

## **BILL ANALYSIS**

Senate Research Center  
87R1873 SRA-D

S.B. 1856  
By: Powell  
Health & Human Services  
4/9/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1856 seeks to codify that services provided by a student seeking a licensed vocational nurse (LVN) license be defined as "essential services" during a declared disaster. During the pandemic, there were many roadblocks for healthcare practitioners across the state. 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 can work only to "essential services," and under current statute, those under clinical supervision for their licensure were not included as essential, even though they were trained and worked alongside LVNs. Waivers were eventually made to allow students to work as well, and S.B. 1856 simply seeks to codify this to help ensure seamless disaster response moving forward.

This bill expects support from long-term care groups, as well as the Texas Association of Community Colleges and Panola College.

No opposition is anticipated.

As proposed, S.B. 1856 amends current law relating to certain vocational nursing students providing essential services during a declared state of disaster.

### **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 Chapter 242, Health and Safety Code, by adding Subchapter T, as follows:

#### **SUBCHAPTER T. CERTAIN VOCATIONAL NURSING STUDENTS PROVIDING ESSENTIAL SERVICES**

Sec. 242.951. DEFINITIONS. Defines "disaster" and "governmental entity."

Sec. 242.952. APPLICABILITY. Provides that this subchapter 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 facility licensed under Chapter 242 (Convalescent and Nursing Facilities and Related Institutions).

Sec. 242.953. ESSENTIAL SERVICE. (a) Provides that, notwithstanding any other law, the services provided by a student to whom this subchapter applies in a facility licensed under this chapter are essential services at all times in this state, including during a declared state of disaster.

(b) Prohibits a governmental entity, at any time, including during a declared state of disaster, from prohibiting a student to whom this subchapter applies from providing essential services.

(c) Authorizes a facility licensed under this chapter to require a student to comply with the facility's policies regarding health screenings or the use of personal protective equipment.

SECTION 2. Effective date: September 1, 2021.