

**Agenda Item: 1.3**  
**Prepared by: Bruce Holter/BON Staff**  
**Meeting Date: July, 2013**

### **Legislative Report - 83rd Regular Texas Legislative Session**

The report that follows includes all bills followed by Board staff which were enacted by the Texas Legislature. Bills included in the April 2013 Board Report (Item 1.3) which were not enacted by the legislature are not included in this report. Nursing, Legal and Operations staff member assistance was instrumental in following and reporting on the bills included in this report. The staff members which reported on the bills are listed by their initials in the first column of the report. Bills impacting the Nursing Practice Act or other sections of the Occupations Code which are applicable to the Board of Nursing are included first in this report. They are followed by bills related to nursing practice or agency operations. At the time of report submission, the Texas Legislature was engaged in a second called Special Session called by Governor Perry. Staff are continuing to monitor the Special Session for legislation which may impact agency operations or amend the Nursing Practice Act.

**Bills Amending Nursing Practice Act**

<b>Bill Number</b>	<b>Bill Summary</b>	<b>Author(s)</b>	<b>Implications for BON/NPA</b>	<b>Effective Date</b>
<p align="center"><b>HB 581</b></p> <p>Nurses allowed to sue public hospitals</p> <p align="center">DJ</p>	<p>Relating to protecting patient advocacy by allowing nurses to sue public hospitals for discrimination or retaliation.</p> <p>A nurse who is retaliated or discriminated against for engaging in patient advocacy activities such as reporting patient care concerns, refusing to engage in certain conduct, or requesting a nursing peer review, has the right to file a lawsuit for the harm suffered, such as lost income.</p> <p>Public hospitals may not claim sovereign immunity against a lawsuit by nurse when pursuing patient advocacy interests.</p>	<p>Representative Donna Howard</p>	<p>Amends Section 301.413 adding Subsections (g), (h), (I) and (j), Occupations Code, and amends 504.002, Labor Code, amending Subsection (a) and adding Subsection (a-1).</p> <p>Board rules were amended following the last legislative session to increase awareness of penalties for retaliating/discriminating against nurses who report in good faith in accordance with the NPA.</p> <p>Although no rule amendments are mandated by this bill, may want to consider increasing awareness by publishing information in newsletter or on website at future date.</p>	9/1/2013
<p align="center"><b>SB 743</b></p> <p>Protective Orders, Continuous Violations</p> <p align="center">DJ</p>	<p>Relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case. Creates a new criminal offense for a continuous violation of a protective order. It can take more than a year to adjudicate each initial violation, thereby leaving victims exposed to harm from offenders who repeatedly violate the order. Under this offense, offenders can be prosecuted for a third degree felony for two or more violations within a 12-month period.</p>	<p>Senator Jane Nelson</p>	<p>Adds new section 25.072, Penal Code</p> <p>May affect licensure eligibility and/or discipline and Board's Disciplinary Guidelines for Criminal Conduct.</p>	9/1/2013
<p align="center"><b>SB 1058</b></p> <p>BON jurisdiction in context of multiple agency licenses</p> <p>Criminal History from Enrolled</p>	<p>Relating to the clarification of jurisdiction over person licensed by multiple agencies. Confirms that the NPA applies to a person licensed under the NPA where their conduct is within the practice of nursing even though the individual is also be licensed by one or more other state agencies.</p> <p>Relating to obtaining criminal history for nursing students. The BON is directed to</p>	<p>Senator Jane Nelson</p>	<p>Amends Section 301.004(a), Occupations Code. Position Statement 15.15 currently addresses a nurse's practice in other roles. May want to amend Position Statement 15.15 to include reference to this statutory change.</p> <p>Amends Section 301.251(c), Occupations Code. Board rules will likely need to be amended to address a</p>	9/1/2013

Bill Number	Bill Summary	Author(s)	Implications for BON/NPA	Effective Date
Nursing Students	develop a system for obtaining criminal history for all persons accepted for enrollment in an LVN or RN nursing educational program.		process for processing criminal background checks for students.	
Criminal History, Eligibility, Petition, Grounds, Documents	Relating to initial determination of eligibility based on criminal background history. The BON is authorized to file a petition based on the results of the criminal history record. The BON is to issue rules identifying the criminal offenses that constitute grounds for the petition and a description of the required documents. The BON must make a determination within 120 days of receiving the application.		Adds new sections (j) and (k) to Section 301.257, Occupations Code. Board rules will likely need to be amended to address a process for processing criminal background checks for students and the criminal offenses that may affect licensure eligibility.	
Continuing Education, Jurisprudence, Ethics, Older Adults, Geriatrics	Relating to continuing education in nursing jurisprudence, nursing ethics and geriatrics. Nurse must acquire two hours of continuing education in jurisprudence and ethics in every third two-year licensing period. Where a license holder services older adult populations, they must complete two hours of continuing education to maintain certification in this area.		Amends Section 301.305(a)-(b) and 301.307(a)-(c), Occupations Code. Chapter 216 will need to be amended to address these new continuing education requirements.	
Loss of License, federal law	Relating to loss of license or privilege to practice nursing under federal law. The BON may deny a license or discipline a licensee based on a list of enumerated reasons. Under Subsection (b)(8) a loss of a license in another jurisdiction is listed. Now added to this is loss of a license under "federal law".	Senator Jane Nelson	Amend 301.452(b)(8), Occupations Code. May allow the Board to take disciplinary action based upon actions taken by other entities under federal law, such as loss of privileges in military facilities or loss of authorization from the DEA.	9/1/2013
Alcohol and drug abstention, drug testing	Relating to abstaining from drugs and alcohol, and random drug testing. The BON has express authority under 301.453(b) to enter an order imposing one or more of the listed discipline options. It may also require the licensee to take additional affirmative steps. Added to this list is abstaining from drugs and alcohol, and submitting to random periodic drug tests.		Amend Section 301.453(b) adding subsection (5), Occupations Code. Provides express authority for the Board to require abstention and random testing for alcohol and drugs.	

