

Texas Nurses Association

Nursewatch

November 2018

NLAC Update: NLAC Fall Meeting Update

Over 50 people, representing 21 NLAC organizations, met on Nov. 10 in Austin to share their legislative agendas and develop the 2019 Nursing Legislative Agenda for the 86th Texas Legislature.

Highlights included a midterm election update from TNA Government Affairs Director Andrew Cates, included below, and a round-table discussion of concerns and issues each organization is examining as the Texas Legislative session approaches. Some of those concerns included APRNs practicing and prescribing medication to the full scope of their education, end-of-life and advance directive issues, barriers to mental and behavioral health care access, and more.

Representatives Dan Finch and Troy Alexander, from the Texas Medical Association, shared information about the Texas Public Health Coalition's legislative agenda items, including vaccination education, preserving the Cancer Prevention and Research Institute of Texas and raising the purchasing age of tobacco products to 21 years old, among other issues. They urged nursing to support TPHC's agenda. A PowerPoint presentation and 1-pager on immunizations is available on NLAC's meeting page on TNA's website. NLAC representatives who need access to the web page to download meeting materials, should contact TNA Government Affairs Coordinator Catherine White (cwhite@texasnurses.org) for instruction.

It's time to renew NLAC membership for the 2019-2020 membership cycle. The updated NLAC Membership Agreement, which was included in the meeting materials and is available on the [NLAC](#) web page, was discussed

► Payment for the 2019-2020 NLAC Membership term is due **Jan. 1, 2019**. Representative Designees should have received invoices. [Pay online quickly and easily.](#)

briefly during the meeting. Your organization can [renew](#) NLAC membership via the website, or contact TNA Government Affairs Coordinator [Cathy White](#) to request an invoice. Please feel free to encourage any other professional nursing organizations you may belong to that are not yet NLAC members to consider joining the Nursing Legislative Agenda Coalition and strengthening nursing influence at the Texas state Capitol.



Election and Political Updates

NATIONAL TAKEAWAY – WHAT WE LEARNED

President Trump's 2020 run is more formidable than people might want to acknowledge. Party loyalty in typically solid-bet states got stronger. Red states got redder and blue states got bluer, generally.

Moderate Democrats across the Midwest outperformed more liberal Dems throughout the south (defeat of Scott Walker vs. defeat of Beto O'Rourke, Andrew Gillum, Stacey Abrams).

It truly was the **"Year of the Woman"** — 117 of 277 women candidates were elected to the U.S. House, including many firsts: two Native Americans (one a lesbian), the first two Muslim women elected to Congress, youngest woman (aged 29) ever elected, in NY; and the first two Latinas ever elected to Congress in TX (Veronica Escobar in El Paso, taking Beto's seat, and Sylvia Garcia in Houston, leaving her senate seat open).

The U.S. Senate Democratic Caucus will be more liberal with retirements, and Nancy Pelosi is likely to be Speaker of the House again. While the House will not likely pursue impeachment, it may start using committees and subpoena power to investigate the President and his cabinet policies, although the President has issued an ultimatum and warning to them already.

TEXAS TAKEAWAY

The O'Rourke/Cruz effect was drastic on the ticket, dragging all of the statewide GOP candidates into closer races than were initially expected. The fact that Governor Abbott beat his opponent by a larger margin than the more conservative Lt. Governor beat his opponent sends a clear signal the Governor is not as weak as the Lt. Governor made him look last session with the bathroom bill. This also indicates the Governor is not as vulnerable to a possible 2020 gubernatorial challenge from Patrick and may signal to Patrick that he should set his sights elsewhere.

FROM 2010 TO NOW

The 2010 Tea Party wave is the closest comparison to the 2018 election — a realignment election in the first midterm after a divisive President is elected.

2009: 76 GOP — 73 Dem

2011: 98 GOP — 51 Dem (22-seat pickup for Republicans in 2010)

After the 2012 Presidential election year which Barack Obama won, the Texas House realigned only slightly, back to 95 GOP — 55 Dem.

There are a couple of takeaways from this comparison:

- The current realignment, while significant, is still far weaker than the GOP/Tea Party realignment of 2010
- The GOP was strong in their opposition to the President in 2012 in Texas and managed to resist a full pendulum swing back to the middle.
- It will require very strong Texas Democratic opposition to the President's re-election campaign in 2020 to resist a claw back of the 14 overall state House and Senate seats they picked up in Texas this year.

