

Texas Nurses Association Nursewatch

August 2018

NLAC Update

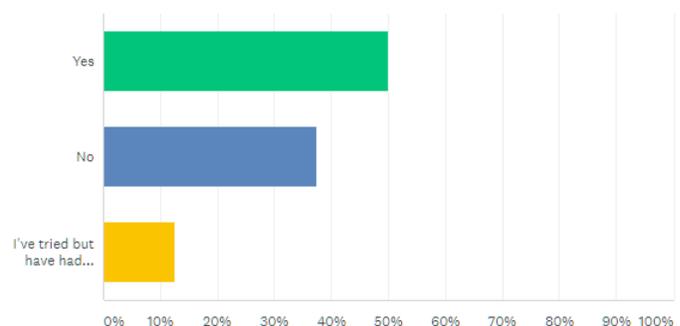
NLAC representatives will meet Nov. 10 in Austin to share nursing concerns that should be addressed by the Texas legislature in 2019 and determine what issues to include on NLAC's legislative agenda. A calendar invite with meeting details will be sent to NLAC representatives at the beginning of September. If you are unable to attend, you are welcome to send another member from your organization to attend on your behalf.

Following the spring meeting, NLAC Representatives were surveyed about NLAC participation and legislative advocacy efforts. Representatives from about half of NLAC's member organizations participated.

Takeaways included:

- 100% of respondents feel participation in NLAC has been beneficial.
- 75% have visited NLAC pages on TNA's website. Comments were generally positive; suggestions for improvement included stating NLAC's purpose clearly to encourage new members and simplifying the page.
- In general, almost 60% of responding organizations distribute NLAC-related news and information to their membership via newsletter while about 42% use email, the organization/association website, and meeting reports. Group messages and texts were also cited as methods used to inform membership of NLAC and legislative-related information.

If you belong to more than one nursing organization/association that is NOT currently an NLAC member, have you mentioned the benefits of NLAC membership?



Payment for the 2019-2020 NLAC Membership term is due **Jan. 1, 2019**. Invoices will be emailed to NLAC Representative Designees in November 2018.

Election and Political Updates

The special election for SD-19, previously held by Carlos Uresti, took place on Tuesday July 31.

In a crowded race, current [Rep. Roland Gutierrez](#) came in third place and will not move on to the runoff. Since this is a special election, however, he did not have to resign his current seat to run so he will remain a state representative in San Antonio for the upcoming legislative session.

[Republican Pete Flores and Democrat Pete Gallego](#) will move on to the runoff with an election date to be determined.

Flores is a former Texas Game Warden and has received the endorsements of many high level Republican elected officials hoping to flip the senate seat to the Republican party.

Gallego represented the Big Bend area as State Representative for 20 years before becoming a Congressman of the area briefly.

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



Be a Texas Voter

The [League of Women Voters of Texas](#) is preparing for the General Election with several resources for Texas voters, such as the [Be a Texas Voter](#) campaign. Some things to consider as the November elections approach:



- How do you encourage and prepare your membership to vote?
- Do you actively promote legislative advocacy to your membership?
- Do you provide advocacy tools for your membership? If so, what?
- NLAC will hold its Lobby Workshop on January 12, 2019. Does your organization have any Lobby Day events scheduled for the session?
- How comfortable are your members with social media such as Twitter, Facebook and Instagram? Do they know how to tweet at their legislators?

Check out TNA GAC member Ron Hilliard's piece on the importance of professional advocacy. His full article will be in the summer issue of Texas Nursing, TNA's quarterly magazine, in mid-August.

News You Can Use

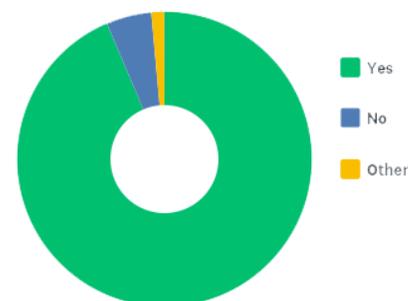


TNA recently conducted a survey on student loan debt with our members. We found that 97% of respondents have student loan debt and 93% are worried about how to pay it off.