Bill Number	Bill Summary	Author(s)	Implications for BON/NPA	Effective Date
<p>Disclosure of peer assistance order</p> <p>Review of prior corrective or disciplinary actions</p> <p>New deferred action option</p>	<p>Relating to extent of disclosure regarding peer assistance orders. If the BON orders a licensee to participate in an approved peer assistance program the complaint, formal charges, nature of the charges, board order and disciplinary proceedings are subject to disclosure consistent with subsection (b). Relating to when Board may review respondent's full disciplinary history when evaluating a subsequent violation.</p> <p>The BON may consider a corrective or deferred action to be a prior disciplinary action when imposing a sanction on the person for a subsequent violation under the jurisdiction of the Board.</p> <p>Relating to new deferred action option created for Board and disclosure rules clarified.</p> <p>This new section provides the BON with a new option in disciplining a licensee. Under this section the Board can defer final action contingent up the licensee conforming to specific conditions. Upon successfully completing those conditions the complaint will be dismissed.</p> <p>The proceedings are subject to disclosure up to the point of dismissal of the complaint. At that point the complaint becomes confidential consistent with Section 310.466.</p>	<p>Senator Jane Nelson</p>	<p>Amend Section 301.466 adding subsection (d), Occupations Code, Chapter 552, Government Code. Makes TPAPN Board Orders confidential, unless violated.</p> <p>Adds new section 301.657(c), Chapter 552, Government Code Allows consideration of corrective actions and deferred disciplinary actions as prior action when evaluating an individual's subsequent violations of the NPA and Board rules.</p> <p>Amends Section 301.651 and adds new Section 301.6555(a) and (b), Chapter 552, Government Code</p> <p>Makes deferred disciplinary actions a permanent option under the NPA.</p>	<p>9/1/2013</p>
<p><b>SB 406</b></p> <p>APRN Prescriptive Authority</p>	<p>Relating to delegation of prescriptive authority by physicians to and the supervision by physicians of certain advanced practice registered nurses and physician assistants.</p>	<p>Senator Jane Nelson</p>	<p>Modifies NPA 301.002 and 301.152. Adds a new section to require the BON to comply with language added to the Medical Practice Act to share certain information regarding investigations and discipline related to prescriptive authority. BON required to list APRNs who are not eligible</p>	<p>11/1/2013</p>

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JZ	Eliminates current site-based prescriptive authority system—bases prescriptive authority on prescriptive authority agreement and scheduled face to face meetings between APRN and physician.. Increases to 7 number of APRNs who may work with one physician. Schedule II authority in certain settings. Changes terminology in the NPA from APN to APRN and grants explicit authority for BON to call APRN a license. Addresses requirements for Medicaid managed care credentialing of APRNs.		to enter into a prescriptive authority agreement. BON required to develop FAQs jointly with the Texas Medical Board and Physician Assistant Board. Will require amendments to Rule 222 by 11/1/2013. APRNs and other stakeholders will need to be educated on new regulations.	

**Other Bills Relating to Nursing Operations**

<b>Bill Number</b>	<b>Bill Summary</b>	<b>Author(s)</b>	<b>Implications for BON/NPA</b>	<b>Effective Date</b>
<b>HB 9</b>  Public Notice of Executive Staff Salaries  MM	The BON will be required to post the salaries of the Executive Director and Executive Staff and market analysis methodology used to support the setting of these salaries.	Representative Dan Flynn	HB 9 amends the Government Code to require a state agency to make available to the public by posting on the agency's Internet website the agency's methodology, including any employment market analysis, for determining the compensation of executive staff employed by the agency at the time and in the manner provided by the state auditor	9/1/2013
<b>HB 12</b>  Executive Director Salary Supplement  MM	This law would not allow our Executive Director to receive a salary supplement unless the donor provides the compensation methodology	Representative Dan Flynn	Government Code, ch. 659 prohibits state employees whose position falls under the state position classification plan or whose exempt position is funded by the general appropriations act from receiving a salary supplement from any source. Government Code, sec. 654.012 exempts certain state employees from the state position classification plan, such as professors at public higher education institutions. HB 12 would amend Government Code, ch. 659 to require state agencies to post on their websites certain information regarding salary supplements to agency employees from outside private donations. The bill would prohibit a state agency from accepting a gift, grant, or donation to be used as a salary supplement for an employee unless the donor provided the agency with the methodology used for determining the salary supplement. The donor also would have to post on his or her personal website the specific information regarding the donation. The state auditor would have to adopt a schedule and format for reporting the information regarding donations made for salary supplements.	9/1/2013
<b>HB 15</b>  Neonatal ICU and Maternal Care Units  BC	Relating to level of care designations for hospitals that provide neonatal and maternal services.	Representative Lois Kolkhorst	Does not affect NPA or Board Rules. Establishes level of care designations for neonatal ICU and maternal care units.	9/1/2013
<b>HB 434</b>	Relating to the persons authorized to take a	Representative	Does not affect NPA/Board Rules. Adds EMT's in list of	9/1/2013

Bill Number	Bill Summary	Author(s)	Implications for BON/NPA	Effective Date
<p>EMT Authorization to take a blood specimen for purposes of intoxication related offenses</p> <p>BC</p>	<p>blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.</p>	<p>Debbie Riddle</p>	<p>individuals who can take a blood specimen for purposes of intoxication related offenses.</p>	
<p><b>HB 705</b></p> <p>Enhanced penalty prescribed for an assault committed against emergency services personnel</p> <p>BC</p>	<p>Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity</p>	<p>Representative Donna Howard</p>	<p>Does not affect NPA/Board Rules. This bill affects nurses in the emergency department setting. Amends current law relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity</p>	<p>9/1/2013</p>
<p><b>HB 729</b></p> <p>Criminal background checks</p> <p>SE</p>	<p>Enables public or nonprofit hospitals or hospital districts to obtain criminal history record information for employees and volunteers of the hospital or hospital district; applicants for employment or volunteer status; and students enrolled in an educational program or course of study who is at the facility for educational purposes. Section 411.081(I) is amended to allow the Texas Board of Nursing to receive criminal history record information from a criminal justice agency.</p>	<p>Representative Four Price</p>	<p>Affects individuals accepted to Texas Board approved nursing education programs; requires amendment to NPA and development of Rule and regulations; currently, a voluntary process is in place for nursing educational programs to participate in student criminal background checks upon application or acceptance to the program of study; bill enables the Texas Board of Nursing to obtain criminal history information on students enrolled in a nursing educational program as hospitals or hospital districts are utilized for clinical learning experiences</p>	<p>6/14/2013</p>
<p><b>HB 746</b></p> <p>Volunteer Health Practitioners</p> <p>MH</p>	<p>Relating to the registration of volunteer health practitioners and the services of volunteer health practitioners during disasters.</p>	<p>Representative Trenton Charles Ashby</p>	<p>Amends the Texas Occupations Code, by adding Chapter 115. While not specifically changing the NPA, the BON will be required to coordinate with the Texas Department of State Health Services (DSHS) in the licensing of nurses who come into Texas to volunteer their services during disasters. DSHS will maintain a volunteer health practitioner registration system. These volunteer nurses are required to function within their scope of practice and follow the Texas</p>	<p>9/1/2013</p>

