<p style="text-align:center">LEGISLATIVE BUDGET BOARD
Austin, Texas</p>

<p style="text-align:center">FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION</p>

<p style="text-align:center">April 2, 2017</p>

TO: Honorable Four Price, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2950** by Burkett (Relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the continuation and functions of the Texas Board of Nursing (BON) and the regulation of the practice of nursing. The bill would continue BON for twelve years until September 1, 2029.

The bill would require BON to develop a path to initial licensure for graduates of out-of-state programs that are determined not to be substantially equivalent to Texas programs.

The bill would require BON to ensure that license denials and disciplinary actions are connected to the applicant's or license holder's conduct, and that the conduct is determined to affect the person's ability to practice nursing.

The bill would require BON to develop guidelines in rule to establish individualized requirements for participants in a peer assistance program, and to notify a person that they can request a reevaluation of the requirement to participate in the peer assistance program. The bill would require BON to develop guidelines to establish meaningful performance goals for evaluating the success of the peer assistance program.

The bill would require BON to periodically check prescribing information submitted by licensees to the Texas State Board of Pharmacy (TSBP) in the Prescription Monitoring Program to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices. The bill requires BON, in coordination with TSBP, to determine conduct that constitutes such patterns or practices. The bill permits BON, if it suspects that a licensee is engaging in such patterns or practices, to notify the licensee and to initiate a complaint against the licensee.

The bill would repeal the current Nurse Licensure Compact and replace it with an updated version of the compact. The new compact will go into effect when 26 states have adopted it or on December 31, 2018.

The bill would discontinue two reporting requirements regarding pilot programs and records of the board's proceedings.

Except as otherwise specified by the bill, the bill would take effect September 1, 2017.

According to analysis by the Sunset Commission, provisions that limit disciplinary actions to conduct relevant to the practice of nursing may eventually reduce the number of disciplinary actions, which may result in minimal savings. Provisions that allow for flexible program requirements and reevaluations of participation in the peer assistance program may also yield minimal savings if fewer nurses are required to participate or they have shorter monitoring periods.

Based on information provided by the TSBP, it is assumed the periodic check of prescribing information to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices would require a query of information by the administrator of the program at TSBP. Based on the LBB's analysis of TSBP, duties and responsibilities associated with implementing the provisions of this bill at TSBP could be accomplished by utilizing existing resources.

The Board of Nursing, the Sunset Advisory Commission, the State Office of Administrative Hearings, the Office of the Attorney General, and the Comptroller of Public Accounts anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 360 State Office of Administrative Hearings, 507 Texas Board of Nursing, 515 Board of Pharmacy

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