



## **NLAC Update: JUNE 2020**



TNA stands against racism and the systemic inequality that has led to this moment of crisis in our state and nation. We encourage all nurses to learn, listen, and share their experiences in effort to address the issues that have lead to so many needless deaths in communities of color.

During these challenging times it is critical to have nurses' voices heard.

Sharing insights via social media and various public forms is important but making lasting change requires participation in electing officials that reflect your values. Begin by ensuring you are registered and ready to vote, and commit to taking part in the political and legislative process.

The Texas Primary Runoff and Special Election takes place July 14. Early voting runs June 29 through July 10. **The last day to register to vote is Monday, June 15.** Details and links to polling places and what's on the ballot are available on TNA's Nurse Action Center - [Check it out](#) and ensure your members know the importance of voting and participating in the political process!



The 2020 spring NLAC in-person meeting was canceled due to the COVID-19 crisis. We're looking at rescheduling this meeting for the summer and will have more information for NLAC members soon. In the meantime, what are the top 3 issues your organization is exploring for legislative action in 2021? Please send them to Catherine White at [cwhite@texasnurses.org](mailto:cwhite@texasnurses.org) as soon as possible.



*\*\* Follow us on Twitter at @TXNursesLege, the twitter handle for Nursewatch.*

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## Capitol Brief Update

by Kevin C. Stewart, II

### Waiver Updates

Since the COVID outbreak, the state and federal government have increased access to care through various waivers. However, many of them are dependent on the general disaster declaration—when that declaration expires,

they will expire with it. For example, the ability for nurses to practice in Texas if they have a license in good standing in their home state will expire June 12. The waivers can be extended for 30 days if the Governor renews the declaration.

In contrast, the Texas Department of Insurance rule that requires telehealth parity in commercial plans is based on emergency rulemaking laws, not declaration, and is therefore set to expire July 15. TDI has the ability to extend that rule for an additional 60 days.

We will continue providing these updates as expiration dates gets closer or as they are renewed. In the meantime, if you have questions about a specific emergency rule or waiver, most agencies have COVID-specific web pages that provide additional information.

### **Texas Medical Board Rules**

If you recall, roughly six months ago, the TMB proposed a set of four rules that would have severely impacted nursing practice. There was a general delegation rule, a radiology rule, a CRNA supervision rule, and a cosmetic procedures rule. Nurses fought hard to stop these rules in their tracks, which each of the rules receiving over one thousand comments from individuals and stakeholder groups. We're happy to report that, on May 22, those rules were formally withdrawn in the Texas Register! From here, if the TMB did want to continue working on similar restrictions, they would have to propose the rules from scratch and go through the formal rulemaking process again.

### **Elections**

While this campaign season is certainly unique, many candidates are finding ways to communicate with constituents electronically: virtual town halls, videoconferencing and other methods. Try to embrace new technologies to get time with a legislator who would otherwise be busy on the campaign trail. In other words, if you have the time, don't hesitate to reach out—many candidates are eager to find ways to communicate with constituents.



Bookmark [Texas Tribune](#) to get the latest political news!

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## Texas Register: Rules and Regulations

[May 22, 2020](#)

### Texas Medical Board

**193.5, Physician Liability for Delegated Acts and Enforcement (WITHDRAWN)** This rule would have placed specific recording requirements on physicians who delegate. The rule exempted APRNs, but it would have severely impacted RN practice.

**Rule 193.13, Delegation to Certified Registered Nurse Anesthetists (WITHDRAWN)** The rule would have added “acting under adequate physician supervision” in two parts of the rule, as well as added that the delegating physician is ultimately responsible for the CRNA’s delegated acts.

**Rule 193.17, Nonsurgical Medical Cosmetic Procedures (WITHDRAWN)** This proposal would have added a significant number of new requirements to facilities that perform nonsurgical medical cosmetic procedures. It would have also placed additional requirements on physicians who delegate in those facilities.

**Rule 193.21, Delegation Related to Radiological Services (WITHDRAWN)** This rule would have required physician to specifically delegate authority to perform and interpret radiological studies to an APRN. It would have also placed additional burdens on providers who did not have this specifically delegated authority.

[May 15, 2020](#)

### Texas Board of Nursing

**217.2, Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions (ADOPTED)** This rule, as it relates to new applicants, replaces “FBI fingerprint cards provided by the Board” with simply “fingerprints.” This is due to a change in how the BON conducts background checks. The proposal also removes specific language related to military programs because military programs are currently reviewed and approved by the Board in the same manner as all other nursing programs.

**217.3, Temporary Authorization to Practice/Temporary Permit (ADOPTED)** This rule requires applicants to submit fingerprints and complete the jurisprudence exam prior to receiving a temporary authorization to practice. Additionally, this rule allows nurses whose licenses have been suspended, revoked, or surrendered through board action to renew their temporary permits to practice. This intent of this latter change is to give nurses additional time to complete board stipulations without a disruption in their ability to practice.

**217.6, Failure to Renew License (ADOPTED)** This amendment aligns this rule, as it relates to nurses seeking renewal who have not practiced in the prior four years, with proposed 217.5 by eliminating the need for a jurisprudence prep course or workshop.

**217.8, Duplicate or Substitute Credentials (ADOPTED)** This rule is repealed, as it is now obsolete.

**217.9, Inactive and Retired Status (ADOPTED)** This amendment aligns this rule with 217.5 and 217.6, eliminating the need for a jurisprudence prep course or workshop.

**222.3, Renewal of Prescriptive Authority (ADOPTED)** This proposal aligns this rule with a continuing education rule adopted by the board in November. It removes the requirement for an additional three hours related to prescribing controlled substances each biennium

**Remember ...**

- You can find the [Texas Register](#) on the Texas [Secretary of State](#) website, where ALL the rule proposals and adoptions from the Texas BON and other state regulatory agencies are updated weekly on Fridays and published. *Nursewatch* will print some of the more pertinent updates to nursing rules and regulations but you can delve deeper into current and past issues of the *Texas Register* at your leisure on the S.O.S. website.

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## Upcoming Events

- [AORN National Time Out Day](#) - Wednesday, June 10 - National Time Out Day is a day for every perioperative team member, as patient advocates, to recommit to always stop and perform a time out before every surgery. Check out the [website](#) for resources and information.
- [Perspectives on Caring: a Virtual Panel](#), 6:30 p.m. CST Wednesday, June 10: Virtual panel interview with Chief Nursing Officers and nurses caring for COVID-19 patients. You will have an opportunity to ask the questions of the

panel about the COVID-19 pandemic and the response taken within your respective health systems.

- [National Nursing Assistants Week - June 18-25, 2020](#): Learn about all of the ways that nursing assistants contribute to the profession and then celebrate your nursing peers. Learn more [here](#).
- **Happy Summer!** - June 20, 2020
- **Early Voting Starts!** - June 29, 2020 - [Find Your Polling Place](#)
- [Senate Health and Human Services Committee](#), meeting on Interim Charges, Sept. 9, 2020, Senate Chamber.
- [Texas Tribune Events](#), ongoing: interviews, conferences and events featuring state lawmakers and health, policy and political experts.

*If your NLAC organization/association is having an open event or you know of a relevant activity/event, please send the information to TNA Government Affairs Coordinator [Cathy White](#) for inclusion in upcoming issues of *Nursewatch*.*



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