Legislative Update

It wouldn't be a crazy political year if we didn't have to come back in 100 degree weather to take another stab at it! The First (and hopefully only) Special Called Session of the 85th Legislature will get under way tomorrow, July 18th. As I'm sure you're aware, the Governor has put 20 different items on the call for this session, including a number of issues aimed at local control by cities & counties.

However the number one issue is the sunset continuation bill for the Texas Medical Board and other agencies. The Governor has stated that the remaining issues - which include things like funding to facilities regarding abortion services, a bathroom bill redux, and school finance - will have to wait until the sunset bill has been passed. This has prompted some interesting competing special session pins to start floating around the capitol (above). The left pin demonstrates the desire by some to take care of the must-have sunset bill and be done. The other is almost certainly created by the Governor's team itself with a call to pass out bills relating to every one of the items on the call.

There is really no telling what is going to happen. Rumors abound about the House taking care of the sunset bill and recessing for 1-2 weeks to only give itself enough time in the last week to review the Senate bills when they come over. Others predict that if they get to abortion and bathroom bills that the Democrats could revolt again and break quorum, stalling the session out completely.

The truth is, no one really knows for sure except the Speaker of the House. It will be very interesting.

There will not be many bills that directly affect nursing during the special session since all bills that can actually have a chance will have to directly relate to one of the called issues by the Governor.

There will be some bills relating to the Maternal Mortality Taskforce and ensuring its longevity. There is already a bill filed relating to Do-Not-Resuscitate orders.

HB 43 by Bonnen/SB 11 by Perry - This bill would create general procedures for DNRs. To be valid, the DNR must be written by a competent patient, spoken by a competent patient with two adult witnesses, or at the direction of a legal guardian or power of attorney. It must be the physician's reasonable medical judgment that the patient's death is imminent and the DNR is medically appropriate.

This bill and this issue arise from the Texas Right to Life groups who recently contacted with Kevin Stewart after he left TNA, is going to try to again during the special session to get a notification bill passed if you remember. SB 196 by Garcia passed the House and Senate and was vetoed by the Governor just a few weeks ago. The special session gives us all another bite at the apple, and TNA will help to try to make it reality.

Ruling Update - July 17, 2017

The Texas Board of Nursing proposed rules last week to increase nurse licensure fees for LVNs from $40 to $42 per cycle, and for RNs from $60 to $65 per cycle. The increase is specifically to implement a number of bills from the legislative session and raise revenue to implement the workplace violence grant program with DSHS, and defray the cost of removing certain disciplinary records from their website as required by the sunset bill.

IN ADDITION:

Department of State Health Services - DSHS is currently initiating a rules project covering Sites/Practices serving medically underserved populations (previously called Site-MUPs). Specifically, we are looking to update and clarify rule language related to the implementation of the Texas Occupations Code 157.051 (11) (f). The current rules are listed in the Texas Administrative Code Title 25 Part 1 Chapter 13 Subchapter C (here). The substantive thrust of any changes will be to provide a mechanism by which DSHS can verify continuing eligibility with designated practices. Of note given Occupations Code 157.051 (11)(g), under ten currently designated practices are expected to be affected and the impact of any additional administrative burden on these practices is expected to be negligible.

Telemedicine - TNA provided comments to the Telemedicine Stakeholder Workgroup regarding how best to implement the changes as they relate to nurses from the telemedicine bill that passed this session. Rules are forthcoming.

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