

By: Bell

H.B. No. 1185

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an advanced practice registered nurse to sign or issue certain documents.

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

SECTION 1. Section 38.001(c), Education Code, is amended to read as follows:

(c) Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission:

(1) submits to the admitting official:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States or an advanced practice registered nurse who is licensed to practice advanced nursing in the United States, in which it is stated that, in the physician's or nurse's opinion, the immunization required poses a significant risk to the health and well-being of the applicant or any member of the applicant's family or household; or

(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for reasons of conscience, including a religious belief; or

(2) is a member of the armed forces of the United States and is on active duty.

1 SECTION 2. Section 51.9192(d), Education Code, is amended  
2 to read as follows:

3 (d) A student to whom this section applies or a parent or  
4 guardian of the student is not required to comply with Subsection  
5 (c) if the student or a parent or guardian of the student submits to  
6 the institution:

7 (1) an affidavit or a certificate signed by a  
8 physician who is duly registered and licensed to practice medicine  
9 in the United States or an advanced practice registered nurse who is  
10 licensed to practice advanced nursing in the United States in which  
11 it is stated that, in the physician's or nurse's opinion, the  
12 vaccination required would be injurious to the health and  
13 well-being of the student; or

14 (2) an affidavit signed by the student stating that  
15 the student declines the vaccination for bacterial meningitis for  
16 reasons of conscience, including a religious belief, or  
17 confirmation that the student has completed the Internet-based  
18 process described by Subsection (d-3) for declining the vaccination  
19 on that basis, if applicable to the student.

20 SECTION 3. Section 51.933(d), Education Code, is amended to  
21 read as follows:

22 (d) No form of immunization is required for a person's  
23 admission to an institution of higher education if the person  
24 applying for admission:

25 (1) submits to the admitting official:

26 (A) an affidavit or a certificate signed by a  
27 physician who is duly registered and licensed to practice medicine

1 within the United States or an advanced practice registered nurse  
2 who is licensed to practice advanced nursing within the United  
3 States in which it is stated that, in the physician's or nurse's  
4 opinion, the immunization required poses a significant risk to the  
5 health and well-being of the applicant or any member of the  
6 applicant's family or household; or

7 (B) an affidavit signed by the applicant or, if a  
8 minor, by the applicant's parent or guardian stating that the  
9 applicant declines immunization for reasons of conscience,  
10 including a religious belief; or

11 (2) is a member of the armed forces of the United  
12 States and is on active duty.

13 SECTION 4. Sections 62.109(b) and (f), Government Code, are  
14 amended to read as follows:

15 (b) A person requesting an exemption under this section must  
16 submit to the court an affidavit stating the person's name and  
17 address and the reason for and the duration of the requested  
18 exemption. A person requesting an exemption due to a physical or  
19 mental impairment must attach to the affidavit a statement from a  
20 physician or advanced practice registered nurse. The affidavit and  
21 physician's or nurse's statement may be submitted to the court at  
22 the time the person is summoned for jury service or at any other  
23 time.

24 (f) An affidavit accompanying a request for an exemption  
25 from jury service because of a physical or mental impairment may be  
26 presented by the affiant or by a friend or relative of the affiant.  
27 The affidavit must state:

1           (1) the name and address of the physician or advanced  
2 practice registered nurse whose statement accompanies the  
3 affidavit;

4           (2) whether the request is for a permanent or  
5 temporary exemption;

6           (3) the period of time for which a temporary exemption  
7 is requested; and

8           (4) that as a direct result of the physical or mental  
9 impairment it is impossible or very difficult for the affiant to  
10 serve on a jury.

11           SECTION 5. Section 89.001, Health and Safety Code, is  
12 amended by amending Subdivision (1) and adding Subdivision (1-a) to  
13 read as follows:

14           (1) "Advanced practice registered nurse" has the  
15 meaning assigned by Section 301.152, Occupations Code.

16           (1-a) "Community corrections facility" means a  
17 facility established under Chapter 509, Government Code.

18           SECTION 6. Sections 89.011(a), (b), and (d), Health and  
19 Safety Code, are amended to read as follows:

20           (a) The governing body of a jail or community corrections  
21 facility, through the community supervision and corrections  
22 department, shall require that each employee or volunteer working  
23 or providing services in a jail or a community corrections  
24 facility, who meets the screening guidelines prescribed by  
25 department [~~board~~] rule, present to the governing body a  
26 certificate signed by a physician or an advanced practice  
27 registered nurse that states that:

1           (1) the employee or volunteer has been tested for  
2 tuberculosis infection in accordance with department [~~board~~]  
3 rules; and

4           (2) the results of the test indicate that the person  
5 does not have tuberculosis.