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			NPA and other Texas laws, rules and regulations. The BON may impose administrative sanctions for noncompliance and must report these sanctions to the nurse's BON.	
<p><b>HB 798</b></p> <p>Class C Misdemeanor exempted</p> <p>DJ</p>	<p>Relating to prohibiting licensing agencies from using Class C Misdemeanor.</p> <p>Licensing agencies are now prohibited from considering a Class C Misdemeanor as grounds for suspending or revoking a license or denying an applicant the opportunity to take an examination.</p>	<p>Representative Senfronia Thompson</p>	<p>Amends Section 53.01. Occupations Code, by adding Subsection (a-1).</p> <p>Board's Minor Criminal History Policy may need to be amended to address this new prohibition</p>	<p>9/1/2013</p>
<p><b>HB 1205</b></p> <p>Abuse/Neglect Reporting</p> <p>MH</p>	<p>Relating to the offense of failure to report abuse or neglect of a child.</p>	<p>Representative Tan Parker</p>	<p>While not specifically changing the NPA, the BON must be aware that a nurse commits an offense if s/he was required to make a report to the Texas Department of Family and Protective Services and knowingly fails to make the report. Will be considered a Class A misdemeanor, except if the nurse intended to conceal the abuse or neglect, then will become a state jail felony.</p>	<p>9/1/2013</p>
<p><b>HB 1296</b></p> <p>Postsecondary Educational Institutions</p> <p>VA</p>	<p>Relating to providing information to assist postsecondary educational institutions in addressing the state's projected workforce needs for training and education.</p> <p>Requires Texas Education Agency (TEA) to collect information comparing institutions of higher learning and post information on TEA's website.</p> <p>Requires THECB, in conjunction with TWC and in consultation with any other state agency as requested by THECB or TWC, to collect relevant information and make five-year projections concerning the workforce needs for education and training of persons projected to enter the state workforce.</p>	<p>Representative Carol Alvarado</p>	<p>No changes to the NPA. Knowledge will assist education consultants to be aware of THECB, TWC, and other agencies data collection requirements and to work collaboratively with other state agencies.</p>	<p>9/1/2013</p>



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<p><b>HB 1376</b></p> <p>Hospital-owned-and-operated freestanding emergency medical facilities</p> <p>BC</p>	<p>Relating to advertising by certain facilities that provide emergency services; providing an administrative penalty.</p>	<p>Representative Lois Kolkhorst</p>	<p>Does not affect NPA/Board Rules. Seeks to provide transparency and protect consumers by requiring hospital-owned-and-operated freestanding emergency medical facilities that bill patients at emergency room rates to advertise as emergency rooms. Must notify patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.</p>	<p>9/1/2013</p>
<p><b>HB 1605</b></p> <p>Maternity care pilot project</p> <p>JZ</p>	<p>Relating to the establishment of a pilot program in Harris County to provide maternity care management to certain women enrolled in the Medicaid managed care program. Establishes a maternity medical home pilot project in Harris county for Medicaid managed care patients. Requires multiple provider types in a single location who will provide risk assessments and established individualized maternity care plans. Providers will follow the patients through pregnancy and delivery in order to improve birth outcomes.</p>	<p>Representative Sarah Davis</p>	<p>No direct implications for BON as the NPA is not modified. Certified nurse-midwives and other APRNs are named as providers to be included in the pilot project.</p>	<p>9/1/2013</p>
<p><b>HB 1659</b></p> <p>Licensing eligibility rules clarified</p> <p>DJ</p>	<p>Relating to when licensing authority may only deny eligibility in specific circumstances. A licensing authority may consider a person to be convicted of an offense, if:</p> <ul style="list-style-type: none"> <li>(1) the offense would be required to register as a sex offender even though the charge was later dismissed,</li> <li>(2) the person has not completed the five year waiting period or</li> <li>(3) if the conviction would make the person ineligible as a matter of law.</li> </ul>	<p>Representative Senfronia Thompson</p>	<p>Amends Section 53.021(d) Occupations Code This provision does not apply to agencies that issue licenses that authorize individuals to provide public health services, such as nursing.</p>	<p>9/1/2013</p>
<p><b>HB 1675</b></p> <p>Self-Directed, Semi-Independent Study</p>	<p>This was a compromise to allowing the Texas BON to become SDSI. This study will be conducted this next biennium.</p>	<p>Representative Dennis Bonnen</p>	<p>The Sunset Advisory Commission shall conduct a study concerning self-directed semi-independent status of state agencies which must address the criteria and a process to be used in determining whether a state agency should be given self-directed semi-independent status.</p>	<p>9/1/2013</p>

