

Texas Nurses Association Nursewatch



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Legislative Update

The special session concluded this week in a flurry of activity, but what actually got accomplished? The Governor set out a comprehensive list of 20 issues that he wanted to see accomplished during the special session, but many of them did not come to pass.

Sunset bills - the bills that forced the special session to begin with were passed out quickly and easily, and the sunset dates for all agencies under the microscope were extended through the end of next legislative session in 2019.

Around \$212 million extra was put into the Teacher Retirement System, and put

\$351 million into public schools. That funding includes a \$150 million transitional grant for small, rural districts to offset the upcoming loss of a state aid program, \$120 million for charter schools and traditional schools to pay for new facilities, \$41 million to remove an existing financial penalty for small districts and \$40 million for an autism and dyslexia grant program for public schools. The bill also tasks a commission with studying future reform to the school finance system.

Other bills that passed include a bill extending the life of the maternal mortality and morbidity task force through 2023, and a DNR bill which creates both a criminal penalty for doctors who willfully violate a patient's do-not-

resuscitate wishes, and an exception to that penalty for doctors who err "in good faith."

Two abortion restriction bills also passed - one that requires Texas women to pay an additional health insurance premium if they wish for their coverage to extend to elective abortions, and another that requires more detailed reporting from facilities and doctors about abortion complications.

Some notable bills that did not pass include:

- Bathrooms bill
- Local Texting and Driving Pre-emption
- Local Government Permitting
- Caps on Local & State Government Spending
- Property Tax Reform
- Private school choice

So the Governor got some of what he wanted, but not everything. The rumor is that the Governor threatened to call another special session on property taxes in January before Early Voting begins in the March primaries, to hold the legislators hostage during prime election campaigning season. Since they did not pass the property tax reform bill, we'll see if he holds true to his threat.

Finally, a federal court has invalidated two congressional districts in Texas as being drawn in such a way that is intentionally discriminatory. The congressional districts impacted are Lloyd Doggett's and Blake Farenthold's districts. However, Attorney General Ken Paxton has stated that his office will be appealing the decision to the US Supreme Court, which means that nothing will be settled until the Supreme Court either hears the case or refuses to hear the case and let the federal court decision stand on its own.

Rulemaking Update - August 18, 2017

PROPOSED:

The Health and Human Services Commission (HHSC) has proposed rules that give it more flexibility for recouping disallowances due to provider-related donations. Currently, they may only recoup the amount from governmental entities. The new rules would allow them to recoup from MCOs, providers, or governmental entities, as they currently can for other types of disallowances.

HHSC has also proposed new reimbursement rates for specialized services for nursing facility residents with intellectual disabilities or mental illness. Therefore, reimbursement for Employment Assistance services, Supported Employment services, Independent Living Skills Training services, Behavioral Support services, Habilitation Coordination services, and Day Habilitation services will be based on similar services in other programs.

The Texas Higher Education Coordinating Board has proposed a change to the rules relating to the Nursing Faculty Loan Repayment Program. Last session TNA was instrumental in adding \$3 million over the biennium to the program. The rule proposal addresses those newly dedicated funds.

The Texas Medical Disclosure Panel has adopted new informed consent rules for providers of deep sedation, moderate sedation, and prenatal/early childhood anesthesia. The rules provide a list of risks and hazards that providers must share with patients before providing those services.



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