

SUBJECT: Creating a grant program to reduce workplace violence against nurses

COMMITTEE: Public Health — favorable, without amendment

VOTE: 11 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson, Zedler

0 nays

WITNESSES: For — Julie Chicoine, Texas Hospital Association; Cindy Zolnierek, Texas Nurses Association; (*Registered, but did not testify*: Sally McCluskey, Angelo State University; Jennifer Henager, Central Texas Regional Advisory Council; Wendy Wilson, Consortium of Texas Certified Nurse-Midwives; Eric Woomer, Federation of Texas Psychiatry; Christine Reeves, Heart of Texas Regional Advisory Council; Gyl Switzer, Mental Health America of Texas; Jessica Cox, NAPNAP, NANN, AWHONN; Claire Jordan, Nurses; Anthony Farmer-Guerra, Spread Hope Like Fire; Danielle Roberts, Tarrant County College Nursing (NSA); Josette Saxton, Texans Care for Children; Sarah Mills, Texas Association for Home Care and Hospice; Courtney DeBower, Texas EMS, Trauma and Acute Care Foundation (TETAF); Joel Ballew, Texas Health Resources; Daniel Finch, Texas Medical Association; Teresa Acosta, Brittany Anderson, William Barbre, Savannah Bobbitt, Chrystal Brown, Kelley Bryant, Cathryn El Burley, Cassandra Campbell, Ashley Carter, Connie Castleberry, Naomi Clifton-Hernandez, Kelsey Crawford Spelce, Tamatha Dayberry, Jenny Delk-Fikes, Margie Dorman-O'Donnell, Taylor Dotson, Tammy Eades, Elizabeth Eckersley, Debra Fontenot, Patricia Francis, Patricia Freier, Gabrielle Frey, Natalie Garry, Kimberley Grant, Linda Green, Ruth Grubestic, Avis Harris-Caldwell, Janice Hawes, Maria Hayes, Toni Henderson, Lisa Herterich, Cynthia Hill, Geoff Hughes, Karen Jeffries, Laura Kidd, Cheryl Lindy, Anita Lowe, Kate MacLean, June Marshall, Judy Martin Morgan, Alberta May, Amy McCarthy, Janice Miller, Sybil Momii, Rene Monjaraz, Patricia Morrell, Katherine Mulholland, Prudence Nietupski, Amy Pickett, Rebekah Powers, Carol Randolph, Mary Rivard, Lorraine Royster-Hibbert, Dorothy Sanders-Thompson, Aletha Savage, Darla Smith, Rebecca Smith,

Jill Steinbach, Tonya Taylor, Karen Timmons, Gabriela Torres, Whitney Vanderzyl, Jeff Watson, Ramona Wesely, and Eugenia "Jeanie" Zelanko, Texas Nurses Association; Patricia DeFrehn, Texas Nurses Association, Nurse Executives; Shayla Larsen, TNA, TCC Nursing; Joe Luna and Francis Luna, Texas School Nurses Organization; Emily Alexanderson, Seaneila Angeles, and Melinda Hester, Texas State University School of Nursing; Michelle Stokes, TNSA; Candice Ford and Susan McKeever, TSNA; Nancy Walker, University Health System/Bexar County; Leslie Ash, Taylor Colbert, Chelsea Ragas, Rebecca Carrasco, and Betty Ashcraft, University of Texas at Tyler; and 27 individuals)

Against — None

On — (*Registered, but did not testify*: Chris Aker and Mike Maples, Department of State Health Services; Mark Majek and Katherine Thomas, Texas Board of Nursing)

BACKGROUND: Health and Safety Code, sec. 105.002 establishes a nursing section (Texas Center for Nursing Workforce Studies (TCNWS)) within the health professions resource center under the governance of the statewide health coordinating council at the Department of State Health Services. The TCNWS collects and analyzes workforce data on nurses in Texas.

The statewide health coordinating council may fund the TCNWS with surcharges ranging from \$2 to \$5 on vocational nurse and registered nurse license renewals collected by the Texas Board of Nursing as authorized by the Nursing Practice Act, Occupations Code, sec. 301.155.