TNA is working on a new way to help its members pay off their student loans.

In the meantime, nursing faculty should be sure to check out the [Nursing Faculty Loan Repayment Program](#), which offers up to \$7,000 in loan repayment for up to five years for masters and doctorate holders. Over 500 nurses have been helped since 2014.

Are you concerned about paying off your student loan debt?



Nurse Advocacy: If not YOU, then who?

James R. Hilliard MSN, BSN, RN

As an Assistant Professor of Nursing at Concordia University of Texas's College of Nursing, I taught the Foundations course and spent time examining the four roles of Nursing as defined in the Differentiated Essential Competencies (DECs) of Graduates of Texas Nursing Programs under the Texas Board of Nursing.

One of those roles is Member of the Profession. As a Member of the Profession, each nurse has a responsibility to the profession. The DEC says that "nurses must assume responsibility and accountability for the quality of nursing care provided to patients, families, populations, and communities." It states that one of the ways nurses accomplish this is through the legislative advocacy process. Change will occur and each nurse, as a Member of the Profession, has a responsibility to be a part of that process and move the profession forward.

How can you be a responsible Member of the Profession?

Get involved in your professional organization. Organizations such as the Texas Nurses Association (TNA) work to maintain control and/or oversight of the profession, represent the interests of the nurse and protect the public interest. By being a member of a professional organization, nurses can take the first step in being an advocate for their profession.

[State Representative Donna Howard](#) (District 48 – Austin), a nurse who was elected to the state legislature in 2006, says, "I encourage nurses to visit their elected representatives for several reasons: as experts regarding the nursing profession, as advocates for quality healthcare delivery, and to ensure their representatives know them and identify them as a go-to source for information regarding legislation."

Nurses must be personally involved and engaged in their profession.

The [Nursing Legislative Agenda Coalition](#) (NLAC) is another influential group that advocates for legislation needed to advance nursing practice in Texas.

[State Representative John Cyrier](#) (District 17 – Bastrop) says, "As with all advocates, I feel that professionals from these different fields bring a unique perspective and are often a great resource on the subject." He added, "Successful advocacy can bring about change in health care."

The 86th Texas Legislature begins January 8, 2019 where there will be many opportunities to engage in advocacy for legislation that impacts nursing.

Rep. Howard says, "You never know what your own future holds - today's nurse advocates may be tomorrow's policymakers!"

▶ Read the full article in the Summer issue of *Texas Nursing* magazine.

James R. Hilliard MSN, BSN, RN, is currently a member of TNA's Government Affairs Committee Capitol Corps and believes that the nurse's role as advocate for their profession is essential.



James R. Hilliard at the Texas Capitol during the 2017 Legislative Session.

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

Upcoming Events



NLAC Fall Meeting

Saturday, Nov. 10, 2018
10 a.m. - 3 p.m. | Austin, TX

NLAC will convene to create the Nursing Legislative Agenda for the 86th Texas Legislature

HEALTHCARE

- TNA Government Affairs Director Andy Cates will hold a **Facebook chat at 2 p.m. Wednesday, Aug. 8** to discuss TNA's policy positions for 2018-2019, and more. To join the conversation, like the Texas Nurses Association's [Facebook page](#). If you receive Facebook notifications, you'll receive a notice when the chat begins. Visit TNA's Facebook page to turn on notifications.
- The [Healthier Texas Summit](#) takes place **Oct. 25-26, 2018** in Austin. The two-day event connects health innovators and champions to share best practices, discuss current trends and breakthroughs, and much more. Standard registration rates are available through Aug. 31. [Click here for details and to register.](#)
- **NLAC Workshop – Getting Ready to Lobby for the Nursing Agenda** is scheduled for **Saturday, Jan. 12, 2019** in Austin. Stay tuned for details!
- **TNA Nurse Day at the Capitol - February 18-19, 2019 in Austin, TX:** Registration will be available soon! The cost is \$100.00 for non-members, \$75.00 for TNA members, students and NLAC representatives. NLAC Representatives will be sent a promo code in September to receive their 25% Nurse Day discount.



