**Coalition for Nurses in Advanced Practice - CNAP**

**83rd Texas Legislature – Update #15**

***In this issue:***

SB 406 passed out of the House Committee on Public Health –

Action on CNAP-tracked bills last week –

CNAP-tracked bills scheduled for debate in the House & Senate this week

CNAP-tracked bills scheduled for hearings this week -

Capitol visit – May 8 – this is the last scheduled CNAP Capitol visit this session

**Prescriptive authority agreement - SB 406** (Nelson, Kolkhorst) – the House Committee Substitute for SB 406 (HCSSB 406) had its public hearing before the House Committee on Public Health (HPH) on April 24. (See Legislative Update #14 for details about the hearing.) On Friday, April 26, HPH Chair Lois Kolkhorst (R-Brenham) called a formal meeting of the Committee and voted on SB 406, which received unanimous support. If your House Member serves on the HPH, please contact him or her to thank them for voting the bill out of the Committee so quickly. Here is a link to the Committee: <http://www.house.state.tx.us/committees/committee/?committee=410&session=83>

*Next steps?* There are still several significant hurdles facing SB 406 before it reaches the governor’s desk for consideration. The bill’s Committee report must be filed with the Committee Coordinator, distributed and then reported to the House Committee on Calendars where its 15 members will decide whether or not to set the bill on a House Calendar. Once the bill is referred to the Calendars Committee, CNAP needs *constituents* of the members of Calendars to contact their offices to ask them to set SB 406 on a House Calendar as soon as possible. Members of the House Committee on Calendars include the following Representatives:

* Todd Hunter, District 32, Corpus Christi – 512-463-0672; Capitol Office: GW.18; Representative Hunter is the Chair.
* Eddie Lucio, III, District 38, Brownsville – 512-463-0606; Capitol Office: #2.808; Representative Lucio is Vice-Chair.
* Roberto Alonzo, District 104, Dallas – 512-463-0408; Capitol Office: 1N.12
* Carol Alvarado, District 145, Houston – 512-463-0732; Capitol Office: E2.810
* Dan Branch, District 108, Dallas – 512-463-0367; Capitol Office: E1.308
* Angie Chen Button, District 112, Garland – 512-463-0486; Capitol Office: E2.910
* Byron Cook, District 8, Corsicana – 512-463-0730; Capitol Office: GN.11
* Myra Crownover, District 64, Denton – 512-463-0582; Capitol Office: 4S.3
* Sarah Davis, District 134, West University Place – 512-463-0389; Capitol Office: E2.310
* Craig Eiland, District 23, Galveston – 512-463-0502; Capitol Office: GW.5
* John Frullo, District 84, Lubbock – 512-463-0676; Capitol Office: E2.608
* Charlie Geren, District 99, Fort Worth – 512-463-0610; Capitol Office: GW.17
* Helen Giddings, District 109, Dallas – 512-463-0953; Capitol Office: GW.11
* John Kuempel, District 44, Seguin – 512-463-0602; Capitol Office: E2.422
* Doug Miller, District 73, New Braunfels – 512-463-0325; Capitol Office: GW.4

If one of the above representatives is your state representative, please be ready to call his or her office when SB 406 is reported to the Calendars Committee and ask that they set SB 406 on a House Calendar as soon as possible. Here is a link to the *Who Represents Me* website if you need to see who represents you in the Texas House of Representatives: <http://www.fyi.legis.state.tx.us/Home.aspx>.

May 19th, at 10 p.m., is the deadline for the last Daily House Calendar with Senate Bills to be printed and distributed in order to meet the House’s 36-hour layout rule. May 21st is the last day that the House can consider second reading Senate Bills on a Daily or Supplemental Calendar. It is critical that SB 406 be set on a House Calendar BEFORE the last day to hear Senate Bills; traditionally, dozens and dozens of bills are not reached before the midnight deadline and are effectively dead after that for this session.

