Chapter 816

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2	relating to a request for a nursing peer review committee
3	determination.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Section 303.005, Occupations Code, is amended by
6	amending Subsections (b) and (d) and adding Subsections (b-1) and
7	(b-2) to read as follows:
8	(b) Except as provided by Subsection $(b-1)$, if $[If]$ a person
9	who is required to establish a nursing peer review committee under
10	Section 303.0015 requests a nurse to engage in conduct that the
11	nurse believes violates a nurse's duty to a patient, the nurse may
12	request, on a form developed [or approved] by the board or on
13	another form that meets standards developed by the board, a
14	determination by a nursing peer review committee under this chapter
15	of whether the conduct violates a nurse's duty to a patient.
16	(b-1) If a nurse is unable to complete a form required by
17	Subsection (b) due to immediate patient care needs, the nurse may
18	request a nursing peer review committee determination by orally
19	notifying the nurse's supervisor of the request. After receiving
20	oral notification of a request, the nurse's supervisor shall record
21	in writing:
22	(1) the name of the nurse making the request;
23	(2) the date and time of the request;
24	(3) the location where the conduct or assignment that

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- 1 is the subject of the request occurred;
- 2 (4) the name of the person who requested the nurse
- 3 engage in the conduct or made the assignment that is the subject of
- 4 the request;
- 5 (5) the name of the supervisor recording the request;
- 6 (6) a brief explanation of why the nurse is requesting
- 7 a nursing peer review committee determination; and
- 8 (7) a description of the collaboration between the
- 9 nurse and the supervisor.
- 10 (b-2) To be a valid request for a nursing peer review
- 11 committee determination, the written record prepared under
- 12 Subsection (b-1) must be signed and attested to by the requesting
- 13 nurse and the nurse's supervisor who prepared the written record.
- 14 (d) If a nurse requests a peer review determination under
- 15 Subsection (b) or (b-1) and refuses to engage in the requested
- 16 conduct pending the peer review, the determination of the peer
- 17 review committee shall be considered in any decision by the nurse's
- 18 employer to discipline the nurse for the refusal to engage in the
- 19 requested conduct, but the determination is not binding if a nurse
- 20 administrator believes in good faith that the peer review committee
- 21 has incorrectly determined a nurse's duty. This subsection does
- 22 not affect the protections provided by Subsection (c)(1) or Section
- 23 301.352.
- SECTION 2. The changes in law made by this Act apply only to
- 25 conduct that occurs on or after the effective date of this Act.
- 26 Conduct that occurs before the effective date of this Act is
- 27 governed by the law in effect on the date the conduct occurs, and

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- 1 the former law is continued in effect for that purpose.
- 2 SECTION 3. This Act takes effect September 1, 2019.

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President of the Senate

Speaker of the House

I certify that H.B. No. 2410 was passed by the House on May 7, 2019, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2410 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nams 0.

> Secretary of the Senate

FILED IN THE OFFICE OF THE SECRETARY OF STATE 1:00 O'CLOCK

O'CLOCK