

**How Will TNA Advocate
for Nurses in the 2011
Legislative Session?**



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Objectives for the Evening

- ★ 1. Describe results of 2009 TX Legislative Session & how have they unfolded
- ★ 2. Understand Winkler County case & its implications for the future
- ★ 3. Discuss TX Legislative plan for 2011
- ★ 4. List ways to be involved in 2011
- ★ 5. Understand activity of new TX Nursing Senate

Results of 2009 TX Session

- ★ Hospital Safe Staffing
 - ★ Finally in place Oct. 2010
 - ★ Issues needing to revisit
- ★ Nursing School Funding
 - ★ \$49.7 Mil – Texas Nursing Workforce Shortage Coalition

Results of 2009 TX Session (cont)

- ★ Excelsior → Competency Study
 - Nsg schools in TX must be *substantially equivalent*
- ★ Waiver of Sovereign Immunity
 - Publicly employed not covered to full extent of NPA Whistleblower laws

Winkler County Case Timeline

- ★ Report to Texas Board of Medicine
- ★ Loss of jobs
- ★ TNA response
- ★ Arrest
- ★ Trial
- ★ Settlement
- ★ Fines
- ★ Actions of Texas Board of Medicine

Winkler County Case Outcomes

- ★ Outcome for nurse Whistleblowers
 - Consequence of failure to pass Waiver of Sovereign Immunity Bill
- ★
 - Reaction of nurses across the nation
 - Very publicized case with landmark outcomes
 - Ramifications of Winkler nurses trial

Nurses' 2011 Legislative Agenda

★ Patient Advocacy Act

- Extend liability immunity to include criminal liability
- Fines to agencies for retaliation for advocacy
 - \$650 → \$25,000
- Make "good faith" standard for protected reporting
 - Without Malice and Good Faith interchangeable now

Nurses' 2011 Legislative Agenda (cont)

★ Patient Advocacy Act (cont)

- Nurses advise on rights → protections
- Protection for "nurse advocate" role
- Protection from all who can retaliate
- Limited Waiver of Sovereign Immunity

Nurses' 2011 Legislative Agenda (cont)

★ APRN Prescriptive Authority Bill

- ★ Removes restrictions → most effective use of APRN
- Eliminates site-based physician delegation model
- APRN's prescriptive authority under nursing license
- Permits prescribe Schedule II controlled substances

**Nurses' 2011 Legislative Agenda
(cont)**

- ★ NPA Amendments Bill – Items in discussion
 - Restrict time limits for impact of some minor previous offenses
 - Self-directed Semi-independent Status
 - Retired Nursing Title
 - Release of Psychological Eval to TPAPN
 - BON discretion for automatic suspension

**Nurses' 2011 Legislative Agenda
(cont)**

- ★ Violence Against Nurse in Workplace
 - Enhance penalty if assault on job from:
Class A misdemeanor → 3rd degree felony
- ★ School Nurses
 - Notify parents is no nurse assigned campus
- ★ Shortage/Nursing Ed.
 - Maintain 2009 Level

**Nurses' 2011 Legislative Agenda
(cont)**

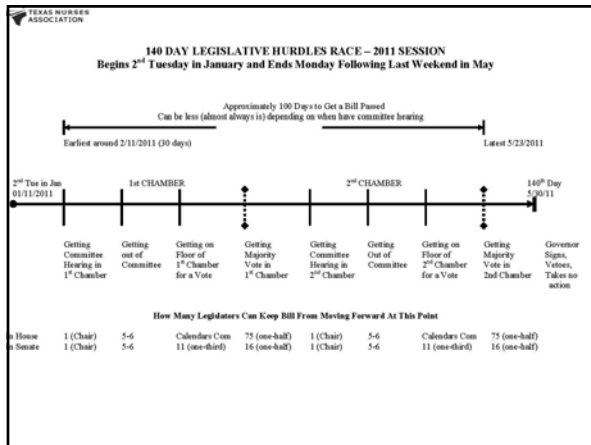
- ★ Health Policy – Texas Public Health Coalition
 - Obesity
 - Smoking cessation / smoking age
 - Immunizations
- ★ Possible Initiatives by Others
 - Move regulation of APRN to Board of Medicine
 - Move regulation of nurse aides to BON

Nurses' 2011 Legislative Agenda (cont)

★ "Oh My Gosh Bills"

- CAN/NNOC - ratio *plus* bill
- Anesthesiologist Assistants bill
- ???





Be Involved in 2011

★ Nurse Day

- March 6th & 7th
- Texas Nurses 'n Action
- Twitter
- Newsletter updates during session



Texas Nursing Senate

★ Why create?

- NLAC
- Healthcare Reform

★ Meeting Scheduled Nov 13th in Austin

★ Desired Outcome

★ Questions???
