

2009 NURSING LEGISLATIVE AGENDA

Prior to each legislative session, the Texas Nurses Association hosts a series of meetings of nursing organizations in Texas to identify significant nursing and health care related issues that should be on nursing's legislative agenda for that session. The following is Nursing's Legislative Agenda for 2009.

1. Nursing Practice Environment

As it does almost every legislative session, nursing will seek legislation to improve the practice environment. This session, nursing will support nursing practice environment legislation that:

a. Requires hospital governing bodies to adopt policies relating to nurse staffing that address:

- adoption of a nurse staffing plan by the hospital that addresses specific requirements set out in the legislation
- creating of nurse staffing committee consisting of 50% direct care RNs selected by their direct care RN peers which is responsible for providing significant input on the hospital staffing plan and is the entity that evaluates the adequacy of the staffing plan.
- input from nurses on staffing issues at the hospital

b. Prohibits mandatory overtime in hospitals

c. Extends to publicly-employed nurses the protections that privately-employed nurses have from retaliation for engaging in patient advocacy.

Specific Legislation:

SB476 & HB591 by Nelson & D.Howard, S.King
SB886 & HB1373 by Nelson & D. Howard

2. Nursing Shortage

Texas continues to face a critical shortage of registered nurses. The demand for nursing services is expected to continue to increase as the Texas population ages and more of Texas's aging nurse population is lost to retirement. Lack of adequate nurses means less quality care for patients. Despite the shortage, Texas nursing schools are turning away thousands of qualified applicants. Nursing supports the Nursing Workforce Shortage Coalition's initiative to double the number of RNs graduated by schools of nursing by academic year 2012-13. The Coalition believes that any real solution to the shortage will require significant funding for nursing programs and that the funding must be structured to permit all Texas schools to participate and to ensure schools are accountable for producing results with any funds received. The Coalition consists of approximately 100 organizations including Texas Hospital Association, Texas Nurses Association, Texas Association of Business, local chambers of commerce, local hospitals and hospital

councils, Texas Association of Community Colleges and other nursing education organizations.

Specific Legislation:

Coalition's appropriations request for \$75 million (\$60 million in new funding) as outlined on the Coalition's website at www.texasneednurses.org.

3. Nursing Regulatory Environment

Nursing supports creation of a less punitive regulatory environment that promotes the reporting of errors so that system errors can be identified and addressed. Nursing will support legislation that gives the Board of Nursing more options in addressing minor violations that would permit the focus to be on remediation rather than punishment.

Specific Legislation:

HB 1128 by McReynolds

4. School Nurses

The health and nutritional services provided to children while at school play a critical role not only in the health of Texas children, but also in their ability to learn. School nurses are essential to schools providing effective health services. Nursing will support initiatives to improve health and nutritional services in Texas schools including initiatives to ensure every child has access to a school nurse (RN) and that parents are informed of whether there is a school nurse (RN) at their child's school.

Specific Legislation

SB 158 by Ellis & HB 151 by Coleman

5. Prescriptive Authority for Advanced Practice Nurses

Nursing supports the removal of artificial legal restrictions that prevent APNs from practicing to the full extent of their skill, knowledge and education. The current site-based statutory model governing physician delegation of prescriptive authority to APNs is not only cumbersome but more importantly does not permit APNs to practice to their full scope of competency. There are two approaches for significantly addressing the deficiencies in the current site-base model.

- 1) Replace physician delegation model with a BON-granted authority model in which the APN prescribes under the authority of an APN license granted by the BON. This is the best approach.
- 2) Retain physician delegation but replace the site-based model with a prescriptive authority agreement that would grant the APN the authority to prescribe and define the collaborative relationship between the physician and APN.

It is also possible to address the deficiencies in a less significant way by tinkering with the current site-based model. This is the least preferred approach but is

supported because it helps some APNs and improves access.

Specific Legislation:

HB 1107 by Rep. Wayne Christian

Most preferred since permits APNs to prescribe under authority of their nursing license/

SB 680 by Hegar & HB 696 by Orr

Permits physicians to delegate through prescriptive authority agreement.

SB 532 by Sen. Dan Patrick

Least preferred since retains site based model

6. Board of Nursing Appropriations

Nursing will support adequate funding for the Board of Nursing (BON). Nursing believes it is in the best interest of both the public and nurses for the BON to be funded at a level that permits it to perform its responsibilities efficiently and effectively. Nursing believes it is appropriate that the profession bear the costs associated with adequately funding the BON even if that requires a license fee increase.

7. Licensing and Certification of Allied Health Providers

Nursing will evaluate legislative initiatives to license, certify or expand the role of allied health providers such as surgical technologists using the following criteria:

- Practice being requested to be recognized must be consistent with safe patient care. A consideration in making this determination is whether the practice setting is one in which the broad generalist preparation of a nurse best promotes safe patient care and the legislation would permit a technologist without this generalist preparation to be substituted for the nurse.
- If the practice of the allied health technologist falls within nursing practice, the technologist must function under RN delegation or be supervised by a nurse.
- The definition of the allied health technologist's scope of practice must be precise, not overly broad, and not permit the practice of nursing.
- There must be an explicit exemption for nurses. A general exemption for "licensed practitioners" will not be sufficient.
- The proposed regulation should be consistent with and provide the protections associated with accepted regulatory standards such as establishing an effective mechanism for disciplining the allied health technologist including removing the unsafe technologist from the workplace.
- There must be appropriate disclosure to patients of the use of allied health technologists and their qualifications.

If these conditions are met, then nursing will evaluate the public policy need met by licensing/certifying or expanding the role of the particular group of allied health providers in determining its position on particular legislation.

Specific Legislation

HB 643 by Zerwas relating to surgical technologists.

Bill as filed does not meet these criteria. Nursing is working with Rep. Zerwas to try to address specific concerns.

8. Health Policy

Nursing will join with consumer advocacy and provider groups to support health policy designed to improve the health of Texans and their access to quality care.

Specific Initiatives

Several including full funding of the CHIP program to maximize the amount of federal dollars that Texas can receive; addressing obesity, and making Texas smoke-free.

ENDORISING ORGANIZATIONS

Assn of periOperative Registered Nurses of Greater Houston
Assn of Women's Health, Obstetrics & Neonatal Nurses
Houston Oncology Nursing Society
Houston Organization of Nurse Executives
Licensed Vocational Nurses Association of Texas
Soc of Otorhinolaryngology & Head & Neck Nurses
Texas Assn of Deans & Directors of Prof Nursing Programs
Texas Association of Nurse Anesthetists
Texas Council of periOperative Registered Nurses
Texas Nurses Association
Texas Nurse Practitioners
Texas Nursing Students' Association
Texas Organization for Associate Degree Nursing
Texas Org of Baccalaureate & Graduate Nurse Educators
Texas Organization of Nurse Executives
Texas School Nurses Organization
Texas Emergency Nurses Association
Texas RN First Assistants Network