UPCOMING HOUSE AND SENATE COMMITTEE MEETINGS

The Committees will hear invited and public testimony. Information subject to change. Check the [Texas Legislature Online](#) website for updates.

August 9 – House Human Services and House Public Health – 9:00 a.m.

The committees will meet jointly to consider the following interim charge: Analyze the prevalence of children involved with Child Protective Services (CPS) who have a mental illness and/or a substance use disorder. In addition, analyze the prevalence of children involved with CPS due to their guardian's substance abuse or because of an untreated mental illness. Identify methods to strengthen CPS processes and services, including efforts for family preservation; increasing the number of appropriate placements designed for children with high needs; and ensuring Texas Medicaid is providing access to appropriate and effective behavioral health services.

Public testimony will be limited to three minutes.



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.

August 22 – Senate Higher Education – 9:00 a.m.

The Senate Higher Education Committee will meet to take up the following charges:

- **Mandate Reduction:** Examine all current state and federal regulations on public higher education institutions and consider whether reductions of regulations could reduce fees, produce efficiencies and greater student academic performance. Make recommendations to reduce certain regulations for increased flexibility to provide better student outcomes.
- **Monitoring:** Monitor the implementation of legislation addressed by the Senate Higher Education Committee and make recommendations for any legislation needed to improve, enhance and/or complete implementation. Specifically, receive updates on construction of facilities as a result of tuition revenue bonds authorized during the 84th Legislative Session, as well as the development and implementation of the Texas OnCourse program, authorized during the 84th Legislative Session and monitor the following:
 - SB 2118 (85th) relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.
 - HB 2205 (84th) relating to the State Board for Educator Certification, educator preparation programs, educator certification, issuance of certain teaching permits, and procedures for investigating misconduct.
 - SB 887 (85th) relating to a requirement that certain participating institutions under the Texas Higher Education Coordinating Board student loan program provide loan debt information to certain students.
 - SB 802 (85th) relating to a study and report regarding best practices in the transfer of course credit between public institutions of higher education.
 - SB 810 (85th) relating to open educational resources.
 - HB 2223 (85th) relating to developmental coursework offered by public institutions of higher education under the Texas Success Initiative.

Public testimony will be limited to three minutes. If submitting written testimony, please provide twenty (20) copies with your name on each to the committee clerk.

August 28 – Senate Business and Commerce – 9:00 a.m.

The Senate Committee on Business and Commerce will meet in El.016 to discuss the following business:

- An update from the Texas Department of Insurance on Hurricane Harvey related property and casualty insurance claims data analysis.
- Interim monitoring charge on the implementation of legislation to deregulate occupational licensing.
- Interim Charge on Licensing and Fees: Review licensing requirements and fees imposed on entities within the committee's jurisdiction. Make recommendations for state licenses and fees that should be reduced, repealed or transitioned to private-sector enforcement.
- Interim Charge on Social Media Access: Study access issues regarding digital assets of decedents. Study social media privacy laws and whether job applicants and students' privacy is jeopardized under current law.

Invited testimony only.

August 29 – House Human Services, 118 Paseo Del Prado, Edinburg – 8:30 a.m.

The committee will meet to receive public testimony on Interim Charge 2: Review the history and any future roll-out of Medicaid Managed Care in Texas. Determine the impact managed care has had on the quality and cost of care. In the review, determine: initiatives that managed care organizations (MCOs) have implemented to improve quality of care; whether access to care and network adequacy contractual requirements are sufficient; and whether MCOs have improved the coordination of care. Also determine provider and Medicaid participants satisfaction within STAR, STAR Health, Star Kids, and STAR+Plus managed care programs. In addition, review the Health and Human Services Commission's (HHSC) oversight of managed care organizations, and make recommendations for any needed improvement.

