; and
5-14 [~~(2)~~] does not subject a person's administrative
5-15 decision to discipline a nurse to the peer review process or prevent
5-16 a person from taking disciplinary action before review by the peer
5-17 review committee is conducted.

5-18 (g) A person is not required to develop a written plan under
5-19 Subsection (c) for peer review of[+

5-20 [~~(1)~~] a registered nurse, unless the person regularly
5-21 employs, hires, or otherwise contracts for the services of at least
5-22 five registered nurses[+or

5-23 [~~(2)~~ a vocational nurse, unless the person regularly
5-24 employs, hires, or otherwise contracts for the services of at least
5-25 five vocational nurses].

5-26 (h) A plan developed under Subsection (c) must provide that
5-27 a nurse who has been terminated, either voluntarily or
5-28 involuntarily, shall have the opportunity to participate in peer
5-29 review. If the nurse elects to not participate in peer review, the
5-30 nurse waives any right to procedural due process under Section
5-31 303.002.

5-32 SECTION 13. Subsection (b), Section 301.417, Occupations
5-33 Code, is amended to read as follows:

5-34 (b) The board may disclose the information to the same
5-35 extent that the board may disclose information relating to a
5-36 complaint under Section 301.466 [use the information in connection
5-37 with an investigation or disciplinary action against a license
5-38 holder or in the subsequent trial or appeal of a board action or
5-39 order. The board may disclose the information to:

5-40 [~~(1)~~ a licensing or disciplinary authority of another
5-41 jurisdiction;

5-42 [~~(2)~~ a peer assistance program approved by the board
5-43 under Chapter 467, Health and Safety Code; or

5-44 [~~(3)~~ a person engaged in bona fide research or another
5-45 educational purpose if all information identifying any specific
5-46 individual is first deleted].

5-47 SECTION 14. Section 301.603, Occupations Code, is amended
5-48 to read as follows:

5-49 Sec. 301.603. APPLICABILITY. Rules adopted by the board
5-50 under Section 301.602 do not apply to:

5-51 (1) an outpatient setting in which only local
5-52 anesthesia, peripheral nerve blocks, or both are used;

5-53 (2) [an outpatient setting in which only anxiolytics
5-54 and analgesics are used and only in doses that do not have the
5-55 probability of placing the patient at risk for loss of the patient's
5-56 life-preserving protective reflexes;

5-57 [~~(3)~~] a licensed hospital, including an outpatient
5-58 facility of the hospital that is located separate from the
5-59 hospital;

5-60 (3) [~~(4)~~] a licensed ambulatory surgical center;

5-61 [~~(4)~~] [~~(5)~~] a clinic located on land recognized as
5-62 tribal land by the federal government and maintained or operated by
5-63 a federally recognized Indian tribe or tribal organization as
5-64 listed by the United States secretary of the interior under 25
5-65 U.S.C. Section 479a-1 or as listed under a successor federal
5-66 statute or regulation;

5-67 [~~(5)~~] [~~(6)~~] a facility maintained or operated by a state
5-68 or local governmental entity;

5-69 [~~(6)~~] [~~(7)~~] a clinic directly maintained or operated by

6-1 the United States; or

6-2 (7) ~~[(8)]~~ an outpatient setting accredited by:

6-3 (A) the Joint Commission on Accreditation of
6-4 Healthcare Organizations relating to ambulatory surgical centers;

6-5 (B) the American Association for the
6-6 Accreditation of Ambulatory Surgery Facilities; or

6-7 (C) the Accreditation Association for Ambulatory
6-8 Health Care.

6-9 SECTION 15. Subsections (a), (b), and (c), Section 303.003,
6-10 Occupations Code, are amended to read as follows:

6-11 (a) A nursing peer review committee ~~[that conducts a peer~~
6-12 ~~review that involves only the practice of professional nursing]~~
6-13 must have ~~[registered]~~ nurses as three-fourths of its members ~~[and~~
6-14 ~~may have only registered nurses as voting members].~~

6-15 (b) A nursing peer review committee that conducts a peer
6-16 review that involves ~~[only]~~ the practice of vocational nursing
6-17 ~~[must have registered nurses and vocational nurses as three-fourths~~
6-18 ~~of its members]~~, to the extent feasible, must include vocational
6-19 nurses as members~~[,]~~ and may have only registered nurses and
6-20 vocational nurses as voting members.