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MM				
<b>HB 1690</b> Communicable Disease Control  MH	Relating to measures to prevent or control the entry into or spread in this state of certain communicable diseases; providing a penalty.	Representative Allen Fletcher	Texas Health and Safety Code is amended to further protect the public from disease, such as Tuberculosis. Expands peace officers' authority to prevent an individual from leaving or entering a quarantined area to protect public health. Emergency Department and Public Health Nurses must know that peace officers may direct EMS staff to transport individuals subject to a protective restraining order to an in-patient health facility and may use reasonable force.	6/14/2013
<b>HB 1738</b>  Mental Illness  DB	Relating to the emergency detention by a peace officer of a person who may have mental illness, including information provided to the person subject to detention and a standard form of notification of detention to be provided to a facility by a peace officer.	Representative Elliott Naishtat	This bill does not impact the NPA or Board Rules, but may possibly impact nurses working with patients who have been detained to receive mental health services.  A staff member of a facility detaining a person with mental illness must inform the person of their rights within 24 hours. (Nurses may be one of the persons ensuring this occurs.) The peace officer's notification of detention is maintained with the person's file.	9/1/2013
<b>HB 1803</b>  Controlled substances and pain management  JZ	Relating to controlled substance registration by physicians and the regulation of persons engaged in pain management; changing the payment schedule for a fee.  Amends the current exemptions from registration of a pain management clinic—APRN clinics are exempt from registration as a pain management clinic if the APRN personally provides other forms of treatment for a patient. Clarifies that a person who owns or operates a pain management clinic is engaged in the practice of medicine. Changes physician controlled substance registration to coincide with license renewal and requires TMB to collect and transfer renewal application and fee to DPS. Allows physicians to have a single DPS registration	Bill Callegari	No impact on the NPA. APRNs who practice in pain management settings need to be aware that they may not own or operate pain management clinics.	1/1/2014

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	that can be used at multiple locations for prescribing controlled substances.			
<p><b>HB 1846</b></p> <p>Child Support Payment</p> <p>MM</p>	<p>Suspension or denial of issuance or renewal of a license for failure to pay child support.</p>	<p>Representative Stefani Carter</p>	<p>Under current law, the attorney general or a court can stay or halt an order suspending a driver's license under certain circumstances. One of those conditions is that the individual comply with a child support repayment schedule. H.B. 1846 requires an individual to make a child support payment of at least \$200 before the license is reinstated. It also prohibits a licensing authority from accepting an application for a license or license renewal unless the person owing child support has made the required \$200 payment and is in compliance with the remainder of the payment schedule. The Texas BON will have to amend our operational procedures to check for delinquent child support payments and reject applications that have not complied.</p>	<p>9/1/2013</p>
<p><b>HB 2099</b></p> <p>Increasing Capacity of Nursing Education Program</p> <p>VA</p>	<p>Relating to improving access to nursing education programs.</p> <p>Seeks to enable nursing programs to share limited resources, grow the pool of nursing faculty, and increase the capacity of Texas's nursing education programs. Also implements several Legislative Budget Board recommendations to address Texas's nursing shortage.</p> <p>Allows representatives from career colleges and private universities with nursing programs to participate on statutorily created higher education regional councils. This bill amends the Education Code to include admissions and available scholarships to nursing students as part of a common application used by all state nursing programs.</p>	<p>Representative Ryan Guillen</p>	<p>No changes to the NPA. Information will assist agency to be aware of opportunities for prospective nurse educators and nursing students.</p>	<p>9/1/2013</p>
<p><b>HB 2414</b></p> <p>Video Conferencing</p>	<p>Relating to open meetings of governmental bodies held by videoconference call and to written electronic communications between members of a governmental body</p>	<p>Representative Angie Button</p>	<p>Amends Section 551.001, 551.127, 551.006.</p> <p>This does not directly affect TBON, because the BON does not currently use Video Conferencing to hold meeting or</p>	<p>9/1/2013</p>

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JNB	Sets up the policies that will govern state agencies that use or can use video conferencing for public meetings. So that individuals do not have to be physically present but can be present via Video Conferencing. The bill then governs written electronic communications and such as message boards and online posts for comment. The public viewing policy and the electronic retention policies.		message boards to provide information. Although it does set up the provision that a person can attend an official BON meeting via video conferencing	
<b>HB 2472</b> Sunset Review of DIR and TPASS  JNB	Relating to the continuation and functions of the Department of Information Resources and certain procurement functions of the comptroller of public accounts.  Keeps DIR as an agency for at least at least another 8 years. Sunset review of DIR and TPASS. Found many areas in procurement and fees where DIR and TPASS were operating with conflict of interests or charging unspecified charges to the other state entities for internal DIR projects. Follow up Sunset report due by 9/1/2021.	Representative Byron Cook	Requires DIR to set up new audit processes and a customer advisory committee.	9/1/2013
<b>HB 2478</b> Texas Workforce Commission Collection of Job Shortage Information  VA	Relating to the collection, analysis, and reporting of certain job and skills shortage information by the Texas Workforce Commission.  Provides a study to identify current and potential job shortages. Requires the Texas Workforce Commission (TWC) to consolidate existing information about job and skills shortages in key industries. Requires TWC to submit annual data report to legislature and governor.	Representative Carol Alvarado	No changes or implications to NPA. Assists agency in understanding state workforce needs.	9/1/2013
<b>HB 2673</b> Protection/care	Relating to the protection and care of individuals with intellectual and developmental disabilities. The Department of Health and Human Services	Representative Four Price	Board staff sought clarification from DADS regarding the confidentiality provision in this bill and how it may impact the Texas Board of Nursing's enforcement process. DADS clarified that this bill will not affect the information DADS	9/1/2013

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RGM	(DHHS) must establish an independent mortality review system to review deaths of individuals with intellectual disabilities living in an ICF or receiving services through 1915 (c) waiver programs. DHHS will contract with an institution of higher education or a health care organization or association to conduct mortality reviews. Findings of the reviews are confidential and privileged, not subject to discovery or subpoena, and not introduced into evidence in any civil, criminal, or administrative hearing.		and the BON currently exchange.	
<b>HB 2738</b>  Legacy Systems Study  JNB	Relating to a study by the Department of Information Resources regarding state agency technology efficiency.  Sets up the procedure for DIR to conduct a survey of all IT technologies used by the state of Texas to identify legacy technologies and then recommend a plan for system upgrades. DIR must report back their findings by Oct 2014.	Representative Gary Elkins	TBON will have to conduct a study on all our legacy applications i.e., NURSE. TBON will have to contract with a third party company to come up with a cost to risk analysis and report our findings back to DIR.	5/25/2013
<b>HB 3093</b>  Expands DIR to oversee IT of other state agencies  JNB	Relating to the powers and duties of the Department of Information Resources and the Legislative Budget Board regarding information resources technologies of state agencies.  Gives DIR more authority to consolidate and standardize Contracts. Also Allows DIR to have oversight for all major IT projects for all state entities and biennium budget planning. Ability to examine all outcomes of major IT projects completed in the previous biennium, for cost to projected, milestone completion and timeline adherences.	Representative Gary Elkins	The effects to TBON will on be only with contract IT vendors. The pilot program in the future could affect how IT projects are defined and tracked by DIR. Also this could affect the standards of our biennium IT operation budget and how it is written and reported to DIR.	9/1/2013