Texas Register: Rules and Regulations

JULY 20 TEXAS REGISTER | ADOPTED RULES

Department of State Health Services – Maternal and Infant Health Services - The Executive Commissioner of the Health and Human Services Commission, on behalf of the Department of State Health Services (DSHS), adopts new §§37.601 - 37.611, concerning Epinephrine Auto-Injector Policies in Schools.



[Read July 20 online.](#)

The new sections are necessary to comply with Texas Education Code, Chapter 38, Subchapter E, which requires DSHS to adopt rules for the maintenance, administration, and disposal of epinephrine auto-injectors in school districts, open-enrollment charter schools, and private schools who voluntarily adopt epinephrine auto-injector policies.

JUNE 29 TEXAS REGISTER | PROPOSED RULES

CHAPTER 556. NURSE AIDES



[Read June 29 online.](#)

Texas Health & Human Services Commission – The Commission proposes new Chapter 556, Nurse Aides, comprised of 556.1 - 556.13 in Title 26, Part 1.

The Texas Secretary of State created Title 26, Part 1, of the Texas Administrative Code to consolidate rules that govern functions of HHSC. These rules are currently in Titles 1, 25, and 40. As part of the consolidation into Title 26, HHSC proposes new rules in Chapter 556 to replace rules in Title 40, Chapter 94, Nurse Aides. The rules in Chapter 94 are proposed for repeal elsewhere in this issue of the Texas Register. The proposed new rules are substantially the same as the rules that are proposed for repeal.

The proposed new rules change references to the Department of Aging and Disability Services (DADS) that were in Chapter 94 to HHSC to reflect that DADS was abolished effective September 1, 2017, and its functions have transferred to HHSC. In addition, the proposed new rules change references to rules in Chapter 94 being proposed for repeal to the corresponding rules in proposed new Chapter 556.

Rule 556.1 - Basis, replaces 40 TAC §94.1.

Rule 556.2 - Definitions, replaces 40 TAC §94.2. Paragraphs (9) - (14) were renumbered to reflect the deletion of the definition of "DADS" and addition of the definition of "HHSC."

Rule 556.3 - Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements, replaces 40 TAC §94.3.

Rule 556.4 - Filing and Processing an Application for a Nurse Aide Training and Competency Evaluation Program (NATCEP), replaces 40 TAC §94.4. In subsection (e), the reference to 40 TAC Chapter 91, Hearings under the Administrative Procedure Act, is corrected to reflect that the chapter is in a different title of TAC than the proposed rule.



Support our efforts at the Texas Capitol from the comfort of home. Join the growing list of nurses that are investing in their profession and their future by supporting Texas Nurse PAC with a contribution.

▶ Go to www.texasnurses.org and click on Texas Nurse PAC under the Advocacy tab to get started.

Rule 556.5 - Program Director, Program Instructor, Supplemental Trainers, and Skills Examiner Requirements, replaces 40 TAC §94.5.

Rule 556.6 - Competency Evaluation Requirements, replaces 40 TAC §94.6.

Rule 556.7 - Review and Reapproval of a Nurse Aide Training and Competency Evaluation Program (NATCEP), replaces 40 TAC §94.7.

Rule 556.8 - Withdrawal of Approval of a Nurse Aide Training and Competency Evaluation Program (NATCEP), replaces 40 TAC §94.8. In subsections (f) and (i), the references to 40 TAC Chapter 91 are corrected to reflect that the chapter is in a different title of TAC than the proposed rule.

Rule 556.9 - Nurse Aide Registry and Renewal, replaces 40 TAC §94.9.

Rule 556.10 - Expiration of Active Status, replaces 40 TAC §94.10.

Rule 556.11 - Waiver, Reciprocity, and Exemption Requirements, replaces 40 TAC §94.11.

Rule 556.12 - Findings and Inquiries, replaces 40 TAC §94.12. In subsection (d), the reference to 40 TAC Chapter 91 is corrected to reflect that the chapter is in a different title of TAC than the proposed rule.

