

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1053
By: Janek
Health & Human Services
4/6/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1053 updates the Nursing Practice Act making it more consistent with other professional practice acts in Texas. It allows the Board of Nurse Examiners (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 Section 301.161, Occupations Code, by adding Subsections (d) and (e), to authorize the Board of Nurse Examiners (board) to establish a criminal investigations unit to investigate suspected criminal acts relating to the practice of nursing as authorized by this chapter and to assist federal, state, or local law enforcement agencies in the investigation and prosecution of crimes related to the practice of nursing.

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. New heading: **REQUIRED SUSPENSION, REVOCATION, OR REFUSAL OF LICENSE FOR CERTAIN OFFENSES.** (a) Requires the board to suspend a nurse's license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of certain offenses.

(b) Provides that the board, on final conviction or a plea of guilty or nolo contendere for an offense described by Subsection (a), as appropriate, is prohibited from issuing a license to an applicant, required to refuse to renew a license, or required to revoke a license if the applicant or license holder did not previously disclose the conviction or plea and the fifth anniversary of the date the person successfully completed community supervision or parole has not occurred.

(c) Provides that a person is not eligible for an initial license or for reinstatement or endorsement of a license to practice nursing in this state before the fifth anniversary of the date the person successfully completed and was dismissed from community supervision or parole for an offense described by Subsection (a).

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

Sec. 301.455. New heading: TEMPORARY LICENSE SUSPENSION OR RESTRICTION. Requires a probable cause hearing required under this section to be conducted as a de novo hearing. Makes conforming changes.

SECTION 6. Repealer: Section 304.010 (Expiration of Compact), Occupations Code.

SECTION 7. (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 8. Effective date: September 1, 2005.