

## **BILL ANALYSIS**

C.S.S.B. 1856  
By: Powell  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

During the COVID-19 pandemic, health-care practitioners across the state faced numerous roadblocks. Long-term care facilities like assisted living facilities and nursing homes faced outbreaks that severely strained staffing and resources. This staffing was further strained by executive orders that limited those who could work to employees deemed "essential." Students under clinical supervision for their licensure as a vocational nurse were not included as essential, even though these students trained and worked alongside licensed vocational nurses. Fortunately, waivers were eventually made to allow these students to work, giving rise to the need to ensure that the supply of nurses in Texas during a disaster will not diminish in the future. C.S.S.B. 1856 seeks to address this issue by allowing certain vocational nursing students to provide services at all times in Texas, including during a declared state of disaster.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1856 amends the Health and Safety Code to establish that services that are provided by a vocational nursing student in a licensed nursing facility and authorized by a contract or other arrangement with the facility are allowed at all times in Texas, including during a declared state of disaster. The bill authorizes a licensed nursing facility to do the following:

- require a student to comply with the facility's policies regarding health screenings or the use of personal protective equipment; and
- condition the student's provision of services on compliance with those policies.

The bill applies only to a student who is enrolled in an accredited school or program that is preparing the student for licensure as a licensed vocational nurse and who is participating in a clinical program at a licensed nursing facility.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1856 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed established that services provided by an applicable vocational nursing student in a licensed nursing facility are essential services at all times and prohibited a governmental entity from prohibiting at any time, including during a declared state of disaster, such a student from providing essential services, the substitute establishes that services provided by such a student instead are allowed at all times, including during a declared state of disaster. The substitute includes a specification not in the engrossed that the services are authorized by a contract or other arrangement with the applicable facility. The substitute does not include a definition for "governmental entity," which was included in the engrossed.

The substitute includes an authorization absent from the engrossed for a licensed nursing facility to condition the student's provision of services on compliance with the facility's policies regarding health screenings or the use of personal protective equipment.