Rule 556.13 - Alternate Licensing Requirements for Military Service Personnel, replaces 40 TAC §94.13.

CHAPTER 557. MEDICATION AIDES-- PROGRAM REQUIREMENTS

The Texas Health and Human Services Commission (HHSC) also proposes new Chapter 557, Medication Aides-- Program Requirements, comprised of §§557.101, 557.103, 557.105, 557.107, 557.109, 557.111, 557.113, 557.115, 557.117, 557.119, 557.121, 557.123, 557.125, and 557.127 - 557.129, in Title 26, Part 1.

The Texas Secretary of State created Title 26, Part 1, of the Texas Administrative Code to consolidate rules that govern functions of HHSC. These rules are currently in Titles 1, 25, and 40. As part of the consolidation into Title 26, HHSC proposes new rules in Chapter 557 to replace rules in Title 40, Chapter 95, Medication Aides--Program Requirements. The rules in Chapter 95 are proposed for repeal elsewhere in this issue of the Texas Register. The proposed new rules are substantially the same as the rules that are proposed for repeal. The proposed new rules change references to the Department of Aging and Disability Services (DADS) that were in Chapter 95 to HHSC to reflect that DADS was abolished effective September 1, 2017, and its functions have transferred to HHSC. In addition, the proposed new rules change references to rules in Chapter 95 being proposed for repeal to the corresponding rules in proposed new Chapter 557.

Rule 557.101 - Introduction, replaces 40 TAC §95.101. In subsection (c), paragraphs (7) - (12) are renumbered to reflect the deletion of the definition of "DADS" and the addition of the definition of "HHSC." In subsection (c) (11), which is the definition of "HCSSA," the reference to 40 TAC Chapter 97, Licensing Standards for Home and Community Support Services Agencies, is corrected to reflect that the chapter is in a different title of TAC than the proposed rule.

Rule 557.103 - Requirements for Administering Medications, replaces 40 TAC §95.103.

Rule 557.105 - Allowable and Prohibited Practices of a Medication Aide, replaces 40 TAC §95.105.

Rule 557.107 - Training Requirements; Nursing Graduates; Reciprocity, replaces 40 TAC §95.107.

Rule 557.109 - Application Procedures, replaces 40 TAC §95.109.

Rule 557.111 - Examination, replaces 40 TAC §95.111.

Rule 557.113 - Determination of Eligibility, replaces 40 TAC §95.113.

Rule 557.115 - Permit Renewal, replaces 40 TAC §95.115.

Rule 557.117 - Changes, replaces 40 TAC §95.117.

Rule 557.119 - Training Program Requirements, replaces 40 TAC §95.119. In subsection (a)(5), the reference to 40 TAC Chapter 91, Hearings under the Administrative Procedure Act, is corrected to reflect that the chapter is in a different title of TAC than the proposed rule.

Rule 557.121 - Permitting of Persons with Criminal Backgrounds, replaces 40 TAC §95.121.

Rule 557.123 - Violations, Complaints, and Disciplinary Actions, replaces 40 TAC §95.123. In subsection (c)(4), the reference to 40 TAC Chapter 91 is corrected to reflect that the chapter is in a different title of TAC than the proposed rule.

Rule 557.125 - Requirements for Corrections Medication Aides, replaces 40 TAC §95.125.

Rule 557.127 - Application Processing, replaces 40 TAC §95.127. In subsection (c), the reference to 40 TAC Chapter 91 is corrected to reflect that the chapter is in a different title of TAC than the proposed rule.

Rule 557.128 - Home Health Medication Aides, replaces 40 TAC §95.128. In subsections (b)(4)(D), (b)(5), (d)(7), and (e)(5), the references to 40 TAC §§97.701, 97.298, and 97.404 are corrected to reflect that the sections are in a different title of TAC than the proposed rule.

Rule 557.129 - Alternate Licensing Requirements for Military Service, replaces 40 TAC §95.129.

