

By: Klick

H.B. No. 2410

A BILL TO BE ENTITLED

AN ACT

relating to a request for a nursing peer review 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 Subsection (b-1) 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, 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 the form required by Subsection (b) due to immediate patient care needs, the nurse may orally request a determination by notifying the nurse's supervisor. The nurse must submit the form required by Subsection (b) before leaving the practice site.

(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

1 administrator believes in good faith that the peer review committee
2 has incorrectly determined a nurse's duty. This subsection does
3 not affect the protections provided by Subsection (c)(1) or Section
4 [301.352](#).

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

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