

1-1 By: Klick (Senate Sponsor - Perry) H.B. No. 2410
1-2 (In the Senate - Received from the House May 8, 2019;
1-3 May 10, 2019, read first time and referred to Committee on Health &
1-4 Human Services; May 20, 2019, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to a request for a nursing peer review committee
1-20 determination.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 303.005, Occupations Code, is amended by
1-23 amending Subsections (b) and (d) and adding Subsections (b-1) and
1-24 (b-2) to read as follows:

1-25 (b) Except as provided by Subsection (b-1), if ~~if~~ a person
1-26 who is required to establish a nursing peer review committee under
1-27 Section 303.0015 requests a nurse to engage in conduct that the
1-28 nurse believes violates a nurse's duty to a patient, the nurse may
1-29 request, on a form developed ~~or approved~~ by the board or on
1-30 another form that meets standards developed by the board, a
1-31 determination by a nursing peer review committee under this chapter
1-32 of whether the conduct violates a nurse's duty to a patient.

1-33 (b-1) If a nurse is unable to complete a form required by
1-34 Subsection (b) due to immediate patient care needs, the nurse may
1-35 request a nursing peer review committee determination by orally
1-36 notifying the nurse's supervisor of the request. After receiving
1-37 oral notification of a request, the nurse's supervisor shall record
1-38 in writing:

1-39 (1) the name of the nurse making the request;

1-40 (2) the date and time of the request;

1-41 (3) the location where the conduct or assignment that
1-42 is the subject of the request occurred;

1-43 (4) the name of the person who requested the nurse
1-44 engage in the conduct or made the assignment that is the subject of
1-45 the request;

1-46 (5) the name of the supervisor recording the request;

1-47 (6) a brief explanation of why the nurse is requesting
1-48 a nursing peer review committee determination; and

1-49 (7) a description of the collaboration between the
1-50 nurse and the supervisor.

1-51 (b-2) To be a valid request for a nursing peer review
1-52 committee determination, the written record prepared under
1-53 Subsection (b-1) must be signed and attested to by the requesting
1-54 nurse and the nurse's supervisor who prepared the written record.

1-55 (d) If a nurse requests a peer review determination under
1-56 Subsection (b) or (b-1) and refuses to engage in the requested
1-57 conduct pending the peer review, the determination of the peer
1-58 review committee shall be considered in any decision by the nurse's
1-59 employer to discipline the nurse for the refusal to engage in the
1-60 requested conduct, but the determination is not binding if a nurse
1-61 administrator believes in good faith that the peer review committee

2-1 has incorrectly determined a nurse's duty. This subsection does
2-2 not affect the protections provided by Subsection (c)(1) or Section
2-3 301.352.

2-4 SECTION 2. The changes in law made by this Act apply only to
2-5 conduct that occurs on or after the effective date of this Act.
2-6 Conduct that occurs before the effective date of this Act is
2-7 governed by the law in effect on the date the conduct occurs, and
2-8 the former law is continued in effect for that purpose.

2-9 SECTION 3. This Act takes effect September 1, 2019.

2-10

* * * * *