CHAPTER 560. DENIAL OR REFUSAL OF LICENSE

The Texas Health and Human Services Commission (HHSC) also proposes new Chapter 560, Denial or Refusal of License, comprised of §§560.1 - 560.4, in Title 26, Part 1.

The Texas Secretary of State created Title 26, Part 1 of the Texas Administrative Code to consolidate rules that govern functions of HHSC. These rules are currently in Titles 1, 25, and 40. As part of the consolidation into Title 26, HHSC proposes new rules in Chapter 560 to replace rules in Title 40, Chapter 99, Denial or Refusal of License. The rules in Chapter 99 are proposed for repeal elsewhere in this issue of the Texas Register. The proposed new rules are substantially the same as the rules that are proposed for repeal.

The proposed new rules change references to the Department of Aging and Disability Services (DADS) that were in Chapter 99 to PROPOSED RULES June 29, 2018 43 TexReg 4419 HHSC to reflect that DADS was abolished effective September 1, 2017, and its functions have transferred to HHSC.

Rule 560.1 - Definitions, replaces 40 TAC §99.1.

Rule 560.2 - Convictions Barring Licensure, replaces 40 TAC §99.2. The new rule corrects a statutory reference by changing Section 5(c), Article 42.12, Code of Criminal Procedure, to Article 42A.111, Code of Criminal Procedure.

Rule 560.3 - Adverse Licensing Record, replaces 40 TAC §99.3. The new rule replaces a reference to §99.1 with §560.1, to reflect the proposed new rule.

Rule 560.4 - Registry Listings Barring Licensure, replaces 40 TAC §99.4.

CHAPTER 94. NURSE AIDES

Department of Aging & Disability Services - As required by Texas Government Code §531.0202(b), the Department of Aging and Disability Services (DADS) was abolished effective September 1, 2017, after all of its functions were transferred to the Health and Human Services Commission (HHSC) in accordance with Texas Government Code §531.0201 and §531.02011. Rules of the former DADS, codified in Title 40, Part 1, govern functions previously performed by DADS that have transferred to HHSC. To consolidate the rules of HHSC in one title of the Texas Administrative Code, some of the rules in Title 40, Part 1, will be repealed and new rules that are substantially the same will be adopted in Title 26, Part 1. If a chapter or section in Title 40 that is being repealed is still referenced in another rule under HHSC's authority, a new section will be adopted in Title 40 that

provides a reference to the new chapter or section in Title 26. Therefore, as part of the consolidation, HHSC proposes the repeal of §§94.1 - 94.13, and new §94.1 in Chapter 94, Nurse Aides, of Title 40, Part 1.

The Texas Secretary of State created Title 26, Part 1 of the Texas Administrative Code to consolidate rules that govern functions of HHSC. These rules are currently in Titles 1, 25, and 40. As part of the consolidation into Title 26, HHSC proposes to repeal the rules in Title 40, Chapter 94. New rules in Title 26, Chapter 556, Nurse Aides, are proposed elsewhere in this issue of the Texas Register and are substantially the same as the rules proposed for repeal. In addition, HHSC proposes new §94.1, which explains that references in the Texas Administrative Code to Title 40, Chapter 94, or rules in Chapter 94, are references to Title 26, Chapter 556, or rules in Chapter 556.

Rule 94.1 - The proposed rule implements Texas Government Code §531.0055 and §531.021; Texas Human Resources Code §32.021; and Texas Health and Safety Code, Chapter 250. §94.1. Reference to Chapter 94. In the Texas Administrative Code: (1) a reference to this chapter is a reference to Title 26, Chapter 556 (relating to Nurse Aides); and (2) a reference to a section in this chapter is a reference to the section in Title 26, Chapter 556 with the same number after the decimal (e.g., a reference to Title 40, §94.1 is a reference to Title 26, §556.1). The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

CHAPTER 95. MEDICATION AIDES-- PROGRAM REQUIREMENTS

As part of the consolidation, HHSC proposes the repeal of §§95.101, 95.103, 95.105, 95.107, 95.109, 95.111, 95.113, 95.115, 95.117, 95.119, 95.121, 95.123, 95.125, and 95.127 - 95.129; and new §95.1 in Chapter 95, Medication Aides--Program Requirements, of Title 40, Part 1.

