

Just Disciplinary Procedures for Nurses (TX HB 4355)



Texas nurses are asking for your support of HB 4355, which would increase retention of the nursing workforce by promoting just disciplinary procedures at the Board of Nursing.

Currently, nurses who commit a licensing violation and are formally punished by the Board of Nursing have no mechanism for expunging old violations. For instances involving patient harm or serious infractions, this is warranted. However, there are classes of violations that are low-level offenses and do not involve patient harm. For these offenses, their permanent status on a nurse's license acts as a disincentive to complete the terms of their disciplinary order and remain in the profession.

One of the most common examples we hear of is early-career nurses failing to renew their license in a timely fashion, which results in a remedial education order. For these nurses, they receive discipline early in their career and then must deal with a black mark on their license for the rest of their careers, which can limit job advancement or new opportunities.

The Legislature can change this system to provide a pathway for expungement of low-level violations that do not involve patient harm. This change would incentivize nurses to complete the terms of their professional discipline and remain in the profession knowing that they will have an opportunity to expunge the violation later.

The Legislature can further incentivize participation in remedial education by providing confidentiality for nurses who choose to participate in the Knowledge, Skills, Training, Assessment, and Research (KSTAR) nursing program.

The Legislature can further improve the fairness of the Board of Nursing's disciplinary processes by applying the Nursing Practice Act to nurses licensed out-of-state, but practicing in Texas under an emergency declaration or waiver issued by the Governor. This would ensure the rules apply equally to every nurse working in Texas.

By supporting HB 4355, you can promote key improvements in the disciplinary system for Texas nurses. An identical version passed the House on third reading in the 88th Regular Session with 143 yeas, 3 nays, and 1 present, not voting. This session, we ask for your support all the way to the Governor's desk.