6-21 (c) A nursing peer review committee that conducts a peer
6-22 review that involves the practice of ~~[both]~~ professional nursing
6-23 ~~[and vocational nursing].~~

6-24 ~~[(1)]~~ must have registered nurses ~~[and vocational~~
6-25 ~~nurses]~~ as two-thirds ~~[four-fifths]~~ of its members~~[, with~~
6-26 ~~registered nurses as three-fifths of its members,~~

6-27 ~~[(2)] to the extent feasible must include vocational~~
6-28 ~~nurses as members,~~] and

6-29 ~~[(3)]~~ may have only~~+~~

6-30 ~~[(A)] registered nurses and vocational nurses as~~
6-31 ~~voting members when a vocational nurse is being reviewed; and~~

6-32 ~~[(B)] registered nurses as voting members [when a~~
6-33 ~~registered nurse is being reviewed].~~

6-34 SECTION 16. Subsections (a), (b), (c), and (h), Section
6-35 303.005, Occupations Code, are amended to read as follows:

6-36 (a) In this section, "duty to a patient" means conduct
6-37 required by standards of practice or professional conduct adopted
6-38 by the board for ~~[registered]~~ nurses ~~[or the Board of Vocational~~
6-39 ~~Nurse Examiners for licensed vocational nurses]~~. The term includes
6-40 administrative decisions directly affecting a nurse's ability to
6-41 comply with that duty.

6-42 (b) If a person who regularly employs, hires, or otherwise
6-43 contracts for the services of at least 10 nurses requests one of
6-44 those nurses to engage in conduct that the nurse believes violates a
6-45 nurse's duty to a patient, the nurse may request, on a form
6-46 developed or approved ~~[produced]~~ by the board, a determination by a
6-47 nursing peer review committee under this chapter of whether the
6-48 conduct violates a nurse's duty to a patient.

6-49 (c) A nurse who in good faith requests a peer review
6-50 determination under Subsection (b):

6-51 (1) may not be disciplined or discriminated against
6-52 for making the request;

6-53 (2) may engage in the requested conduct pending the
6-54 peer review;

6-55 (3) is not subject to the reporting requirement under
6-56 Subchapter I, Chapter 301~~[, or the rules of the board or the Board~~
6-57 ~~of Vocational Nurse Examiners]~~; and

6-58 (4) may not be disciplined by the board ~~[or the Board~~
6-59 ~~of Vocational Nurse Examiners]~~ for engaging in that conduct while
6-60 the peer review is pending.

6-61 (h) A person is not required to provide a peer review
6-62 determination under this section for a request made by~~+~~

6-63 ~~[(1)]~~ a registered nurse, unless the person regularly
6-64 employs, hires, or otherwise contracts for the services of at least
6-65 five registered nurses~~[, or~~

6-66 ~~[(2)] a licensed vocational nurse, unless the person~~
6-67 ~~regularly employs, hires, or otherwise contracts for the services~~
6-68 ~~of at least five licensed vocational nurses].~~

6-69 SECTION 17. Section 303.008, Occupations Code, is amended

7-1 to read as follows:

7-2 Sec. 303.008. REBUTTAL STATEMENT. (a) If a nursing peer
7-3 review committee makes an adverse finding against a nurse
7-4 [~~discloses information under Section 303.007(a) that could result~~
7-5 ~~in the reprimand, suspension, or termination of, or other~~
7-6 ~~disciplinary action against, a nurse, or itself recommends or takes~~
7-7 ~~such an action], the committee shall provide the nurse with a
7-8 detailed description of [~~summary of information disclosed or~~] the
7-9 basis of its finding [~~action or recommendation~~].~~

7-10 (b) The peer review committee shall give the nurse the
7-11 opportunity to offer rebuttal information and to submit a rebuttal
7-12 statement of reasonable length. Any rebuttal statement must be
7-13 included with any [~~the~~] information disclosed by the committee
7-14 under Section 303.007.

7-15 SECTION 18. Section 301.005, Subsection (c), Section
7-16 301.417, and Section 304.010, Occupations Code, are repealed.

7-17 SECTION 19. Subsection (c), Section 301.155, Occupations
7-18 Code, as amended by this Act, applies only to a renewal of a license
7-19 that expires on or after the effective date of this Act. The
7-20 renewal of a license that expires before the effective date of this
7-21 Act is governed by the law that existed when the license expired,
7-22 and the former law is continued in effect for that purpose.

7-23 SECTION 20. The changes in law made by this Act regarding
7-24 reporting requirements apply only to a report made on or after the
7-25 effective date of this Act. A report made before the effective date
7-26 of this Act is governed by the law that existed when the report was
7-27 made, and the former law is continued in effect for that purpose.

7-28 SECTION 21. Sections 303.003 and 303.008, Occupations Code,
7-29 as amended by this Act, apply only to a peer review commenced on or
7-30 after the effective date of this Act. A peer review commenced
7-31 before the effective date of this Act is governed by the law that
7-32 existed when the peer review was commenced, and the former law is
7-33 continued in effect for that purpose.

7-34 SECTION 22. To the extent of any conflict, this Act prevails
7-35 over another Act of the 79th Legislature, Regular Session, 2005,
7-36 relating to nonsubstantive additions to and corrections in enacted
7-37 codes.

7-38 SECTION 23. This Act takes effect immediately if it
7-39 receives a vote of two-thirds of all the members elected to each
7-40 house, as provided by Section 39, Article III, Texas Constitution.
7-41 If this Act does not receive the vote necessary for immediate
7-42 effect, this Act takes effect September 1, 2005.

7-43

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