The proposed repeal of §§95.101, 95.103, 95.105, 95.107, 95.109, 95.111, 95.113, 95.115, 95.117, 95.119, 95.121, 95.123, 95.125, and 95.127 - 95.129 allows similar rules to be proposed as new rules in Title 26, Chapter 557.

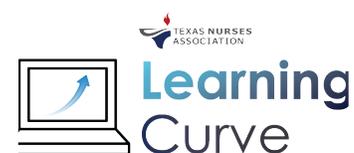
Rule 95.1 - Reference to Chapter 95, explains that references in the Texas Administrative Code to Title 40, Chapter 95, or sections in Chapter 95, are references to Title 26, Chapter 557, or sections in Chapter 557. This new section will be repealed when all references to Chapter 95 in rules under the authority of HHSC have been removed.

CHAPTER 99. DENIAL OR REFUSAL OF LICENSE

Rule 99.1 - The proposed rule is authorized by Texas Government Code, §531.0055, which requires the executive commissioner of HHSC to adopt rules for the operation of, and provision of services by, the health and human services system; Texas Health and Safety Code, Chapters 142, 242, 247, 248A, and 252, which authorize HHSC to license and regulate home and community support service agencies, nursing facilities, assisted living facilities, prescribed pediatric extended care centers, and intermediate care facilities for persons with an intellectual disability; and Texas Human Resources Code, Chapter 103, which authorizes HHSC to license and regulate day activity and health services facilities. The proposed rule implements Texas Government Code, §531.0055; Texas Health and Safety Code, Chapters 142, 242, 247, 248A, and 252; and Texas Human Resources Code, Chapter 103.

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.



JUNE 22 TEXAS REGISTER | PROPOSED RULES

CHAPTER 13. HEALTH PLANNING AND RESOURCE DEVELOPMENT SUBCHAPTER G. WORKPLACE VIOLENCE AGAINST NURSES PREVENTION



[Read June 22 online.](#)

Department of State Health Services - The Executive Commissioner of the Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes new Title 25, Part 1, Chapter 13, Subchapter G, Workplace Violence Against Nurses Prevention Grant Program, including new §13.81, concerning Purpose; §13.82, concerning Definitions; §13.83, concerning Grant Application Procedures; §13.84, concerning Program Funding and Award Amounts; §13.85, concerning Award Criteria and Selection for Funding; §13.86, concerning General Information; and §13.87, concerning Reporting.

The new subchapter and sections are necessary to implement Texas Health and Safety Code, §105.011, which authorizes HHSC to adopt rules for DSHS to administer a grant program aimed at reducing workplace violence against nurses. The purpose of these new rules is to describe the grant program as well as the eligibility, grant application procedures, award amounts, award criteria and selection criteria, general information, and reporting requirements as they relate to this grant program.

Rule 13.81 - concerning Purpose, identifies the purpose of the subchapter, which is to implement rules to establish the Workplace Violence Against Nurses Prevention Grant Program.

Rule 13.82 - concerning Definitions, defines words and terms used in the subchapter.

Rule 13.83 - concerning Grant Application Procedures, identifies the steps an applicant must complete to qualify for funding consideration.

Rule 13.84 - concerning Program Funding and Award Amounts, identifies the source of the funding available to the program, states that award amounts are dependent on the availability of funding, and that the number and amount of awards will be specified in each Request for Application.

Rule 13.85 - concerning Award Criteria and Selection for Funding, describes the review of applications and the requirements of a complete application.

Rule 13.86 - concerning General Information, identifies the department's right to cancel or suspend grant solicitations and the requirement for applicants to sign a Notice of Grant Award before release of funds.

Rule 13.87 - concerning Reporting, describes reporting requirements for the department and each grant recipient.

