

## 2011 POTENTIAL NURSING INITIATIVES AND OTHER NURSING RELATED LEGISLATION

### Prepared By Texas Nurses Association

The following table provides a brief overview of legislation that nursing anticipates initiating in 2011 or legislation that may be initiated by others that is of special interest to nursing.

	Issue	Organization Initiating	Content	Comment
1.	Patient Advocacy Protections	TNA	1. Protections from criminal liability for reporting 2. Larger fines for retaliation 3. Extend retaliation protections to nurses who advise other nurses about advocacy rights 4. Give publicly-employed nurses right to sue governmental entity if retaliated against nurse for advocacy	Primary purpose is to address issues and concerns raised by the case of two Winkler County nurses who were both terminated and criminally indicted because they reported a physician to the Texas Medical Board ("Medical Board"). It also addresses other related advocacy protection issues.
2.	APRN Prescriptive Authority	CNAP	1. Establish that APRN authority to prescribe comes from the APRN's nursing license rather than from being delegated by a physician. 2. Remove restrictions on prescribing controlled substances, including granting APRNs authority to prescribe Schedule II.	The limitations on APRN prescriptive authority under the current site-based, physician-delegated model are so restrictive that APRNs cannot be used effectively to help address Texas' severe shortage of primary care providers. APRNs practice effectively and safely in 35 other states and the District of Columbia without such restrictive limitations on their practice.
3.	Nursing Education	Nsg Workforce Shrtg Coalition	Continue funding for the Nursing Shortage Reduction Fund at 2009 level of \$44.7 mil.	Coordinating Board (THECB) included funding in its Legislative Appropriations Request (LAR) subject to the 5% or 10% mandated reductions because of anticipated budget shortfall.
4.	Violence against nurses in the workplace	TxENA	Enhance the penalties for assault from a Class A misdemeanor to 3 <sup>rd</sup> degree felony if committed against a nurse.	Nurses would be given the same protections currently provided other individuals such as first responders for which there is an enhanced penalty if assaulted while acting in their official capacity.
5.	School nurses	TSNO or Texas AFT	Require notification of parents if a school nurse is not assigned to their child's campus.	Not all schools have a school nurse on campus. Knowing that a school nurse is not on campus helps parents better plan for their child's health care needs while at school.
6.	NPA Amendments	TNA	Omnibus bill to address needed changes to NPA. One of the significant issues addressed is giving BON authority to establish a voluntary program under which nursing peer review committees	This is an omnibus-type bill designed to address a variety of issues relating to the regulation of the practice of nursing. Most of these are nonsubstantive.

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			would use a board-approved error classification system, report the data collected to the BON, and the data used to focus efforts on reducing those errors.	
7.	Self-Directed, Semi-Independent Status for BON	Requested by BON	Would give BON self-directed, semi-independent status same as that which boards for engineers, accountants, architects and banking/finance agencies currently have.	Self-directed, semi-independent status removes an agency from the appropriations process and gives the agency more flexibility in allocating resources. The agency continues to be audited by the State Auditor and otherwise subject to legislative oversight on non-appropriation matters. The boards for architects, accountants and engineers currently have this status on a pilot basis.
8.	Health Care Reform	Unknown	Unknown	It is expected that implementation of health care reform will require legislation. The extent and content of such legislation has not been determined. Such legislation may address issues affecting nurses and the care they provide patients.
9.	Public Health Initiatives	Tx Public Hlth Coalition	In process of being finalized.	The Texas Nurses Association and several nursing specialty organizations participate in the Texas Public Health Coalition. As in 2009, the Coalition's 2011 legislative efforts will focus on 1) immunization, 2) obesity and 3) smoking cessation.
10.	Possible Initiatives by Others That Nursing Supports	Unknown	Unknown	Every session, legislation is introduced by legislators or initiated by other organizations that nursing will be requested to support. Such legislation is evaluated on a bill by bill basis.
11.	Possible Initiatives by Others That Nursing Opposes	Unknown	Unknown	Every session, legislation is initiated by other organizations that nursing believes is not in the best interests of nurses and their patients. Although it is not know for certain what these bills are until filed, possible legislation in this area includes: <ul style="list-style-type: none"> <li>• Legislation by CNA/NNOC similar to legislation filed in 2007 and 2009 which set fixed, mandated ratios, restricted which nurses can do patient assessments, and repealed mandatory reporting and safe harbor nursing peer review.</li> <li>• Licensing of anesthesiologists assistants.</li> <li>• Moving regulation of APRNs to the Medical Board.</li> </ul>