▶ Bookmark texastribune.org to get the latest political news!



Want more? Join TNA for more updates and access to member-only benefits like *Texas Nursing*, educational materials and advocacy toolkits.

NEW NORMAL

For now, the new normal will be a stronger Democratic coalition in the Texas House and very likely, a stronger Freedom Caucus presence as well.

- The Freedom Caucus will likely have 14 members (17% of the GOP Caucus, up from 12%).
- The Democratic Caucus will have 67 members.
- The GOP (non-Freedom) Caucus will have 69 members.

This means an increased need for both parties to compromise and work together.

The full 2018 election recap is available to NLAC representatives in the November meeting materials, accessible via a secure web page on TNA's website.

KUDOS

Please congratulate TNA Governmental Affairs Committee member and former GAC Chair **Cindy Strzelecki** for winning a seat on the Windcrest City Council in the recent midterm elections. Cindy has been a member of TNA's GAC and has participated in NLAC since 2011. TNA Communication Specialist Roy Muyinza recently interviewed the newly elected Windcrest City Councilwoman about her experience running for office. The full interview will be published on the TNA website this week.



Nurses running for local office is one surefire way to guarantee the concerns and barriers to practice nurses face will be addressed by an educated lawmaking body. Visit TNA's [Nurses in Office](#) web page for resources to prepare nurses to run for office.



▶ Go to [Texas Nurse PAC](#) to donate today!

TEXAS NURSE PAC-supported candidates won **BIG** in the 2018 Midterms, with 14 out of the 16 state legislators we supported financially winning their races.

TEXAS NURSE PAC supported candidates from both political parties. While this means Texas nurses will have some influence heading into the 86th Texas Legislative Session in January, TEXAS NURSE PAC wants to ensure nursing expertise and perspective continue to be strongly represented at the state Capitol.

[Invest](#) in TEXAS NURSE PAC today to continue supporting state legislators who recognize the importance and value of the nursing perspective when making health care decisions during the legislative session.

Stay Up to Date

TNA is committed to empowering Texas nurses to advance the profession through education and legislative advocacy. To stay well-informed of our legislative efforts and receive action alerts on legislation that affects nursing, text TNA to 50457. You can also follow Nursewatch via Twitter at [@TXNursesLege](#) for updates on what's happening at the state Capitol.

Upcoming Events

VIRTUAL NLAC LOBBY WORKSHOP

Details coming soon.

TNA NURSE DAY AT THE CAPITOL — FEB. 18-19, 2019

[Register now](#) to represent your organization and influence nursing policy at the Capitol! 2019-2020 NLAC representatives will receive a 25% discount off the nonmember price (\$100.00). The promo code will be provided to NLAC member representatives once 2019-2020 NLAC membership is received.

2019 Nurse Day at the Capitol
CARING FOR TEXAS
#TXNurseDay

Feb. 18-19 | Austin, Texas



TEXAS TRIBUNE SYMPOSIUM: PREVIEWING THE 86TH LEGISLATURE — NOV. 29, 2018

Taking place in Austin, the Texas Tribune will hold a free symposium previewing the 86th Texas Legislature which convenes on Jan. 8, 2019. The event includes an examination of the state budget, the agendas of the House and Senate, the race for House speaker and other major issues, as well as how the outcome of the 2018 midterm elections could impact the political environment in the upcoming session and ahead of the 2020 presidential election. The event will be livestreamed for those unable to attend in person. [Details and registration are available here.](#)

NURSE TALK EMPOWERMENT SERIES

The next event will be Jan. 9, 2019, featuring TNA's Andy Cates who will speak on Legislative Advocacy and the Nursing Agenda. Learn about issues important to nurses during the 86th Texas Legislative Session and how TNA plans to accomplish our goals at the Capitol. Join the conversation to brainstorm how individual nurses can impact the policy development process. Locations will be published on the site next month. [Find a location near you to watch and discuss.](#)



Nurse Talk events are hosted by TNA members and open to all attendees. NLAC members who are interested in hosting an event can [read more here.](#)

UPCOMING HOUSE AND SENATE COMMITTEE MEETINGS

There are no committee hearings scheduled at this time. Please check the [Texas Legislature Online](#) website for updates.