6           (b) In lieu of a screening test, an employee or volunteer  
7 with a history of a positive screening test may provide:

8           (1) documentation of that positive test result and of  
9 any diagnostic and therapeutic follow-up; and

10           (2) a certificate signed by a physician or an advanced  
11 practice registered nurse that states that the person does not have  
12 tuberculosis.

13           (d) An employee or volunteer is exempt from the screening  
14 test required by this section if:

15           (1) the screening test conflicts with the tenets of an  
16 organized religion to which the individual belongs; or

17           (2) the screening test is medically contraindicated  
18 based on an examination by a physician or advanced practice  
19 registered nurse.

20           SECTION 7. Section [89.012\(b\)](#), Health and Safety Code, is  
21 amended to read as follows:

22           (b) If the employee or volunteer has tuberculosis, the  
23 governing body may not permit the person to begin or continue the  
24 person's employment duties or volunteer services unless the person  
25 is under treatment for the disease by a physician or an advanced  
26 practice registered nurse and the person provides to the governing  
27 body a certificate signed by the attending physician or nurse

1 stating that the patient is noninfectious.

2 SECTION 8. Sections 192.003(a) and (c), Health and Safety  
3 Code, are amended to read as follows:

4 (a) The physician, advanced practice registered nurse,  
5 midwife, or person acting as a midwife in attendance at a birth  
6 shall file the birth certificate with the local registrar of the  
7 registration district in which the birth occurs.

8 (c) If there is no physician, advanced practice registered  
9 nurse, midwife, or person acting as a midwife in attendance at a  
10 birth and if the birth does not occur in a hospital or birthing  
11 center, the following in the order listed shall report the birth to  
12 the local registrar:

13 (1) the father or mother of the child; or

14 (2) the owner or householder of the premises where the  
15 birth occurs.

16 SECTION 9. Sections 193.005(a), (b), and (c), Health and  
17 Safety Code, are amended to read as follows:

18 (a) A person required to file a death certificate or fetal  
19 death certificate shall obtain the required medical certification  
20 from an attending physician or advanced practice registered nurse  
21 if the death occurred under medical attendance for the care and  
22 treatment of the condition or disease process that contributed to  
23 the death.

24 (b) The attending physician or advanced practice registered  
25 nurse shall complete the medical certification not later than five  
26 days after receiving the death certificate.

27 (c) An associate physician, the chief medical officer of the

1 institution where the death occurred, or the physician who  
2 performed an autopsy on the decedent may complete the medical  
3 certification if:

4 (1) the attending physician or advanced practice  
5 registered nurse is unavailable;

6 (2) the attending physician or advanced practice  
7 registered nurse approves; and

8 (3) the person completing the medical certification  
9 has access to the medical history of the case and the death is due to  
10 natural causes.

11 SECTION 10. Section 504.201(d), Transportation Code, is  
12 amended to read as follows:

13 (d) Except as provided by Subsection (d-1), the initial  
14 application for specialty license plates under this section must be  
15 accompanied by a written statement from a physician [~~who is~~]  
16 licensed to practice medicine or an advanced practice registered  
17 nurse licensed to practice advanced nursing in this state or in a  
18 state adjacent to this state or who is authorized by applicable law  
19 to practice medicine or advanced nursing, as applicable, in a  
20 hospital or other health facility of the Department of Veterans  
21 Affairs. If the applicant has a mobility problem caused by a  
22 disorder of the foot, the written statement may be issued by a  
23 person licensed to practice podiatry in this state or a state  
24 adjacent to this state. In this subsection, "podiatry" has the  
25 meaning assigned by Section 681.001. The statement must certify  
26 that the person making the application or on whose behalf the  
27 application is made is legally blind or has a mobility problem that

1 substantially impairs the person's ability to ambulate. The  
2 statement must also certify whether a mobility problem is temporary  
3 or permanent. A written statement is not required as acceptable  
4 medical proof if:

5 (1) the person with a disability:

6 (A) has had a limb, hand, or foot amputated; or

7 (B) must use a wheelchair; and

8 (2) the applicant executes a statement attesting to  
9 the person's disability before the county assessor-collector.