DIGEST: HB 280 would require the Texas Center for Nursing Workforce Studies (TCNWS), to the extent funding was available, to administer a grant program to fund innovative approaches for reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies. The TCNWS could fund the grants using money transferred from the Texas Board of Nursing to the statewide health coordinating council at the Department of State Health Services (DSHS).

The TCNWS would require a grant recipient to submit periodic reports describing the outcome of activities funded through the grant, including any change in the severity and frequency of verbal and physical violence against nurses. At least annually, the TCNWS would publish a report describing the grants awarded, including the amount and purpose of each and the reported outcome of each grant recipient's approach.

The TCNWS advisory committee would serve in an advisory capacity for the grant program, and DSHS would provide administrative assistance.

As soon as practicable after the effective date, the Health and Human Services Commission executive commissioner would adopt the rules necessary to implement the grant program.

The bill would take effect September 1, 2017.

SUPPORTERS
SAY:

HB 280 would help alleviate the trauma of workplace violence for nurses and patients. Workplace violence against nurses is a frequent occupational hazard, primarily from patients, patients' families, and visitors, and can take the form of intimidation, beatings, stabbings, shootings, and stalking. The bill would provide grants to hospitals and other health facilities to implement innovative approaches unique to each facility and region to reduce the severity and frequency of these occurrences.

The bill would not mandate one approach for all health facilities, but implementing unique approaches would require some initial funding. To the extent funding was available, existing revenue generated from nursing license and renewal applications would fund the program under HB 280, an approach supported by nurses. The bill would make no change to the statutory licensing renewal surcharge limit.

HB 280 also would help address the nursing shortage in Texas by allowing health care facilities to make their workplaces safer, reducing turnover. An unsafe workplace is not conducive to sustaining employment of nurses. An *Atlantic* magazine article reported a 110 percent spike in the

rate of violent incidents reported against health care workers in the past decade. A study conducted by the Department of State Health Services found that roughly half of nurses experience physical violence during their careers but do not report it because they consider it an expected part of the job.

The bill would require grant recipients to report on the outcomes of their implemented innovations, including the change in the severity and frequency of verbal and physical violence against nurses. Data from the approaches used by grant recipients would be published by the Texas Center for Nursing Workforce Studies (TCNWS) and could be shared across the state to prevent these types of incidents from occurring in other health care facilities.

The bill would require no general revenue funds and has a fiscal note of \$0. Both the House and Senate versions of the fiscal 2018-19 general appropriations act include Rider 3 in Article 8 to fund the TCNWS using funds from the Texas Board of Nursing. The bill would make no change to the \$5 cap in existing law for nursing license surcharges. The Board of Nursing also recently reduced their licensing fees.

Nursing professional associations have asked for the TCNWS to administer the grant program using funds from the Board of Nursing, the state agency that licenses nurses. The TCNWS is best suited as a neutral party to disburse the grants to healthcare facilities and administer the competitive grant process, which requires specific expertise available at the center. Violence against nurses is not specific to one negligent workplace but is more widespread. The availability of civil actions has not prevented this from being a pervasive problem, and in any event, nurses may not have resources to file in civil court.

**OPPONENTS
SAY:**

While HB 280 would fund the grant program through surcharges on renewals of nursing licenses, the bill could lead to an increase in those surcharges or provide the legal basis for an appropriation of funds.

OTHER

A non-government entity, such as a nursing professional association,

OPPONENTS
SAY: would be better suited than the TCNWS to implement the grant program proposed by HB 280. This is essentially an issue between employers and employees, and in cases of gross negligence, employees have access to civil courts.

NOTES: The Legislative Budget Board (LBB) estimates the bill would have a net impact of \$0 through fiscal 2019 but could provide the legal basis for an appropriation of funds. The LBB's methodology assumes the grant program would be funded by an increase in the surcharge to the maximum allowed by statute: from \$2 to \$3 for vocational nurse license renewals and from \$3 to \$5 for registered nurse license renewals.