

BILL ANALYSIS

S.B. 1343
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Advanced practice registered nurses (APRN) have advanced clinical training and education. As such, they have a unique scope of practice and role in the health care system relative to other licensed nurses who fall under the jurisdiction of the Texas Board of Nursing. Nursing groups who make up the APRN Alliance—including the Texas Nurses Association, Texas Nurse Practitioners, Texas Association of Nurse Anesthetists, Consortium of Texas Certified Nurse-Midwives, and Texas Clinical Nurse Specialists—have expressed the need to increase the representation of APRNs on the board to ensure the board's policies, regulations, and investigation processes reflect role-specific knowledge and expertise on APRNs, while also supporting the board's mission to protect patients and the public. According to the board, the number of licensed APRNs has more than doubled in the past decade, but the board's composition has not been amended in 20 years. There is also a need to provide for an expert reviewer who is an APRN to assist with complaints and investigations relating to alleged standard of care violations by APRNs to promote a fair disciplinary process for APRN licensees. S.B. 1343 seeks to address these issues by adding a second APRN member to the board along with an additional public member and by providing for peer review with respect to complaints and investigations of APRN standard of care violations.

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 rulemaking authority is expressly granted to the Texas Board of Nursing in SECTIONS 2 and 4 of this bill.

ANALYSIS

S.B. 1343 amends the Occupations Code to revise the composition of the Texas Board of Nursing as follows:

- increases from one to two the number of advanced practice nurse members serving on the board and clarifies that these members are advanced practice registered nurses (APRN); and
- increases from four to five the number of members serving on the board who represent the public.

The bill requires the governor, as soon as practicable after the bill's effective date, to appoint these two additional members to the board and, in doing so, appoint one person to a term expiring January 31, 2025, and one person to a term expiring January 31, 2029.

S.B. 1343 requires the board by rule to provide for the board's appointment of APRNs to act as expert reviewers and assist with complaints and investigations relating to alleged standard of

care violations by APRNs. The bill requires the board, if it determines in conducting a complaint investigation that an act by an APRN falls below an acceptable standard of care, to refer the complaint for review by such an expert reviewer who practices in the same advanced practice role and population focus as the nurse who is the subject of the complaint. The bill prohibits the board from referring a complaint against an APRN to an expert reviewer if the act alleged in the complaint is within the scope of practice applicable to a nurse who is not an APRN or is considered unprofessional conduct.

S.B. 1343 requires an expert APRN reviewing a complaint against an APRN under the bill's provisions to determine whether the APRN who is the subject of the complaint has violated the standard of care applicable to the circumstances of the complaint and to issue a preliminary written report of that determination to the board. The bill requires the board's rules regarding informal proceedings to require that notice of the informal proceeding with respect to a complaint that includes an allegation that an APRN has violated the standard of care to include a copy of the report prepared by the expert reviewer APRN, with any identifying information other than the role and population focus of the expert reviewer redacted.

S.B. 1343 requires the board, not later than February 1, 2024, to adopt the rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2023.