10 SECTION 11. Section 681.003(c), Transportation Code, is  
11 amended to read as follows:

12 (c) Subject to Subsections (e) and (f), the first  
13 application must be accompanied by a notarized written statement or  
14 written prescription of a physician licensed to practice medicine  
15 or an advanced practice registered nurse licensed to practice  
16 advanced nursing in this state or a state adjacent to this state, or  
17 authorized by applicable law to practice medicine or advanced  
18 nursing, as applicable, in a hospital or other health facility of  
19 the United States Department of Veterans Affairs, certifying and  
20 providing evidence acceptable to the department that the person  
21 making the application or on whose behalf the application is made is  
22 legally blind or has a mobility problem that substantially impairs  
23 the person's ability to ambulate. The statement or prescription  
24 must include a certification of whether the disability is temporary  
25 or permanent and information acceptable to the department to  
26 determine the type of disabled parking placard for which the  
27 applicant is eligible. The department shall determine a person's



1 eligibility based on evidence provided by the applicant  
2 establishing legal blindness or mobility impairment.

3 SECTION 12. Section 681.004(d), Transportation Code, is  
4 amended to read as follows:

5 (d) A disabled parking placard issued to a person with a  
6 temporary disability expires after the period set by the department  
7 and may be renewed at the end of that period if the disability  
8 remains as evidenced by a physician's or advanced practice  
9 registered nurse's statement or prescription submitted as required  
10 for a first application under Section 681.003(c).

11 SECTION 13. Section 14(b), Texas Local Fire Fighters  
12 Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is  
13 amended to read as follows:

14 (b) An application for disability retirement must be filed  
15 with the board of trustees of the retirement system of which the  
16 applicant is a member. The application must contain a sworn  
17 statement of the member's medical condition, signed by a physician  
18 or advanced practice registered nurse attending the member, and a  
19 sworn statement of the circumstances under which the disability  
20 arose, signed by the member or another person who has reason to know  
21 those circumstances. The application also may contain other  
22 pertinent information to enable the board to determine whether the  
23 member is eligible for disability retirement.

24 SECTION 14. Section 6.06(a), Chapter 183 (S.B. 598), Acts  
25 of the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
26 Vernon's Texas Civil Statutes), is amended to read as follows:

27 (a) An application for disability retirement must be

1 accompanied by a written statement, on a form approved by the board  
2 of trustees, signed by a physician or advanced practice registered  
3 nurse of the member's choice. The member shall pay any costs of or  
4 fees for obtaining the physician's or nurse's statement and shall  
5 file the application and statement with the fund. As soon as  
6 possible after the application is filed, the medical board shall  
7 evaluate the medical and other pertinent information concerning the  
8 member's application.

9 SECTION 15. Section 8(f), Chapter 451 (S.B. 737), Acts of  
10 the 72nd Legislature, Regular Session, 1991 (Article 6243n,  
11 Vernon's Texas Civil Statutes), is amended to read as follows:

12 (f) A member receiving a disability retirement allowance  
13 shall periodically file a report with the retirement board  
14 concerning continued proof of disability. The retirement board  
15 shall adopt rules establishing the required supporting information  
16 to accompany the reports, the content of the reports, and deadlines  
17 for filing the reports. The report shall include:

18 (1) a current statement of the member's physical or  
19 mental condition stating the existence of continued disability,  
20 signed by the member's attending physician or advanced practice  
21 registered nurse; and

22 (2) a statement of all employment activities pursued  
23 in the preceding year.

24 SECTION 16. Section 7.03(a)(1), Chapter 452 (S.B. 738),  
25 Acts of the 72nd Legislature, Regular Session, 1991 (Article  
26 6243n-1, Vernon's Texas Civil Statutes), is amended to read as  
27 follows:

1           (1) A member receiving a disability retirement benefit  
2 is required to file a report to the board concerning continued proof  
3 of disability one year after the date on which the board originally  
4 awarded the member disability retirement. The report shall  
5 include:

6                   (A) a current statement of the member's physical  
7 or [~~and/or~~] mental condition, signed by the member's attending  
8 physician or advanced practice registered nurse; and

9                   (B) a statement of all employment activities  
10 pursued in the preceding one-year period and a copy of federal  
11 income tax returns applicable to the one-year period.

12           SECTION 17. This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect September 1, 2015.