

BILL ANALYSIS

Senate Research Center
88R10447 BEE-F

S.B. 1343
By: LaMantia
Health & Human Services
4/3/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the past decade, the number of advanced practice registered nurses (APRNs) in Texas has tripled. However, the composition of the Texas Board of Nursing (BON) has not been amended in twenty years, with only one APRN representative on a 13-member board.

S.B. 1343 adds a second APRN member and an additional public board member to BON to reflect the growing APRN population in Texas.

S.B. 1343 also ensures peer review for APRNs by requiring BON to appoint APRNs to act as expert reviewers in complaints and investigations relating to standard of care violations by APRNs. This is a standard seen in other professional licensing boards and helps maintain the highest clinical standard for APRN care while promoting a fair disciplinary process for APRN licensees.

Support: APRN Alliance, which includes the Texas Nurses Association, Texas Nurse Practitioners, Texas Association of Nurse Anesthetists, the Consortium of Texas Certified Nurse-Midwives, and Texas Clinical Nurse Specialists

No known opposition.

As proposed, S.B. 1343 amends current law relating to the composition of the Texas Board of Nursing and procedures applicable to complaints against advanced practice registered nurses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 2 (Section 301.457, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Board of Nursing is modified in SECTION 4 (Section 301.464, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 301.051(a), Occupations Code, as follows:

(a) Provides that the Texas Board of Nursing (BON) consists of 15 members, rather than 13 members, appointed by the governor with the advice and consent of the senate as follows:

(1) seven nurse members, rather than six nurse members, including:

(A) two advanced practice registered nurses, rather than one advanced practice nurse;

(B) makes a conforming change to this paragraph; and

(C) makes no change to this paragraph;

(2) makes no changes to this subdivision; and

(3) five members, rather than four members, who represent the public.

SECTION 2. Amends Section 301.457, Occupations Code, by adding Subsections (b-1), (h), and (i), as follows:

(b-1) Requires BON by rule to provide for the appointment by BON of advanced practice registered nurses to act as expert reviewers and assist with complaints and investigations relating to alleged standard of care violations by advanced practice registered nurses.

(h) Requires BON, if BON determines under Subsection (e) (relating to requiring BON to conduct an investigation of a complaint against a nurse to make certain determinations) that an act by an advanced practice registered nurse falls below an acceptable standard of care, except as provided by Subsection (i), to refer the complaint for review by an expert reviewer appointed under Subsection (b-1) who practices in the same advanced practice role and population focus as the nurse who is the subject of the complaint.

(i) Prohibits BON from referring a complaint against an advanced practice registered nurse to an expert reviewer under Subsection (h) if the act alleged in the complaint is within the scope of practice applicable to a nurse who is not an advanced practice registered nurse or is considered unprofessional conduct.

SECTION 3. Amends Subchapter J, Chapter 301, Occupations Code, by adding Section 301.4575, as follows:

Sec. 301.4575. PROCEDURES FOR EXPERT ADVANCED PRACTICE REGISTERED NURSE REVIEW. Requires an expert advanced practice registered nurse reviewing a complaint against an advanced practice registered nurse under Section 301.457(h) to:

(1) determine whether the advanced practice registered nurse who is the subject of the complaint has violated the standard of care applicable to the circumstances of the complaint; and

(2) issue a preliminary written report of that determination to BON.

SECTION 4. Amends Section 301.464(b), Occupations Code, as follows:

(b) Requires that rules adopted under Section 301.464 (Informal Proceedings):

(1)-(2) makes nonsubstantive changes to these subdivisions; and

(3) if the complaint includes an allegation that an advanced practice registered nurse has violated the standard of care, require that notice of the informal proceeding includes a copy of the report prepared by the expert reviewer under Section 301.4575, with any identifying information other than the role and population focus of the expert reviewer redacted.

SECTION 5. Requires the governor, as soon as practicable after the effective date of this Act, to appoint two additional members to BON as required by Section 301.051(a), Occupations Code, as amended by this Act. Requires the governor, in appointing those members, to appoint one person to a term expiring January 31, 2025, and one person to a term expiring January 31, 2029.

SECTION 6. Requires BON, not later than February 1, 2024, to adopt the rules necessary to implement the changes in law made by this Act.

SECTION 7. Effective date: September 1, 2023.