

By: Thompson

H.B. No. 2426

A BILL TO BE ENTITLED

AN ACT

relating to certain rights and duties of nurses.

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

SECTION 1. Subchapter H, Chapter 301, Occupations Code, is amended by adding Sections 301.357 and 301.358 to read as follows:

Sec. 301.357. DUTY TO ACT AS PATIENT ADVOCATE. A registered nurse shall act as a patient's advocate and may engage in acts of collective patient advocacy.

Sec. 301.358. DUTY TO ASSESS MEDICAL ORDER. A registered nurse providing direct care to a patient shall assess a medical order before the implementation of the order to determine if the order is:

(1) issued by a person who is legally authorized to issue the order; and

(2) in the best interest of the patient.

SECTION 2. Section 301.413(b), Occupations Code, is amended to read as follows:

(b) A person may not suspend, terminate, or otherwise discipline or discriminate against a person who:

(1) reports, without malice, under this subchapter;

(2) requests, in good faith, a nursing peer review committee determination under Section 303.005; ~~or~~

(3) refuses to engage in conduct as authorized by Section 301.352;

1 (4) exercises the right of free speech relating to a
2 report filed under this subchapter, regardless of whether the
3 expression is made while on duty;

4 (5) engages, in good faith, in collective patient
5 advocacy; or

6 (6) refuses, in good faith, an unsafe assignment.

7 SECTION 3. Section 303.005, Occupations Code, is amended by
8 amending Subsection (b) and adding Subsection (c-1) to read as
9 follows:

10 (b) If a person who is required to establish a nursing peer
11 review committee under Section 303.0015 requests a nurse to engage
12 in conduct that the nurse believes violates a nurse's duty to a
13 patient, the nurse may:

14 (1) request, on a form developed or approved by the
15 board, a determination by a nursing peer review committee under
16 this chapter of whether the conduct violates a nurse's duty to a
17 patient; or

18 (2) refuse the request if the nurse believes, in good
19 faith, that the conduct is unsafe.

20 (c-1) A nurse who refuses to engage in conduct as provided
21 by Subsection (b)(2):

22 (1) may not be disciplined or discriminated against
23 for making the refusal;

24 (2) shall file a report under Section 301.4025 against
25 the person making the request under Subsection (a); and

26 (3) may not be disciplined by the board for refusing to
27 engage in that conduct.

1 SECTION 4. This Act takes effect September 1, 2011.