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<p><b>HB 3116</b></p> <p>Cost Recovery</p> <p>MM</p>	<p>Cost recovery of Comptroller Purchasing System</p>	<p>Representative Byron Cook</p>	<p>Interested parties recommend that the state establish a more coordinated system for ordering and purchasing, noting that purchasing is currently one of the aspects of state finance that can be improved through implementation of an enterprise resource planning system and that it is appropriate to include the administration of state agency purchasing in the definition of the term. The parties note that a consistent source of funding for adding agencies to the statewide enterprise resource planning system would benefit all agencies, especially small and medium-sized agencies with limited funding. H.B. 3116 seeks to accomplish these goals.</p> <p>The Texas BON will now have to pay the Comptroller a cost recovery fee to use the statewide purchasing system.</p>	<p>9/1/2013</p>
<p><b>SB 7</b></p> <p>Improving delivery/care</p> <p>RGM</p>	<p>Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports.</p> <p>The Texas Department of Aging and Disability Services (DADS) is required develop and implement pilot programs to assess managed care strategies and begin to transition individuals receiving services through the Home and Community-based Services (HCS), Texas Home Living (TxHmL), Intermediate Care Facilities (ICF), and Medically Dependent Children Program (MDCP) to managed care organizations.</p>	<p>Senator Jane Nelson</p>	<p>BON staff are working in collaboration with the Department of Aging and Disability Services (DADS) in interpreting how nursing tasks are provided under the Consumer Directed Services (CDS) option that is available in these Medicaid programs.</p>	<p>9/1/2013</p>
<p><b>SB 8 Medicaid Program</b></p> <p>MH</p>	<p>Relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs</p>	<p>Senator Jane Nelson</p>	<p>Amends the Government Code, Health and Safety Code and the Human Resource Code. While not directly changing the NPA, nurses working in Medicaid or Chip reimbursed services should be familiar with these amendments in order to understand the state's position on preventing fraud, waste and abuse across the Texas Health and Human Services system.</p>	<p>9/1/2013</p>

Bill Number	Bill Summary	Author(s)	Implications for BON/NPA	Effective Date
<p align="center"><b>SB 34</b></p> <p align="center">Psychoactive Medication Administration</p> <p align="center">DB</p>	<p>Relating to the administration of psychoactive medications to persons receiving services in certain facilities.</p> <p>This bill addresses the requirement for consent for the administration of psychoactive medications, the right of clients in certain settings to refuse psychoactive medication administration, to voluntarily consent to the administration of psychoactive medication, and to address those situations where it is in the client's interest to have the medication administered regardless of the clients refusal, specified as a medication-related emergency, or with consent of legally authorized client's representative or authorized by court order.</p>	<p align="center">Senator Judith Zaffirini</p>	<p>This bill does not impact the NPA or Board Rules, but does impact nurses working with patients who receiving mental health services in certain facilities.</p> <p>Nurses in facilities impacted by these changes need to be aware of the requirement for consent for administration of psychoactive medications, the right of the client to refuse and the specific conditions that must be met in order for the medication to be administered when the client refuses.</p>	<p align="center">9/1/2013</p>
<p align="center"><b>SB 44</b></p> <p align="center">Placement of children in the conservatorship of DFPS solely to obtain mental health services for the child</p> <p align="center">BC</p>	<p>Relating to maintaining and reporting certain information regarding certain child abuse or neglect cases and the provision of mental health services for children in those cases.</p>	<p align="center">Senator Judith Zaffirini</p>	<p><b>Does not affect NPA / Board Rules.</b> DFPS and DSHS to jointly study and develop recommendations to prevent the practice of parents relinquishing custody of children with severe emotional disturbance and placement of children in the conservatorship of DFPS solely to obtain mental health services for the child.</p>	<p align="center">9/1/2013</p>
<p align="center"><b>SB 62</b></p> <p align="center">Bacterial Meningitis Vaccine Exemption</p> <p align="center">MH</p>	<p>Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.</p>	<p align="center">Senator Jane Nelson</p>	<p>Amends the Texas Education Code. While not directly changing the NPA, nurses working in college or university health settings will need to know and comply with this new law that now allows students 22 years and older (use to be 30 y. o.) the ability to show an exemption from the bacterial meningitis vaccine.</p>	<p align="center"><b>10/1/2013</b></p>
<p align="center"><b>SB 107</b></p> <p align="center">Nondisclosure orders apply to</p>	<p>Relating to applying nondisclosure orders to the clerk of the court</p> <p>This bill provides that, with certain exceptions,</p>	<p align="center">Senator Royce West</p>	<p>Amends Section 411.081, Government Code, by amending Subsection (a) and adding Subsection (g-3)</p> <p>A person placed on deferred adjudication, and who satisfies</p>	<p align="center">9/1/2013</p>

