

BILL ANALYSIS

Senate Research Center
78R12231 MXM-D

H.B. 2131
By: Zedler (Deuell)
Health & Human Services
5/10/2003
Engrossed

DIGEST AND PURPOSE

The 77th Legislature amended the Nursing Practice Act by adding section 301.1525. The Board of Nurse Practitioners was authorized to develop and enact rules governing Registered Nurse First Assistant (RNFA) practice. It was the understanding of some nurses that the Nursing Practice Act was amended to allow for reimbursement of those functioning in the capacity as an RNFA. The wording of the legislation provided a definition of a nurse first assistant that was not limited only to those seeking reimbursement. As a result there are some nurses that will be ineligible to continue performing the duties they have performed for several years, unless they complete the training and other requirements to become an RNFA.

The legislation established a limit by which time nurses had to complete training to become an RNFA or stop functioning in that role. Some nurses employed by doctors, hospitals, or physicians group who have been assisting doctors in the operating room for many years do not want to be reimbursed for the duties they perform and therefore do not want to go through the process to become an RNFA. H.B. 2131 adds a new provision to the Occupations Code relating to the regulation of certain operating room nurses employed by other health providers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 301, Occupations Code, by adding Sections 301.1526 and 301.1527, as follows:

Sec. 301.1526. CERTAIN NURSES DIRECTLY ASSISTING IN SURGERY. (a) Provides that this section does not apply to a registered nurse who is a nurse first assistant under Section 301.1525.

(b) Authorizes a registered nurse to whom this section applies to directly assist a physician, physician's group, podiatrist, or dentist to perform surgery if the nurse meets certain criteria.

(c) Defines "directly assisting in surgery."

(d) Prohibits a registered nurse, physician, physician's group, podiatrist, or dentist, or the facility at which surgery is performed under this section, from separately billing the services of the registered nurse to the patient or to any third-party insurer.

(e) Prohibits a registered nurse to whom this section applies from using certain titles.

(f) Provides that this section expires January 1, 2007.

Sec. 301.1527. CERTAIN NURSES DIRECTLY ASSISTING IN SURGERY IN SMALL HOSPITALS. (a) Defines "small hospital."

(b) Provides that this section does not apply to a registered nurse who is a nurse first assistant under Section 301.1525.

(c) Authorizes a registered nurse to whom this section applies to directly assist a physician, physician's group, podiatrist, or dentist to perform surgery at a small hospital if the nurse meets certain criteria.

(d) Defines "directly assisting in surgery."

(e) Prohibits a registered nurse, physician, physician's group, podiatrist, or dentist, or the facility at which surgery is performed under this section, from separately billing the services of the registered nurse to the patient or to any third-party insurer.

(f) Prohibits a registered nurse to whom this section applies from using certain titles.

SECTION 2. (a) Provides that except as provided by Subsection (b) of this section, this Act takes effect September 1, 2003.

(b) Provides that Section 301.1527, Occupations Code, as added by this Act, takes effect January 1, 2007.