

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

1 is the subject of the request occurred;

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

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

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

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

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

14 (d) If a nurse requests a peer review determination under
15 Subsection (b) or (b-1) and refuses to engage in the requested
16 conduct pending the peer review, the determination of the peer
17 review committee shall be considered in any decision by the nurse's
18 employer to discipline the nurse for the refusal to engage in the
19 requested conduct, but the determination is not binding if a nurse
20 administrator believes in good faith that the peer review committee
21 has incorrectly determined a nurse's duty. This subsection does
22 not affect the protections provided by Subsection (c)(1) or Section
23 [301.352](#).

24 SECTION 2. The changes in law made by this Act apply only to
25 conduct that occurs on or after the effective date of this Act.
26 Conduct that occurs before the effective date of this Act is
27 governed by the law in effect on the date the conduct occurs, and

1 the former law is continued in effect for that purpose.

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