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clerk of the court  DJ	<p>a court may not disclose information in court records subject to an order for nondisclosure to the public. The bill also directs the clerk of the court issuing an order of nondisclosure to seal all related court records after the required information has been sent to DPS.</p> <p>Section 411.082 of the prior statute included county clerks' offices on a list of "noncriminal justice agencies" and thus possibly outside the scope of a nondisclosure order.</p>		<p>the specified conditions, may receive a discharge and dismissal. The person may then petition the court to prohibit criminal justice agencies from disclosing the criminal history record related to the public.</p> <p>No direct implications for the Board, although the Board may be required by a non-disclosure order not to further disclose an individual's criminal history information.</p>	
<b>SB 152</b> Reporting of Abuse  MH	Relating to the protection and care of persons who are elderly or disabled or who are children.	Senator Jane Nelson	Amends the Texas Health and Safety Code, Family Code, Human Resource Code, and Government Code. While not directly changing the NPA, will require the BON to report back to the Department of Family and Protective Services when a nurse may have abused or neglected an adult or child. Nurses working in state hospitals will need to know and comply with this new law that will require specialized training on how to recognize and report abuse. These nurses will also be required to undergo federal background checks.	6/14/2013
<b>SB 166</b> Patient access to health care providers and increased medical record efficiency and accuracy for health care providers  BC	Relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.	Senator Bob Deuell	Does not affect NPA/ Board Rules. Seeks to improve and streamline patients' access to their health care provider and to increase medical record efficiency and accuracy for health care providers.	9/1/2013
<b>SB 176</b> Reports from Consultants  MM	Relating to the distribution of certain consultants' reports	Senator John Carona	Requires a consulting services contract to include provisions that allow the state agency contracting with the consultant and any other state agency and the legislature, at the contracting state agency's discretion, to distribute the consultant report, if any, and to post the report on the agency's Internet website or the website of a standing committee of the legislature. The bill establishes that this	9/1/2013



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			<p>requirement does not affect the application of state public information law to a consultant's report.</p> <p>It will be at the discretion of the BON to publish any report created by consultant employed by the BON.</p>	
<p><b>SB 246</b></p> <p>Electronic request for OAG opinion</p> <p>DJ</p>	<p>Relating to electronic request for a written opinion from the attorney general.</p> <p>Authorizes a request for a written opinion from the attorney general on a question affecting the public interest or concerning the official duties of the requesting person to be sent electronically to an electronic mail address designated by the attorney general for the purpose of receiving such a request.</p>	<p>Senator Royce West</p>	<p>Amends Section 402.042(1)(c) , Government Code Permits the Board to seek opinions from the AG's office via email.</p>	<p>9/1/2013</p>
<p><b>SB 251</b></p> <p>New requirements of a sworn declaration</p> <p>MM</p>	<p>Relating to an unsworn declaration made by an employee of a state agency or political subdivision in the performance of the employee's job duties.</p>	<p>Senator Royce West</p>	<p>The Civil Practice and Remedies Code recently was amended to allow the use of an unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit. Current law prescribes the format for an unsworn declaration, which requires the declarant to list his or her date of birth and home address. S.B. 251 provides an alternate format for an unsworn declaration made by an employee of a state agency or of a political subdivision in the performance of the employee's job duties that allows the employee to provide relevant job-related information in lieu of the individual's date of birth and home address.</p> <p>Will allow BON staff to issue unsworn declarations with relevant job-related information instead of date of birth and home address.</p>	<p>9/1/2013</p>
<p><b>SB 279</b></p> <p>IT/Electronic Web Retention</p> <p>JNB</p>	<p>Relating to data sets provided by state agencies to the Department of Information Resources.</p> <p>When state agencies post data that is specific and important to their processes or its stakeholders, agencies are responsible for reporting the data to DIR and providing a link to DIR.</p>	<p>Senator Kirk Watson</p>	<p>Amends Section 2054.1265, Adds new section f. This bill affects all the important data that the TBON posts on our website. Such as statistics and measures that we report to the public will need to be logged to DIR.</p>	<p>9/1/2013</p>
<p><b>SB 414</b></p>	<p>Relating to authorization by the Texas Higher</p>	<p>Senator Rodney</p>	<p>No changes or implications to NPA. Assists agency in</p>	<p>9/1/2013</p>

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<p>Junior College Baccalaureate Degree Programs</p> <p>VA</p>	<p>Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs. Requires the Texas Higher Education Coordinating Board (THECB) to conduct a study of regional workforce needs in the state to determine the regions of the state that would benefit from the authorization of baccalaureate degree programs at public junior colleges serving the region and appropriate metrics for determining whether a public junior college should offer those degree programs. Requires THECB, in conducting its study, to consult with at least one representative of each of the following:</p> <p>(1) four-year institutions of higher education;  (2) two-year institutions of higher education;  (3) regional businesses;  (4) professional associations; and  (5) any other entity the commissioner of higher education considers appropriate.</p>	<p>Ellis</p>	<p>understanding prospective changes to community colleges' ability to offer baccalaureate degrees programs.</p>	
<p><b>SB 441</b></p> <p>Texas Fast Start Program</p> <p>VA</p>	<p>Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development. Amends the Labor Code to require the Texas Workforce Commission (TWC), in partnership with the Texas Higher Education Coordinating Board, to establish and administer the Texas Fast Start Program to identify and develop methods to support, and to provide support for, competency-based, rapid-deployment education delivery models for use by public junior colleges, public state colleges, and public technical institutes.</p>	<p>Senator Brian Birdwell</p>	<p>No changes or implications to NPA. Important for agency staff to be aware of potential changes relating to the Texas Fast Start Program.</p>	<p>9/1/2013</p>
<p><b>SB 471</b></p> <p>Redefines the medium used to record public</p>	<p>Relating to technological efficiencies in the recording of certain open meetings.</p>	<p>Senator John Ellis</p>	<p>S.B. 471 amends the Government Code to define "recording" as a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed, and to revise open</p>	<p>9/1/2013</p>

