

The Up & Down Roller Coaster 2011 TX Legislature

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Objectives for the Evening

- Identify the Up's of the Roller Coaster 2011 Legislative Session – what passed.
- Describe the Down's of the Roller Coaster 2011 Legislative Session – what did NOT pass & why.
- Discuss what do the "Rails" ahead look like.

Why TNA Participates in the Legislative Process

- Decisions affecting nurses & their patients will be made
- Nursing has benefited from participating
- Health care policy needs nursing's perspective



Components of TNA Legislative Agenda



- Nursing initiated legislation
- Health policy legislation
- *Oh My Gosh Bills!*

TNA Strategy for Legislative Success

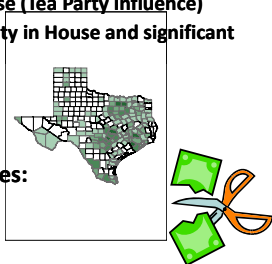
- Long term strategy and presence
- How legislative process works & If successful why
 - Collaboration
 - Compromise
 - Doing your homework
 - Look for opportunities



Political Environment: Personality of the Chambers



- Results of 2010 elections
 - More conservative House (**Tea Party Influence**)
 - Republican supermajority in House and significant majority in Senate
- Dominating issues:
 - Redistricting
 - Budget
- Other controversial issues:
 - Voter ID, immigration
- Political ambitions



Political Environment -- Supporters



Political Environment: Opposition



A never event...



The event presented an opportunity for change...

- To assist the two nurses as individuals



- To evaluate patient advocacy protections for nurses and enhance if needed



A Roller Coaster Ride for Nursing Initiatives



The Up's 2011 Legislature
Initiated by Nursing

What passed!



SB 192 Nurse Advocacy Bill: *passed*

- **Immunity from criminal liability for reporting patient safety concerns**
- **Establish *good faith* (rather than *without malice*) as standard for making protected reports.**
- **Protect:**
 - Nurses who advise nurses about their rights
 - Nurses from all persons in a position to retaliate (not just the employer)
- **Authorize licensing agencies to impose fines up to \$25,000 for retaliation**
- **Protect the “nurse advocate role”**

Special Education Funding Nursing Requested Funding: *appropriated*

- **Nursing shortage reduction program**
 - HB1 – Appropriations bill
 - Hoped to match \$49.7 mil from 2009
 - \$30 million
- **Tobacco lawsuit trust fund income**
 - \$5 million

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SB 193 NPA revisions: *passed*

- **Confidentiality of personal information provided BON as part of licensure process**
- **BON data depository system**
- **Technical/correcting amendments to NPA**

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**Healthcare Bills Initiated by Others:
Passed**

- 👤 **Bills affecting public school student health**
 - 👤 School Districts with 50% Free Lunch
 - 👤 Public School policy on Anaphylaxis

**More Up's of 2011 Legislature
Initiated by Others**

What passed!!

**Initiatives Passed by Others:
More than Normal**

- 👤 Expanded authority of aides to administer meds in some publicly funded programs for persons with intellectual & developmental disabilities
- 👤 Greater use of medication aides in correctional system
- 👤 Increased training of certified nurse aides to 120 hrs

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Health Care Policy: Health Care Reform

👉 The BIG question --- what will it be?

- 👉 As is?
- 👉 Changed?
- 👉 Will TX have it's own version?

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**The Down's of the Roller
Coaster 2011 Legislative
Session**

What Did NOT Pass & Why


**HB 884: Limited Waiver of
Sovereign Immunity - *did not pass***

👉 Give publicly employed nurses same right to sue for damages as other nurses have if retaliated against for engaging in protected patient advocacy activities

- 👉 Referred to as "waiver of sovereign immunity"
- 👉 Bill provided for a "limited" waiver

👉 Retaliation is already illegal

- 👉 Purpose was to give nurses legal remedy to accessing courts if retaliated against for making internal report



**Other Nursing Initiatives:
*did not pass***

- APRN Prescriptive Authority
 - Numerous bills
- Enhanced criminal penalties for assaulting nurses
- Self-directed, semi-autonomous status for BON

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**Oh My Gosh Bills: More than Normal
Good that Did Not Pass**


- Proposal to abolish Center for Nursing Workforce Studies
- Consolidation of health professional licensing boards
- Authorizing one (pilot) community college to offer a baccalaureate in nursing

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Oh my Gosh Bill of 2011

The one that almost passed!!

*****Confidentiality of nurse reporting a Dr. to TMB*****



**Oh My Gosh Bills!!
Continued!!**

- CNA/NNOC ratio *plus* bill
- Anesthesiologist assistants bill

**The Rails Ahead!
Looking Forward to 2013**

**A prelude to the future...
Nursing Legislation & the Changing
Legislative Horizon in 2013**





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Personality of the 2013 Session

- New Leadership ??
 - Lt. Governor, Governor
- Results of 2012 elections
 - Will Legislature become more conservative
 - Will Republican maintain supermajority in House and achieve one in Senate
- Dominating issues:
 - Budget
 - Health care reform ????



Anticipated TNA and Nursing Initiatives:

- APRN prescriptive authority
 - Scope of legislation to be determined over interim
 - May be an interim study
- Preventing violence against nurses in the workplace
 - Scope of legislation to be determined over interim
 - May be an interim study
- Self-directed, semi-autonomous status for BON

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IOM Report On Future of Nursing

- Recommendations requiring legislation

Health Care Reform

- Unknown but expected

Initiatives by Others:

- Unknown but expected
 - Anesthesiologists assistants
 - Mandated ratio bill by CNA/NNOC
 - Patient advocacy bill by CNA/NNOC

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