If your organization or association is having an event open to the public, send the information to TNA Government Affairs Coordinator [Cathy White](#) for inclusion in upcoming issues of Nursewatch.

Texas Register: Rules and Regulations

NOVEMBER 16 REGISTER

Adopted Rules | Board of Nursing



[Read Nov. 16 online.](#)

CHAPTER 217. LICENSURE, PEER ASSISTANCE AND PRACTICE

217.13 Peer Assistance Program - The amendments are necessary for compliance with the requirements of House Bill (HB) 2950, effective Sept. 1, 2017, which amended the Occupations Code 301.257 to provide an opportunity for individuals to have their required participation in the Board's contracted peer assistance program re-evaluated at the time of their initial licensure.

217.24 Telemedicine Medical Service Prescriptions - This rule states a prescription issued via telemedicine must be pursuant to a practitioner-patient relationship and is held to the same standards as those in an in-person setting. It also prohibits treatment of chronic pain through telemedicine.

CHAPTER 228. PAIN MANAGEMENT

228.2 Prescription Monitoring Program - The new section is adopted under the authority of the Occupations Code 301.151 and is necessary for compliance with the statutory mandates of the Health and Safety Code 481.0764 and 481.0765. During the 85th Legislative Session, the Texas Legislature enacted House Bill (HB) 2561, which amended the Health and Safety Code Chapter 481, and became effective on Sept. 1, 2017. Among other things, HB 2561 requires health care practitioners, including APRNs, to access the Texas Prescription Monitoring Program (PMP) prior to prescribing or dispensing opioids, benzodiazepines, barbiturates or carisoprodol. The bill further authorizes, but does not require, practitioners to access the PMP prior to prescribing or dispensing any controlled substance.

NOVEMBER 9 REGISTER

Adopted Rules | Board of Nursing



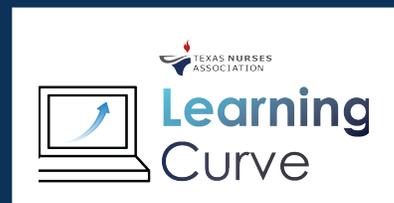
[Read Nov. 9 online.](#)

CHAPTER 222. ADVANCED PRACTICE REGISTERED NURSES WITH PRESCRIPTIVE AUTHORITY

222.8 Authority to Order and Prescribe Controlled Substances - The rules state an APRN must check the PMP, and document that check, prior to prescribing opioids, benzodiazepines, barbiturates or carisoprodol, unless the patient is receiving hospice care or is diagnosed with cancer. An APRN is not subject to discipline if the APRN makes a good faith attempt to review the PMP but is unable to, and documents that attempt. This rule takes effect Sept. 1, 2019.

TNA Learning Curve

The Texas Nurses Association recently launched the TNA Learning Curve, an on-demand source for continuing nursing education activities. If your organization or association is interested in including your CNE activities on the TNA Learning Curve, please contact Andrew Cates for details.



OCTOBER 26 REGISTER

Adopted Rules | Board of Nursing



[Read Oct. 26 online.](#)

CHAPTER 211. GENERAL PROVISIONS

211.9 General Considerations - During the 84th Legislative Session, Senate Bill (SB) 20 was enacted by the Texas Legislature and amended Chapter 2261 of the Texas Government Code. Among other things, SB 20 requires each state agency, by rule, to establish a procedure to identify each contract that requires enhanced contract or performance monitoring and submit information to the agency's governing body. The adopted amendments are necessary to implement these statutory requirements.

OCTOBER 12 REGISTER

Proposed Rules | Board of Nursing



[Read Oct. 12 online.](#)

CHAPTER 216. CONTINUING COMPETENCY

216.1-216.11 - The proposed amendments, relate to Continuing Competency and are consistent with the statutory directives in the Occupations Code Chapter §301.303 and §301.307 for continuing competency programs. The amendments broaden the types of courses that are acceptable for CNE. In their preamble, the BON states that courses focusing on moral distress, fatigue, resilience, workplace violence and nursing satisfaction have an impact on nursing practice, patient safety and patient outcomes, and are therefore appropriate for CNE credit.