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meetings  MM			meetings law relating to the recording of certain open meetings to conform to that definition.  Will allow the BON to use other types of technology to record and store open meetings.	
SB 484  Prostitution Prevention Programs  BC	Relating to the creation of a prostitution prevention program; authorizing a fee.	Senator John Whitmire	Does Not Affect NPA/Board Rules. Authorizes the establishment of prostitution prevention programs to provide certain prostitution offenders access to information, counseling, and services regarding sex addiction, sexually transmitted diseases, mental health, and substance abuse.	9/1/2013
SB 492  PECCs  MH	Relating to the licensing and regulation of prescribed pediatric extended care centers (PECCs); providing penalties; imposing fees.	Senator Eddie Lucio	Amends the Health and Safety Code. While not directly changing the NPA, nurses may provide services in pediatric extended care centers and should know and comply with this new law. Children with medically complex conditions may receive services in PECCs up to 12 hours a day and no more than 60 children at a time to provide: social and medical services, cost reductions by consolidating nursing services and respite for parents.	9/1/2013  Various effective dates
SB 495  Maternal morbidity and mortality  JZ	Relating to the creation of a task force to study maternal mortality and severe maternal morbidity.  Requires DSHS to appoint a task force to study maternal mortality and severe maternal morbidity. A certified nurse-midwife (CNM) and a registered nurse are required to be designated as members of the committee.	Senator Joan Huffman	None. Designated membership must include one CNM and one RN. CNMs with out of hospital birth centers may be required to provide records.	9/1/2013
SB 497  Associate Degree Requirements	Relating to the number of semester credit hours required to earn an associate degree at public institutions of higher education.  Amends Education Code to prohibit a student from being required by an institution of higher education, in order to earn an associate degree, to complete more than the minimum number of	Senator Kel Seliger	No changes or implications to NPA. Important for agency staff to be aware of Education Code changes relating to associate degree nursing education programs.	9/1/2013

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VA	semester credit hours required for the degree by the Southern Association of Colleges and Schools or its successor unless the institution determines that there is a compelling academic reason for requiring completion of additional semester credit hours for the degree.			
<b>SB 644</b>  Insurance/ Prescription Drug Benefits  JZ	Relating to the creation of a standard request form for prior authorization of prescription drug benefits.  Requires the Texas Department of Insurance to develop a standardized form for prior authorization of prescription drug benefits for certain third party payers. Establishes advisory committee on uniform prior authorization forms that includes non-physician prescribers	Senator Joan Huffman	None. APRNs with prescriptive authority who need to obtain prior approval of prescription drug benefits will need to be aware. APRNs may be eligible to participate on the advisory committee on uniform prior authorization forms.	9/1/2013
<b>SB 646</b>  Court-Ordered Outpatient Mental Health Services  DB	Relating to court-ordered outpatient mental health services.  This bill primarily deals with the process of court-ordered outpatient mental health services including timelines related to hearings, responsibilities, and requirements. There are also responsibilities for healthcare providers within the bill. For example, a physician must see the person within 24 hours of onset of detention. The bill also contains a section related to medication administration to court-ordered inpatients.	Senator Bob Deuell	This bill does not impact the NPA or Board Rules, but does impact nurses working with patients who have been court-ordered to participate in mental health services.  Nurses may be administering medications to court-ordered inpatients. This bill amends the Health and Safety Code to add the phrase "court-ordered inpatients" in relation to refusing to take medication voluntarily.	9/1/2013
<b>SB 939</b>  Reporting of Child Abuse and Neglect  MH	Relating to reporting child abuse and neglect and to training regarding recognizing and reporting child abuse and neglect at schools, institutions of higher education, and other entities.	Senator Royce West	Amends the Education and Human Resources Codes. While not directly changing the NPA, nurses working in school districts, charter schools, child care facilities and institutions of higher learning will need to know the new requirements for policy development related to child sexual abuse and maltreatment. Training, prevention and recognition of signs and symptoms of abuse and maltreatment must be also	9/1/2013

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			included.	
<b>SB 945</b> Health Care Provider Identification  MH	Relating to the identification requirements of certain health care providers associated with a hospital.	Senator Jane Nelson	Amends the Health and Safety Code. While not directly changing the NPA, nurses working, contracting, training or in an educational program in a hospital must wear a photo identification badge. The badge must include first and last name, the department the nurse works in, type of license held and if applicable: student, faculty or trainee.	1/1/2014
<b>SB 978</b>  Outpatient anesthesia  JZ	Relating to regulation by the Texas Medical Board of local anesthesia and peripheral nerve blocks administered in an outpatient setting.  Clarifies that the outpatient anesthesia registry does not apply to outpatient settings in which only local anesthesia, peripheral nerve blocks, or both are used in a total dosage amount that does not exceed 50% of the recommended maximum safe dosage per outpatient visit.	Senator Bob Deuell	None. The NPA has similar language for CRNAs who are registered to practice in outpatient settings. However, the clarifying language was not added to the NPA. This means the regulations for physicians and CRNAs who provide anesthesia services in outpatient settings are different.	9/1/2013
<b>SB 1102</b>  State Cyber Security Coordinator  JNB	Relating to the appointment of a state Cyber security Coordinator  Establishes the new position of a state Cyber security coordinator for the state of Texas. The Cyber Security Coordinator will then have the ability to set up a council of public and private sector leaders to develop standards of best practice for the State of Texas. Providing recommendations to the state of Texas. At which point the new position will can establish a voluntary program to recognize those entities that have exemplary cyber security practices. Can implement change suggested by the council.	Senator Leticia Van de Putte	Amends Section 2054.551, 2054.552, 2054.553, 2054.554.  The Cyber Security Coordinator can require TBON to change the network services and practices by changing DIR policy.	5/10/2013
<b>SB 1150</b>  Medicaid managed care	Relating to a provider protection plan that ensures efficiency and reduces administrative burdens on providers participating in a Medicaid managed care model or arrangement.	Senator Juan Hinojosa	None. APRNs who are enrolled as Medicaid managed care providers need to be aware of changes.	9/1/2013

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JZ	Requires HHSC to reduce administrative burden to ensure efficiency in Medicaid managed care provider enrollment and reimbursement. Will require prompt credentialing process for providers and prompt and accurate adjudication of claims.			
<p><b>SB 1191</b></p> <p>Notification by health care facility concerning designation as primary health care facility in community for treating sexual assault patients</p> <p>BC</p>	Relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.	Senator Wendy Davis	<p>Does not affect NPA ; however Board Rule 216.3(d) may change to reflect wording required for nurses performing sexual assault exams.</p> <p>Prohibits a person from performing a forensic examination on sexual assault patient unless the person has the basic sexual assault forensic evidence collection training.</p> <p>Requires a person performing forensic examination on sexual assault patient to have at least basic forensic evidence collection training or equivalent education and specifies that a person who completes a CME or CNE in forensic evidence collection that is approved or recognized by the appropriate licensing board.</p>	9/1/2013
<p><b>SB 1192</b></p> <p>Definition of sexual assault</p> <p>BC</p>	Relating to the rights of certain victims of sexual assault.	Senator Wendy Davis	Does not affect NPA or Board Rules. Expands the definition of sexual assault to include offenses of indecency with a child by engaging in sexual contact with a child or causing the child to engage in contact.	9/1/2013
<p><b>SB 1368</b></p> <p>The use of third party vendors and what is considered open records</p> <p>MM</p>	Relating to contracts by certain state governmental entities that involve the exchange or creation of public information.	Senator Wendy Davis	<p>SB 1368 states that a contract between a state governmental entity and a nongovernmental vendor involving the exchange or creation of public information must be drafted in consideration of Chapter 552 and contain a provision that requires the vendor to make the information not otherwise excepted from disclosure available in a specific format that is agreed upon in the contract and accessible by the public.</p> <p>If the Texas Board of Nursing contracts with a third party vendor, we will have to make sure they understand that the records are considered public information unless specifically</p>	9/1/2013

