



NLAC Update: MAY 2020

Happy Nurses Week (and YEAR)!



The past few months have been chaotic, frightening and challenging. Nurses in every scope of practice, along with retirees and students, have been called upon to protect and defend the populace en masse at their own peril. It may be "your job" but it is a courageous, noble and admirable endeavor, and the vast majority of Texans recognize and appreciate your efforts and sacrifice.

It truly is prophetic that 2020 is the [Year of the Nurse and Midwife](#). As society relies on the medical community to survive this pandemic, it is fitting that we also acknowledge the dedication and hard work of those in the nursing profession.

There really aren't words to properly express the deep gratitude and appreciation owed to nurses, but a year of recognition is a good start.

Thank you for your diligence and sacrifice! Let's work together to ensure that nursing's influence is acknowledged and its expertise included at the state capitol to protect and improve the profession through effective policy and legislative action.



TNA welcomed new TNA Government Affairs Director and General Counsel Jason Hassay, JD, in April. Jason serves as General Counsel and Director of Government Affairs for the Texas Nurses Association. He will direct all legal affairs, policy development and political engagement for the association, as well as all lobby and PAC activity at the Texas Capitol.

Prior to joining TNA, Jason worked at the Texas Association of Counties (TAC) as Senior Legislative Counsel where he worked with county elected officials to develop policies and strategies that reflected the concerns of county government in policy discussions at the State and Federal level. Before joining TAC, Jason spent more

than 10 years working for three different Texas State Senators, serving in the capacity of General Counsel for 10 years and Chief of Staff for eight. The time at the capitol has provided Jason with significant experience with the legislative process, developing and implementing successful legislative strategies, and considerable experience with the state budget process, having staffed a member of Senate Finance and the Legislative Budget Board.

Jason received a triple B.A. in Political Science, Economics, and Law and Society from the University of California at Irvine, an M.A. in Information Systems and a J.D. from the University of Texas at Austin. Jason can be reached at 512-452-0645 x157 or jhassay@texasnurses.org.



- NLAC has held several virtual COVID-19 updates to share information and resources since the emergence of this crisis. **The next update is scheduled for 9 a.m. Tuesday, May 5.** Please remember to register at least one hour before the meeting to receive your personalized meeting instructions.
- The 2020 spring NLAC in-person meeting was canceled due to the COVID-19 crisis. We're looking at rescheduling this meeting and will have more information soon.



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

Capitol Brief Update

by Kevin C. Stewart, II

To start, I sincerely hope that you are reading this in good spirits and great health. I've heard from many nurses over the course of the pandemic—some who went to practice in other states like New York, others who are struggling to keep up or lacking appropriate protective equipment, and still others who have been furloughed and are focused solely on making ends meet. My observation has been that,

regardless of the setting, nurses persevere. I hope that you are persevering as well.

The state of Texas is slowly opening up. Last week, Governor Abbott loosened restrictions on elective procedures. This week, Abbott shared his plan to incrementally open up the economy. It is unclear at this point whether this is the state getting back to normal or if we are laying the groundwork for a second wave. Either way, legislators seem to be getting antsy, and people are already looking forward to the 87th Legislative Session.

There are a lot of moving parts to consider. Due to the dramatic drop in oil prices and the overall impact of COVID-19 on the economy, Texas will be facing one of the tightest budget years in recent history. Additionally, assuming the state receives census data before the end of session, the legislature will be going through the redistricting process. Adding the disruption to interim hearings caused by COVID-19, it looks as though this will be an extremely busy legislative session.

Discussions about disaster-response legislation have already begun, and the Senate established workgroups to tackle specific issues. We will have unique opportunities to discuss issues specifically related to the disaster response, such as which emergency waivers cut unnecessary red tape and should be made permanent.

Legislators are going to be looking to nursing specifically to provide insight. Further, the public perception of nurses has never been higher. (The stories of people in lockdown banging pots and pans to honor healthcare workers are truly incredible.) When the time comes, I hope that nurses will share their stories with elected officials. The work isn't over when the pandemic ends—it is imperative that we work together to ensure that state laws and rules reflect the lessons we learned.



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Texas Register: Rules and Regulations

[April 3, 2020](#)

Texas Medical Board

178.4, Complaint Initiation (EMERGENCY) This emergency rule is being made

pursuant to the governor's executive order regarding elective surgeries. The rule will require providers under TMB jurisdiction to report to the TMB any physician who performs a non-urgent elective surgery or procedure.

187.57, Charge of the Disciplinary Panel (EMERGENCY) This emergency rule prohibits elective surgeries and clarifies that the prohibition does not apply to a procedure that does not deplete hospital capacity or impact personal protective equipment needs.

170.2, Definitions (PROPOSED) This proposal clarifies that "acute pain" is time limited to no more than 30 days from the date of initial prescription for opioids. It also clarifies that "chronic pain" is pain that exists for a period that has continued no less than 91 days from the date of initial prescription. Finally, the proposal adds a new definition of "post-surgical, post-procedure, persistent non-chronic pain," which exists for a period of more than 30 but less than 91 days from the initial prescription. These definitions create a period of time in which a physician will be allowed to prescribe opioids for more than a 10-day period without the requirements related to chronic pain applying.

170.3, Minimum Requirements for the Treatment of Chronic Pain (PROPOSED) This proposal requires physician to check the PMP prior to prescribing opioids, benzodiazepines, barbiturates, and carisoprodol, as required by law. It also requires physicians to maintain evidence of the check in patient's record.

170.9, Prescription Monitoring Program Check (PROPOSED) This proposal provides a description of settings and interactions that require a check and that do not require a check. For example, a check is not required during a hospital stay or ambulatory surgical center visit but is required upon discharge if there is a prescription for take-home use. It also clarifies that it is permissible to place a copy of the patient's PMP history in the patient's medical record to demonstrate that the PMP check was completed. Finally, the proposal clarifies that physicians may allow other qualified individuals to check the PMP on their behalf.

Texas Pharmacy Board

291.30, Medication Limitations (EMERGENCY) This emergency rule limits prescriptions of chloroquine, hydroxychloroquine, mefloquine, and azithromycin. Prescriptions for those medications now must be consistent with evidence for its use, may not exceed a fourteen-day supply unless the patient was on the medication prior to the rulemaking, and may not be refilled unless a new prescription or order is furnished.

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.

Upcoming Events

- [ANA Nurses Month Observations](#): Week 1: Self-Care (May 1-9); Week 2: Recognition (May 10-16); Week 3: Professional Development (May 17-23); Week 4: Community Engagement (May 24-31)
- [TNA Nurse Chats](#), May 4-8, Nurse Chats brings together groups of 10-20 nurses for an informal discussion led by a peer facilitator. No agenda, no minutes, no follow up. Share what's on your mind with people who understand.
- **TNA Managing Stress - 2 sessions**, [May 5](#) and [May 6](#): These presentations will help nurses acknowledge the impact of COVID-19, recognize the effects on your mental health and well-being, understand how to cope through the uncertainty, and implement strategies to practice resilience. There will be time for questions throughout the presentation.
- **Happy Memorial Day!** - May 25, 2020
- [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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