



JUST DISCIPLINARY PROCEDURES FOR NURSES

Policy Position | 2026-2027 Policy Council

INTRODUCTION

In the 88th Regular Session, House Public Health Chair, Rep. Stephanie Klick, authored HB 2726 to refine disciplinary procedures at the Board of Nursing. The bill did not pass, but it raised important policy changes that the Texas Nurses Association believes are critical for the Texas Legislature to adopt.

THE BILL'S PURPOSE

The bill sought to change three parts of the disciplinary process.

1. It would have changed state law to apply the Nursing Practice Act (NPA) to out-of-state nurses practicing in Texas under an emergency declaration or waiver issued by the Governor. Currently, the NPA does not apply to such nurses, meaning out-of-state nurses who commit practice violations were not subject to the Board of Nursing's jurisdiction. This created inequities in the application of Texas law to nurses licensed in-state and those licensed out-of-state practicing in Texas under the Governor's emergency declaration or waivers during the pandemic.
2. It would have granted confidentiality to nurses in a Board of Nursing pilot program called the Knowledge, Skills, Training, Assessment, and Research (KSTAR) Nursing program. KSTAR is a comprehensive program for nurses

designed to perform a competency assessment and provide individualized remediation to ensure minimum nurse competency. KSTAR Nursing is modeled after our successful, similar program for physicians. On July 20, 2017, the Texas Board of Nursing approved the KSTAR Nursing Program as a permanent disciplinary option for nurses who meet eligibility criteria as set forth in Board Rule 213.35. While the pilot program has been highly successful for those who enroll, enrollment is low because there is no confidentiality associated with the program. Granting confidentiality for the program would increase program participation and assist with improving nursing practice.

3. It would have provided a pathway for nurses to expunge minor practice violations after a period of five years. Currently, even the most minor practice violations remain on a nurse's license indefinitely, which can hamper their ability to find employment and advance in their careers. Given the shortage of nurses in Texas, providing a pathway to expungement will encourage nurses with minor practice violations to stay in the profession and complete their disciplinary orders from the Board of Nursing knowing that they will have an opportunity for expungement in the future. To be eligible, a nurse's violation cannot involve patient harm, the nurse must successfully complete the requirements of their discipline, and the nurse cannot commit an additional or repeated practice violation in the five years preceding the date of filing a request for expunction of a record. The Board of Nursing has oversight discretion to determine which violations of the NPA can be expunged, but those involving patient harm are explicitly not permitted to be expunged. The initial draft of the legislation made expungement automatic. The committee substitute removed the passive nature of the expungement mechanism. TNA recommends revising the bill to include passive expungement for eligible nurses.

LEGISLATIVE HISTORY

HB 2726 passed the House on third reading with 143 Yeas, 3 Nays, and 1 Present, not voting. It was a broadly popular proposal. Unfortunately, it passed May 11, 2023, which meant it did not get to Senate Health and Human Services until May 12, 2023, with insufficient time left in the session to be considered by the Senate. As a result, the bill was not heard in the Senate committee and died.

CONCLUSION

TNA encourages the Texas Legislature to take up this proposal again in the 90th Regular Session and pass the bill into law. Doing so would increase fairness in Texas disciplinary procedures for nurses and would mirror other policy changes in Texas designed to encourage full employment in the nursing profession.