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			excepted by current law.	
<p><b>SB 1459</b></p> <p>ERS Update and contributions</p> <p>MM</p>	<p>Relating to the Employees Retirement System of Texas.</p>	<p>Senator Robert Duncan</p>	<p>SB 1459 would make numerous changes to the Employees Retirement System of Texas (ERS), including:</p> <ul style="list-style-type: none"> <li>* raising the contribution rates for members and requiring a new contribution from state agencies;</li> <li>* increasing the minimum retirement and the calculation of final average salary for employees hired after September 1, 2013;</li> <li>* implementing tiered retirement health insurance premium contributions for employees who were not vested as of August 31, 2014.</li> </ul> <p>This bill changes several rules regarding the receipt of retirement and health benefits. This will also require the BON to contribute .05% of our annual payroll to ERS.</p>	<p>9/1/2013</p>
<p><b>SB 1542</b></p> <p>Medicaid program</p> <p>JZ</p>	<p>Relating to clinical initiatives to improve the quality of care and cost-effectiveness of the Medicaid program.</p> <p>Requires the development of a quality improvement process related to the Medicaid program. Suggestions may be submitted for clinical initiatives to improve quality of care and cost-effectiveness. Analysis of initiatives is required to verify improvement in quality of care and decreased cost. Includes specific prohibition from HHSC discussing expansions of scope of practice.</p>	<p>Senator Leticia Van de Putte</p>	<p>None. Agency will need to be aware if scope discussions are arising in HHSC/Medicaid.</p>	<p>9/1/2013</p>
<p><b>SB 1597</b></p> <p>BON to create a new Cyber security Report</p> <p>MM</p>	<p>Relating to the development of state agency information security plans.</p>	<p>Senator Judith Zaffirini</p>	<p>The bill requires each state agency to develop and submit the information security plan required under the bill's provisions not later than October 15, 2014, and to submit a copy of the agency's information security plan to DIR not later than October 15 of each even-numbered year. The bill establishes that each state agency's information security plan is confidential and exempt from disclosure under state public information law.</p>	<p>9/1/2013</p>

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			The Texas BON will be required to create and file a new cyber security report with specifics components addressed.	
<p><b>SB 1643</b></p> <p>Prescription monitoring for controlled substances</p> <p>JZ</p>	<p>Relating to the monitoring of prescriptions for certain controlled substances; providing penalties.</p> <p>Allows a nurse acting at the direction of a provider to access the prescription monitoring program to inquire regarding a patient's recent prescription history for scheduled medications. Creates an interagency prescription monitoring work group that includes the executive director of the BON or her designee. Work group is required to report identified needs for change to the Legislature in every even numbered year.</p>	<p>Senator Tommy Williams</p>	<p>No impact on NPA. Executive director or her designee will be required to participate in an interagency work group. RNs and LVNs need to be aware that they may access the prescription monitoring program when requested to do so by a provider.</p>	<p>9/1/2013</p>
<p><b>SB 1803</b></p> <p>HHSC OIG's capabilities to detect and prevent fraud, waste, abuse in Medicaid</p> <p>DJ</p>	<p>Relating to enhancing the state's ability to detect and prevent fraud, waste, and abuse in Medicaid and across the health and human services system. Physicians, physicians groups, and other medical providers throughout the state have recently expressed concerns relating to certain investigations of suspected Medicaid fraud and abuse by the Health and Human Services Commission's office of inspector general, including concerns regarding due process, transparency, and conflicts of interest. In addition, interested parties contend that provisions relating to payment holds on providers because of a credible allegation of fraud must be revised to meet federal requirements in order for the state to continue receiving matching funds from the federal government.</p>	<p>Senator John Huffman</p>	<p>Repeals Section 32.029(d) Human Resources Code, Section 3, Subchapter C, Chapter 531, amends Sections 531.1011 and 531.102, and adding Sections 531.118, 531.119, 531.120, 531.1201 and 531.1202, Government Code. Section 32.0291, Human Resources Code is also amended.</p> <p>No direct effect on the Board.</p>	<p>9/1/2013</p>
<p><b>SB 1842</b></p> <p>Restraints</p>	<p>Relating to restraint and seclusion procedures and reporting at certain facilities.</p>	<p>Senator Bob Deuell</p>	<p>This bill does not impact the NPA or Board Rules, but does impact nurses working in hospitals and state mental hospitals when working with patients who may have</p>	<p>6/14/2013</p>



Bill Number	Bill Summary	Author(s)	Implications for BON/NPA	Effective Date
DB	<p>In hospitals and state mental hospitals, patients will have a face to face assessment within one hour after initiation of a restraint or seclusion by a RN who has special training and did not initiate the restraint or seclusion. A physician will conduct a face to face assessment, document clinical justification for continuation of restraint or seclusion prior to issuing an order to continue use of restraint or seclusion.</p>		<p>restraints or seclusion initiated. Nurses will need to be aware that the Health and Human Services Commission is required to adopt rules in relation to the enactment of this bill. Those rules may address the training a RN may need to complete as the bill specifically references a RN "...who is trained to assess the medical and psychiatric stability with demonstrated competence as required by rule..." The bill is currently in effect and requires a face to face assessment of a restrained or secluded patient within one hour of initiation of restraints or seclusion.</p>	