

BILL ANALYSIS

Senate Research Center
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S.B. 1053
By: Janek
Health & Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1053 updates the Nursing Practice Act making it more consistent with other professional practice acts in Texas. It permits the Board of Nurse Examiners (board) to commission peace officers, allowing the board to obtain criminal background information on licensees and applicants. Additionally, it adds "deferred adjudication or deferred disposition" as a basis for the denial of a license. Furthermore, it requires suspension or revocation of a license for certain offenses.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 301, Occupations Code, by adding Section 301.1611, as follows:

Sec. 301.1611. PEACE OFFICERS. (a) Authorizes the Board of Nurse Examiners (board) to commission as a peace officer to enforce this subtitle an employee who has been certified as qualified to be a peace officer by the Commission on Law Enforcement Standards and Education.

(b) Provides that an employee commissioned as a peace officer under this section has the powers, privileges, and immunities of a peace officer while carrying out the duties as a peace officer under this subtitle. Prohibits the employee from carrying a firearm or making an arrest.

SECTION 2. Amends Section 301.301(b), Occupations Code, to include payment of any costs assessed under Section 301.461.

SECTION 3. Amends Section 301.452(b), Occupations Code to include placement on deferred adjudication community supervision or deferred disposition amongst the reasons for which a person is subject to denial of a nurse's license or to disciplinary action under this subchapter.

SECTION 4. Amends Subchapter J, Chapter 301, Occupations Code, by adding Section 301.4535, as follows:

Sec. 301.4535. REQUIRED SUSPENSION OR REVOCATION OF LICENSE FOR CERTAIN OFFENSES. (a) Requires the board to suspend a nurse's license if the nurse has been convicted or found guilty of certain offenses.

(b) Requires, on final conviction for an offense described by Subsection (a), the board to revoke the nurse's license.

SECTION 5. Amends Section 301.455, Occupations Code, as follows:

Sec. 301.455. New heading: TEMPORARY LICENSE SUSPENSION OR RESTRICTION. Requires the State Office of Administrative Hearings to hold a preliminary hearing not later than the 30th, rather than the 14th, day after the date of the

temporary suspension or restriction to determine whether probable cause exists that a continuing and imminent threat to the public welfare exists. Requires the probable cause hearing to be conducted as a de novo hearing. Requires the final hearing on the matter to be held not later than the 91st, rather than the 61st day after the date of the temporary suspension or restriction. Makes conforming changes.

SECTION 6. Amends Section 301.461, Occupations Code, to include that the administrative costs for conducting a hearing under Subsection (a) include certain costs incurred by the board.

SECTION 7. Reenacts and amends Article 2.12, Code of Criminal Procedure, as amended by Chapters 235, 474, and 930, Acts of the 78th Legislature, Regular Session, 2003, to include officers commissioned by the board to the list of persons who qualify as a peace officer.

SECTION 8. (a) Makes application of the change in law made by this Act by the amendment of Section 301.301(b), prospective.

(b) Makes application of the change in law made by this Act by the enactment of Section 301.4535, prospective.

(c) Makes application of the change in law made by this Act by the amendment of Section 301.455, prospective.

SECTION 9. Effective date: September 1, 2005.