

BILL ANALYSIS

Senate Research Center
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H.B. 2410
By: Klick (Perry)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Nurses currently are allowed to seek protection under peer review regulations if the nurse believes that he or she is being required to take or refrain from taking certain actions regarding a patient that the nurse believes are in violation of the nursing standard of care under the Nursing Practice Act. Nurses, in order to be protected, must fill out a certain form noting the details of the request and how they believe it violates their duty to the patient. Due to immediate patient care needs, nurses may not be in a position to stop providing care in order to fill out the form.

H.B. 2410 allows a nurse who is unable to complete the form because of those patient needs to request a determination by orally notifying the nurse's supervisor.

H.B. 2410 amends current law relating to a request for a nursing peer review committee determination.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 303.005, Occupations Code, by amending Subsections (b) and (d) and adding Subsections (b-1) and (b-2), as follows:

(b) Authorizes a nurse, except as provided by Subsection (b-1), if a person who is required to establish a nursing peer review committee under Section 303.0015 (Required Establishment of Nursing Peer Review Committee) requests the nurse to engage in conduct that the nurse believes violates a nurse's duty to a patient, to request, on a form developed by the Texas Board of Nursing (BON), or on another form that meets standards developed by BON, rather than on a form developed or approved by BON, a determination by a nursing peer review committee under this chapter (Nursing Peer Review) of whether the conduct violates a nurse's duty to a patient.

(b-1) Authorizes a nurse, if the nurse is unable to complete a form required by Subsection (b) due to immediate patient care needs, to request a nursing peer review committee determination by orally notifying the nurse's supervisor of the request. Requires the nurse's supervisor, after receiving oral notification of a request, to record certain information in writing.

(b-2) Requires the written records prepared under Subsection (b-1), to be a valid request for a nursing peer review committee determination, to be signed and attested to by the requesting nurse and the nurse's supervisor who prepared the written record.

(d) Provides that if a nurse requests a peer review determination under Subsection (b) or (b-1), rather than Subsection (b), and refuses to engage in the requested conduct pending the peer review, the determination of the peer review committee is required to be considered in any decision by the nurse's employer to discipline the nurse for the refusal

to engage in the requested conduct, but provides that the determination is not binding under certain conditions.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.