



FLOOR AMENDMENT NO. _____ 17 MAY -1 AM 9:47

BY: Tinderholt

HOUSE OF REPRESENTATIVES

1 Amend CSHB No. 2950 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 Section _____. (a) Section 301.452 is amended to read as
5 follows:

6 Sec. 301.452. GROUNDS FOR DISCIPLINARY ACTION. (a) In
7 this section, "intemperate use" includes practicing nursing or
8 being on duty or on call while under the influence of alcohol or
9 drugs.

10 (b) A person is subject to denial of a license or to
11 disciplinary action under this subchapter for:

12 (1) a violation of this chapter, a rule or regulation not
13 inconsistent with this chapter, or an order issued under this
14 chapter;

15 (2) fraud or deceit in procuring or attempting to procure
16 a license to practice professional nursing or vocational
17 nursing;

18 (3) a conviction for, or placement on deferred
19 adjudication community supervision or deferred disposition for,
20 a felony or for a misdemeanor involving moral turpitude;

21 (4) conduct that results in the revocation of probation
22 imposed because of conviction for a felony or for a misdemeanor
23 involving moral turpitude;

24 (5) use of a nursing license, diploma, or permit, or the
25 transcript of such a document, that has been fraudulently
26 purchased, issued, counterfeited, or materially altered;

27 (6) impersonating or acting as a proxy for another person
28 in the licensing examination required under Section 301.253 or
29 301.255;

1 (7) directly or indirectly aiding or abetting an
2 unlicensed person in connection with the unauthorized practice
3 of nursing;

4 (8) revocation, suspension, or denial of, or any other
5 action relating to, the person's license or privilege to
6 practice nursing in another jurisdiction or under federal law;

7 (9) intemperate use of alcohol or drugs that the board
8 determines endangers or could endanger a patient;

9 (10) unprofessional or dishonorable conduct that, in the
10 board's opinion, is likely to deceive, defraud, or injure a
11 patient or the public;

12 (11) adjudication of mental incompetency;

13 (12) lack of fitness to practice because of a mental or
14 physical health condition that could result in injury to a
15 patient or the public; [or]

16 (13) failure to care adequately for a patient or to
17 conform to the minimum standards of acceptable nursing practice
18 in a manner that, in the board's opinion, exposes a patient or
19 other person unnecessarily to risk of harm; or

20 (14) assisting in the performance of sex change or other
21 gender reassignment surgery on a patient under the age of 13.

22 (c) The board may refuse to admit a person to a licensing
23 examination for a ground described under Subsection (b).

24 (d) The board by rule shall establish guidelines to ensure
25 that any arrest information, in particular information on
26 arrests in which criminal action was not proven or charges were
27 not filed or adjudicated, that is received by the board under
28 this section is used consistently, fairly, and only to the
29 extent the underlying conduct relates to the practice of
30 nursing.

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