86R12993 JG-F

By:  Stickland H.B. No. 4418

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 practice registered nursing in the United States[~~,~~] in which it is stated that, in the physician's or advanced practice registered 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.

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

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

(1)  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 practice registered nursing in the United States in which it is stated that, in the physician's or advanced practice registered nurse's opinion, the vaccination required would be injurious to the health and well-being of the student; or

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

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

(d)  No form of immunization is required for a person's admission to an institution of higher education 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 within the United States or an advanced practice registered nurse who is licensed to practice advanced practice registered nursing in the United States in which it is stated that, in the physician's or advanced practice registered 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.

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

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

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

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

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

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

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

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

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

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

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

(a)  The governing body of a jail or community corrections facility, through the community supervision and corrections department, shall require that each employee or volunteer working or providing services in a jail or a community corrections facility, who meets the screening guidelines prescribed by department rule, present to the governing body a certificate signed by a physician or an advanced practice registered nurse that states that:

(1)  the employee or volunteer has been tested for tuberculosis infection in accordance with department rules; and

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

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

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

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

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

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

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

SECTION 7.  Section 89.012(b), Health and Safety Code, is amended to read as follows:

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

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

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

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

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

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

SECTION 9.  Section 408.025, Labor Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  An advanced practice registered nurse who is licensed to practice advanced practice registered nursing in this state may complete and sign a report or record that is required to be filed or provided under Subsection (a).

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

(d)  Except as provided by Subsection (d-1), the initial application for specialty license plates under this section must be accompanied by a written statement from a physician [~~who is~~] licensed to practice medicine or an advanced practice registered nurse licensed to practice advanced practice registered nursing in this state or in a state adjacent to this state or who is authorized by applicable law to practice medicine or advanced practice registered nursing, as applicable, in a hospital or other health facility of the Department of Veterans Affairs. If the applicant has a mobility problem caused by a disorder of the foot, the written statement may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state. In this subsection, "podiatry" has the meaning assigned by Section 681.001. The statement must certify that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement must also certify whether a mobility problem is temporary or permanent. A written statement is not required as acceptable medical proof if:

(1)  the person with a disability:

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

(B)  must use a wheelchair; and

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

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

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

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

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

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

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

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

Sec. 6.06.  APPLICATION; [~~PHYSICIAN'S~~] STATEMENT; MEDICAL BOARD ACTION.

SECTION 15.  Section 6.06(a), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a)  An application for disability retirement must be accompanied by a written statement, on a form approved by the board of trustees, signed by a physician or advanced practice registered nurse of the member's choice. The member shall pay any costs of or fees for obtaining the physician's or advanced practice registered nurse's statement and shall file the application and statement with the fund. As soon as possible after the application is filed, the medical board shall evaluate the medical and other pertinent information concerning the member's application.

SECTION 16.  Section 8(f), Chapter 451 (S.B. 737), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n, Vernon's Texas Civil Statutes), is amended to read as follows:

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

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

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

SECTION 17.  Section 7.03(a)(1), Chapter 452 (S.B. 738), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

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

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

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

SECTION 18.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.