

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 [7] 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

1 States and is on active duty.

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

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

8 (1) an affidavit or a certificate signed by a
9 physician who is duly registered and licensed to practice medicine
10 in the United States or an advanced practice registered nurse who is
11 licensed to practice advanced practice registered nursing in the
12 United States in which it is stated that, in the physician's or
13 advanced practice registered nurse's opinion, the vaccination
14 required would be injurious to the health and well-being of the
15 student; or

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

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

24 (d) No form of immunization is required for a person's
25 admission to an institution of higher education if the person
26 applying for admission:

27 (1) submits to the admitting official:

1 (A) an affidavit or a certificate signed by a
2 physician who is duly registered and licensed to practice medicine
3 within the United States or an advanced practice registered nurse
4 who is licensed to practice advanced practice registered nursing in
5 the United States in which it is stated that, in the physician's or
6 advanced practice registered nurse's opinion, the immunization
7 required poses a significant risk to the health and well-being of
8 the applicant or any member of the applicant's family or household;
9 or

10 (B) an affidavit signed by the applicant or, if a
11 minor, by the applicant's parent or guardian stating that the
12 applicant declines immunization for reasons of conscience,
13 including a religious belief; or

14 (2) is a member of the armed forces of the United
15 States and is on active duty.

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

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

27 (f) An affidavit accompanying a request for an exemption

1 from jury service because of a physical or mental impairment may be
2 presented by the affiant or by a friend or relative of the affiant.
3 The affidavit must state:

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

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

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

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

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

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

19 (1-a) "Community corrections facility" means a
20 facility established under Chapter 509, Government Code.

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

23 (a) The governing body of a jail or community corrections
24 facility, through the community supervision and corrections
25 department, shall require that each employee or volunteer working
26 or providing services in a jail or a community corrections
27 facility, who meets the screening guidelines prescribed by

1 department rule, present to the governing body a certificate signed
2 by a physician or an advanced practice registered nurse that states
3 that:

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

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

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

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

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

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

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

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

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

24 (b) If the employee or volunteer has tuberculosis, the
25 governing body may not permit the person to begin or continue the
26 person's employment duties or volunteer services unless the person
27 is under treatment for the disease by a physician or an advanced

1 practice registered nurse and the person provides to the governing
2 body a certificate signed by the attending physician or advanced
3 practice registered nurse stating that the patient is
4 noninfectious.

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

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

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

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

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

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

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

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

27 (d) Except as provided by Subsection (d-1), the initial

1 application for specialty license plates under this section must be
2 accompanied by a written statement from a physician [~~who is~~]
3 licensed to practice medicine or an advanced practice registered
4 nurse licensed to practice advanced practice registered nursing in
5 this state or in a state adjacent to this state or who is authorized
6 by applicable law to practice medicine or advanced practice
7 registered nursing, as applicable, in a hospital or other health
8 facility of the Department of Veterans Affairs. If the applicant
9 has a mobility problem caused by a disorder of the foot, the written
10 statement may be issued by a person licensed to practice podiatry in
11 this state or a state adjacent to this state. In this subsection,
12 "podiatry" has the meaning assigned by Section 681.001. The
13 statement must certify that the person making the application or on
14 whose behalf the application is made is legally blind or has a
15 mobility problem that substantially impairs the person's ability to
16 ambulate. The statement must also certify whether a mobility
17 problem is temporary or permanent. A written statement is not
18 required as acceptable medical proof if:

- 19 (1) the person with a disability:
- 20 (A) has had a limb, hand, or foot amputated; or
- 21 (B) must use a wheelchair; and
- 22 (2) the applicant executes a statement attesting to
23 the person's disability before the county assessor-collector.

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

26 (c) Subject to Subsections (e) and (f), the first
27 application must be accompanied by a notarized written statement or

1 written prescription of a physician licensed to practice medicine
2 or an advanced practice registered nurse licensed to practice
3 advanced practice registered nursing in this state or a state
4 adjacent to this state, or authorized by applicable law to practice
5 medicine or advanced practice registered nursing, as applicable, in
6 a hospital or other health facility of the United States Department
7 of Veterans Affairs, certifying and providing evidence acceptable
8 to the department that the person making the application or on whose
9 behalf the application is made is legally blind or has a mobility
10 problem that substantially impairs the person's ability to
11 ambulate. The statement or prescription must include a
12 certification of whether the disability is temporary or permanent
13 and information acceptable to the department to determine the type
14 of disabled parking placard for which the applicant is
15 eligible. The department shall determine a person's eligibility
16 based on evidence provided by the applicant establishing legal
17 blindness or mobility impairment.

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

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

26 SECTION 13. Section 14(b), Texas Local Fire Fighters
27 Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is

1 amended to read as follows:

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

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

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

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

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

1 medical board shall evaluate the medical and other pertinent
2 information concerning the member's application.

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

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

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

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

18 SECTION 17. Section 7.03(a)(1), Chapter 452 (S.B. 738),
19 Acts of the 72nd Legislature, Regular Session, 1991 (Article
20 6243n-1, Vernon's Texas Civil Statutes), is amended to read as
21 follows:

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

27 (A) a current statement of the member's physical

1 or [~~and/or~~] mental condition, signed by the member's attending
2 physician or an advanced practice registered nurse; and

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

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