

2009 End of Session TCORN Legislative Update

Dear TCORN Members,

This is the last legislative update I'll be writing for TCORN for my term as Chair of the Legislative Committee has ended. It has been such a wonderful experience for me to represent TCORN and perioperative nurses at the legislative table over the last nine years. During that time we have secured legislation for mandatory reimbursement for RNFAs which as a bonus, ultimately resulted in setting educational standards for Texas nurses practicing as RNFAs as well as title protection and practice protection for RNFAs. Over the years TCORN has successfully opposed surgical technologist legislative efforts for licensure, and efforts for legislation that put them under physician supervision (as opposed to the RN Circulator). On a more positive note, this year TCORN (along with TNA and THA) successfully negotiated with the surgical techs on a bill that nursing did not oppose (see HB 643/SB 2208 below). Previous landmark successes were initiating and getting RN Circulator legislation passed which requires every patient to have a RN Circulator! The TCORN legislative representatives, TX RNFA Network representatives and Greater Houston Chapter legislative representatives have been at the nursing legislative table for 10 years straight now, and there is no doubt that Texas Nurses Association, the Board of Nursing, the Texas Hospital Association, and many legislators know much more about perioperative nursing practice than ever before! We have been successful because you, the grassroots membership have kept your ear to the ground and given us heads up on key issues and most importantly, you have responded to legislative alerts quickly and in great numbers. Keep up the great work! It has been my deepest pleasure and honor to serve in this position over the years and I thank you all for the opportunity. I will miss it greatly.

Just so that you know, we already have some great leaders preparing to take up the reins and ensure we maintain a presence in the legislative arena. The new TCORN legislative Chair is Priscilla Neils.

The following is a summary of the 81st Regular Legislative Session as it pertains to bills of interest to nursing.

HB 643 Surgical Technologist bill. Passed and signed by the Governor. Establishes employment qualifications for surgical techs and provides an exhaustive list of the tasks that a surgical technologist will be allowed perform. In order to be employed by a hospital or ASC, a surgical technologist must have attended an accredited surgical technology educational program and within 180 days of graduation/employment, must be certified by the NBSTSA, the NCCT, or by another certification agency recognized by the Department of Health. There is a very broad grandfathering clause for surgical technologists currently working. This bill contains an explicit exemption for RNs and LVNs performing the scrub role which ensures that this bill does not to apply to them. The language that repealed our RN Circulator bill was removed. Additionally, the bill states that it does not change the way surgical technologists are currently supervised. Please take the time to locate and read this bill to ensure you are familiar with the permissible tasks listed in the bill.

SB 1 - Appropriations bill – addresses the Nursing Shortage . \$44.7 million – for nursing shortage thanks to the efforts of the Nursing Workforce Shortage Coalition which consisted of over 100 organizations including TNA, THA, Greater Houston Partnership, Texas Association of Deans and Directors of Professional Nursing Programs, Texas Association of Business, Texas Association of Community Colleges, many chambers of commerce, hospital councils and individual hospitals. UT Arlington was awarded \$5.0 million for their simulation learning lab. The total amount for nursing is \$49.7 million dollars.

HB 4355 was amended onto HB3961 to facilitate passage – Directs the Center for Nursing Workforce Studies to oversee a study on alternate ways to assure clinical competency of graduates of the Excelsior College nursing program. It permits Excelsior College graduates to remain eligible for a Texas license. HB 3961 is the NPA omnibus bill initiated by TNA addressing the regulation of nursing including confidentiality of personal information and physical/psychological evaluations

(Excelsior College is a NY-based program whose graduates complete an end-of-program clinical competency assessment but program has no supervised clinical experience requirement like Texas programs.)

SB 746 Safe Hospital Staffing Act – requires hospitals to utilize nurse staffing committees made up of 60% direct care nurses selected by peers, to establish staffing plans for all patient care areas each shift. It also prohibits mandatory overtime. Signed by the Governor. Note: This is not the CAN/NNOC union bill. Their bills did not get out of committee

HB4353 Nurses in Border Counties - Provides for a one-year provisional license for certain nurses with reduced English proficiency who will practice in border counties.

HB 4471 Professional Nursing Shortage Reduction Program Amends Profession Nursing Shortage Reduction Program statute to facilitate distribution of funding.

SB 532 Delegation of Prescriptive Authority to APNs and PAs at minute clinics. This was initiated by Texas Medical Association and Pharmacy Convenience Clinics. It increases the number of physician- extenders an MD can supervise.

SB 1415 Handling Minor Violations Gives the BON more options to address minor violations by nurses including taking non-disciplinary corrective actions and pilot testing the concept of deferred disciplinary action.

SB 61 Increases the age and height requirements of children that must be in booster seats.

All in all, nursing had a successful 81st legislative session. As a membership, we need to continue to follow key nursing issues during the next interim. TCORN will do this through membership in TNA's Nursing Legislative Agenda Coalition (NLAC) but we also need you the grassroots members to bring nursing issues to the forefront. Healthcare policy affects everyone and your participation at both the state and federal level are more important now than ever before. Please consider joining the AORN grassroots network if you have not already done so. It's a great way to stay informed and to have a voice.

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