

AN ACT

relating to the regulation of certain nursing practices, including circulating duties in an operating room.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 301, Occupations Code, is amended by adding Section 301.353 to read as follows:

Sec. 301.353. NURSE FIRST ASSISTANTS; ASSISTING AT SURGERY BY OTHER NURSES. (a) In this section, "nurse first assistant" means a registered nurse who:

(1) has completed a nurse first assistant educational program approved or recognized by an organization recognized by the board; and

(2) is either:

(A) certified in perioperative nursing by an organization recognized by the board; or

(B) recognized by the board as an advanced practice nurse and qualified by education, training, or experience to perform the tasks involved in perioperative nursing.

(b) Unless the person is a nurse first assistant, the person may not use:

(1) the title "nurse first assistant" or "registered nurse first assistant";

(2) the abbreviation "R.N.F.A."; or

(3) any other title or abbreviation that implies to

1 the public that the person is qualified as a nurse first assistant  
2 under this section.

3 (c) A health maintenance organization or an insurer,  
4 including an insurer offering a preferred provider benefit plan,  
5 may not, by contract or any other method, require a physician to use  
6 the services of a nurse first assistant.

7 (d) A nurse who is not a nurse first assistant may assist a  
8 physician, podiatrist, or dentist in the performance of surgery if  
9 the nurse:

10 (1) assists under the direct personal supervision and  
11 in the physical presence of the physician, podiatrist, or dentist;

12 (2) is in the same sterile field as the physician,  
13 podiatrist, or dentist;

14 (3) is employed by:

15 (A) the physician, podiatrist, or dentist;

16 (B) a group to which the physician, podiatrist,  
17 or dentist belongs; or

18 (C) a hospital licensed or owned by the state;  
19 and

20 (4) is qualified by education, training, or experience  
21 to perform the tasks assigned to the nurse.

22 (e) A patient or third-party insurer may not be billed  
23 separately for the services performed by a nurse described by  
24 Subsection (d).

25 SECTION 2. Subchapter B, Chapter 241, Health and Safety  
26 Code, is amended by adding Section 241.0262 to read as follows:

27 Sec. 241.0262. CIRCULATING DUTIES FOR SURGICAL SERVICES.

1 Circulating duties in the operating room must be performed by  
2 qualified registered nurses. In accordance with approved medical  
3 staff policies and procedures, licensed vocational nurses and  
4 surgical technologists may assist in circulatory duties under the  
5 direct supervision of a qualified registered nurse circulator.

6 SECTION 3. Sections 301.1525, 301.1526, and 301.1527,  
7 Occupations Code, are repealed.

8 SECTION 4. This Act takes effect September 1, 2005.

David Newkum

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1718 was passed by the House on May 5, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1718 on May 27, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1718 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Datsy Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Peery

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:15 AM 9/10/05

JUN 18 2005

Roger Williams  
Secretary of State