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By:  Klick H.B. No. 2410

A BILL TO BE ENTITLED

AN ACT

relating to a request for a nursing peer review committee determination.

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

SECTION 1.  Section 303.005, Occupations Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(b)  Except as provided by Subsection (b-1), if [~~If~~] a person who is required to establish a nursing peer review committee under Section 303.0015 requests a nurse to engage in conduct that the nurse believes violates a nurse's duty to a patient, the nurse may request, on a form developed [~~or approved~~] by the board or on another form that meets standards developed by the board, a determination by a nursing peer review committee under this chapter of whether the conduct violates a nurse's duty to a patient.

(b-1)  If a nurse is unable to complete a form required by Subsection (b) due to immediate patient care needs, the nurse may request a nursing peer review committee determination by orally notifying the nurse's supervisor of the request. After receiving oral notification of a request, the nurse's supervisor shall record in writing:

(1)  the name of the nurse making the request;

(2)  the date and time of the request;

(3)  the location where the conduct or assignment that is the subject of the request occurred;

(4)  the name of the person who requested the nurse engage in the conduct or made the assignment that is the subject of the request;

(5)  the name of the supervisor recording the request;

(6)  a brief explanation of why the nurse is requesting a nursing peer review committee determination; and

(7)  a description of the collaboration between the nurse and the supervisor.

(b-2)  To be a valid request for a nursing peer review committee determination, the written record prepared under Subsection (b-1) must be signed and attested to by the requesting nurse and the nurse's supervisor who prepared the written record.

(d)  If a nurse requests a peer review determination under Subsection (b) or (b-1) and refuses to engage in the requested conduct pending the peer review, the determination of the peer review committee shall be considered in any decision by the nurse's employer to discipline the nurse for the refusal to engage in the requested conduct, but the determination is not binding if a nurse administrator believes in good faith that the peer review committee has incorrectly determined a nurse's duty.  This subsection does not affect the protections provided by Subsection (c)(1) or Section 301.352.

SECTION 2.  The changes in law made by this Act apply only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurs, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.