CHAPTER 37. MATERNAL AND INFANT HEALTH SERVICES SUBCHAPTER R. ADVISORY COMMITTEES

The Executive Commissioner of the Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes an amendment to §37.401, concerning Maternal Mortality and Morbidity Task Force (committee).

The changes to §§37.401(c), 37.401(e), 37.401(f), and 37.401(i) are necessary to comply with Senate Bill 17, 85th Legislature, First Called Session, 2017, which amended Health and Safety Code, Chapter 34 and expands the duties of the committee and increases the committee's composition. Senate Bill 17 also requires the committee meetings to be subject to the Open Meetings Act, Texas Government Code, Chapter 551, except when reviewing cases. Changes to §37.401(f) and §37.401(l) are being made to remove duplicative language from the committee's bylaws and are based on program staff initiative.

Rule 37.401(c) - The proposed amendment expands the committee's duties, instructs the committee to compare rates of pregnancy-related deaths based on the socioeconomic status of the mother, and directs the committee to consult with the Perinatal Advisory Council when making recommendations to help reduce the incidence of pregnancy-related deaths and severe maternal morbidity. This amendment was due to state legislation.

Rule 37.401(e) - The proposed amendment extends the committee until September 1, 2023. This amendment was due to state legislation.

Rule 37.401(f) - The proposed amendment increases the committee's composition to 17 by adding a nurse specializing in labor and delivery and a physician specializing in critical care. This amendment was due to state legislation.

Rule 37.401(i) - The proposed amendment requires the committee meetings to be subject to the Open Meetings Act, Texas Government Code, Chapter 551, except when the committee conducts a closed meeting to review cases. The proposed amendment also requires the committee to allow for public comment during at least one public meeting each year and directs the committee to present recommendations in open session and post public PROPOSED RULES June 22, 2018 43 TexReg 4017 notice for meetings conducted for the sole purpose of reviewing cases. This amendment was due to state legislation.

Rule 37.401(l) - The proposed amendment removes duplicative procedure language that is in the committee's bylaws. This amendment was due to program staff's initiative to make procedural language clearer. The proposed amendment to relettered §37.401(l) adds punctuation to statute citations for consistency throughout the rule.

CHAPTER 19. NURSING FACILITY REQUIREMENTS FOR LICENSURE AND MEDICAID CERTIFICATION

Department of Aging & Disability Services - As required by Texas Government Code, §531.0202(b), the Department of Aging and Disability Services (DADS) was abolished effective September 1, 2017, after all of its functions were transferred to the Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. Rules of the former DADS are codified in Title 40, Part 1, and will be repealed or administratively transferred to Title 26, Health and Human Services, as appropriate. Until such action is taken, the rules in Title 40, Part 1 govern functions previously performed by DADS that have transferred to HHSC. Texas Government Code, §531.0055, requires the executive commissioner of HHSC to adopt rules for the operation and provision of services by the health and human services system, including rules in Title 40, Part 1. Therefore, HHSC proposes amendments to §19.1920, concerning Operating Policies and Procedures; and §19.2114, concerning Right to Correct, in Title 40, Chapter 19, Nursing Facility Requirements for Licensure and Medicaid Certification.

The proposed amendments implement new Chapter 326 and amendments of §242.0665, Texas Health and Safety Code, made by House Bill (H.B.) 2025, 85th Legislature, Regular Session, 2017.

Rule 19.1920 - The proposed amendment implements new Chapter 326, Texas Health and Safety Code, by adding subsection (e) to the section. This new subsection requires a nursing facility to develop, implement, and enforce a written policy related to the training of facility staff who provide direct care for residents with Alzheimer's disease or related disorders. New subsection (e) also requires a nursing facility to ensure that the care provided to a person with Alzheimer's disease or a related disorder meets that person's needs related to the Alzheimer's disease or related disorder.

Rule 19.2114 - The proposed amendment implements the amendment of §242.0065, Texas Health and Safety Code by describing additional situations in which a facility does not have a right to correct a violation before being assessed an administrative penalty.