CHAPTER 219. ADVANCED PRACTICE NURSE EDUCATION

219.1 - 219.7 and 219.9 - 219.12 - The amendments to Rules 219.1-219.7, 219.9-219.12, relating to Advanced Practice Nurse Education, are being proposed under the authority of the Occupations Code §301.151 and, in general, make editorial, conforming changes to the rule text. The majority of the changes to the chapter are non-substantive, editorial changes necessary to remove outdated references, correct grammatical errors and make conforming changes to the rule text for consistency with other Board rules.

CHAPTER 221. ADVANCED PRACTICE NURSES

221.2 - 221.5 and 221.7 - 221.10 - The Board proposed amendments to 221.2, 221.3 and 221.7 - 221.10 as well as new 221.4 and 221.5, and simultaneously proposed the repeal of 221.4 and 221.11 elsewhere in this issue of the Texas Register. No changes are being proposed to 221.1, 221.6 or 221.12 - 221.17.

Generally, the proposed changes to the chapter are editorial in nature and re-organize and/or re-locate existing provisions of the rule to different sections or subsections of the chapter. Substantive changes follow.

221.2. Addresses APRN titles and abbreviations – The majority of the proposed changes to this section are necessary for consistency with national APRN licensure standards outlined in the APRN Consensus Model.

221.3 Definitions – Reorganization and clarification of existing definitions for consistency with the APRN Consensus Model and essentials of masters/doctoral coursework.

221.4 Requirements for APRN licensure - The existing text is being proposed for repeal elsewhere in this issue of the Texas Register. The language included in this proposal includes provisions that appear in the current rule but have been re-ordered and/or clarified and are new to this section.

221.5 Licensure - New section that contains the standards the Board will consider when determining whether a certification examination may be used to satisfy a requirement for

APRN licensure under the chapter. Additionally, this proposed change is intended to aid in the review of new certification exams that are developed but have not yet been reviewed by other national

accrediting/licensing entities. In those cases, this process could be used to determine if the certification exam would be acceptable for meeting the chapter's requirements for licensure.

221.7 Waiver provisions – Clarification and re-organization of the section. Several subsections from the existing rule have also been combined in the proposed new section for better organization.

There are also a few more substantive changes, such as exemptions for the completion of a national certification exam in certain, specified circumstances; a waiver from the chapter's master's degree requirements which may be available for qualified certificate-prepared nurse midwives and women's health care nurse practitioners in certain, specified circumstances. The section continues to include currently grandfathered titles, with the exception that the title of Neonatal Clinical Nurse Specialist is being proposed for removal from the section because a national certification exam now exists for this title, so an exemption is no longer necessary. The proposal also contains new titles that may be considered because the former national certification exams related to these titles no longer exist, and an exemption may be necessary for individuals completing these programs to become licensed.

221.8 APRN Licensure Renewal - Proposed changes re-organize the section for better clarity and readability but do not make any substantial changes to the content of the existing requirements.

221.9 APRN Inactive Status - contains requirements related to inactive status. Generally, editorial in nature, the changes are proposed because an APRN must meet the requirements set forth in Board

Rule 217.9 (relating to Inactive and Retired Status) in order to place his/her license in inactive status so the proposal makes a conforming change to the rule text in this regard for additional clarity.

221.10 Preceptor Requirements – The majority of the proposed changes are editorial in nature and do not affect the existing content of the rule. The section does include a new process for enabling an APRN who has not practiced in the APRN role and population focus area within the past twenty-four calendar months to obtain a six-month permit in order to complete the required practice hours necessary for the reactivation of his/her license.

221.11 Repeal of 221.11 - The existing language of the section has been proposed for re-location to rule

221.2(c) for better overall organization and readability of the rule. Since the language has been proposed for re-location, there is no longer a need for existing rule 221.11.

Adopted Rules | Department of State Health Services

CHAPTER 37. MATERNAL AND INFANT HEALTH SERVICES

37.401 Maternal Mortality and Morbidity Task Force (committee) - The amendments to §37.401(c), §37.401(e), §37.401(f) and §37.401(i) are necessary to comply with Senate Bill (SB) 17, 85th Legislature, First-Called Session, 2017; which amends Texas Health and Safety Code, Chapter 34, to expand the duties of the committee and increase the committee's composition. SB 17 also requires the committee meetings to be subject to the Open Meetings Act, Texas Government Code, Chapter 551, except when reviewing cases. The amendments to §37.401(f) and §37.401(l) are being made to remove duplicative language from the committee's bylaws.