**CNAP-tracked bills heard last week** (04/22-26) **–** the following CNAP-tracked bills had public hearings in their committees or were acted on last week by the full House or Senate; here is an update on those discussions and actions:

**SDSI –** self-directed, semi independent status – **SB 1375** (Hinojosa-D-McAllen) & **HB 2361** (Darby-R-San Angelo) – these bills would have given SDSI status to the Texas Medical Board, the Texas Board of Nursing and the Texas State Board of Pharmacy. Since 2001, there have been nine state agencies granted SDSI status, all of whom have successfully implemented and maintained this system. The proposed bills would have allowed the medical, nursing and pharmacy boards to collect revenue and set an annual budget on their own via their governor-appointed board, outside of the appropriations process.

Both of these bills had hearings last week in the Senate Health & Human Services Committee and the House Committee on Appropriations, respectively, but were substituted with language that requires an interim study by the Legislature with recommendations made to the 84th Texas Legislature that convenes on January 13, 2015. Even if either one of these bills pass this session, none of the three agencies would go on SDSI during the 2014-15 biennium.

**Children in foster care - HB 1143** (Strama – D-Austin) – this bill related to certain mental health and medical services for children in foster care and the conservatorship of the state, including the administration of psychotropic drugs and was heard in the House Committee on Human Services on April 23. The bill was reported out of the Committee after it was substituted. The Committee Substitute (CS) stripped out a lot of what was in the original version of the bill. It now requires that when children are removed from the home and are in custody of the Department of Family & Protective Services (DFPS) the children must have a trauma screening and undergo a psycho-social examination within the first 45 days of custody. Representative Strama told the Committee that performing these services will help ensure that a child who has been removed from his or her home will be placed in a more appropriate foster care setting. Additionally, Rep. Strama told the Committee that the trauma screening test will help ensure that a child receives appropriate resources to address the challenges that caused the removal from the home in the first place.

**24-hour hold in hospitals - HB 245** (Menendez-D-San Antonio) - this bill related to the authority of emergency room physicians and certain certified emergency medical services professionals to hold a person believed to have a mental illness, and it established mental health crisis intervention certification for certain emergency medical services personnel. Representative Menendez laid out a CS for HB 245 that allowed for physicians to detain patients believed to have a mental illness for up to 24 hours. Fifty people registered on the bill during its public hearing in the HPH on April 24, and the majority was opposed to the bill. The CS required hospitals to adopt policies about their procedures allowing physicians to hold patients for up to 24 hours. The mental health and law enforcement communities were pretty united in their opposition to the bill because they felt that these decisions should be made by trained law enforcement officials, and they did not like the fact that different hospitals would have different policies and standards regarding a hold on patients suspected to have a mental illness. CNAP worked with the staff in Rep. Menendez’s office to allow psychiatric advanced practice registered nurses, in addition to physicians, to place a 24-hour hold on patients; however, the staff said prior to the bill’s public hearing that they were getting such pushback just giving physicians the ability to place a 24-hour hold on such patients that they preferred to try and get the CS out of the HPH first before making other amendments. House Bill 245 was left pending in the HPH.

**Immunizations for children by a pharmacist – HB 2938** (Laubenberg-R-Parker) - this bill relates to the administration of an immunization or vaccination by a pharmacist. It would allow a pharmacist to administer immunizations to children seven to 14 years of age at the discretion of the child’s physician. Rep. Laubenberg has a CS for HB 2938, but it was not ready in time for the meeting; however, she did discuss the elements that will be in the CS. Chair Kolkhorst allowed her to discuss the CS because of all the people who had come to testify on HB 2938. Representatives of the pharmacies, including Texas Federation of Drug Stores, H-E-B pharmacies, Walgreen’s and the Texas Pharmacy Association testified in favor of the bill, as did Texas Impact saying that the bill’s adoption would improve access and enhance affordability for Texas families.

Dr. Gary Floyd, a pediatrician from Fort Worth, representing the Texas Medical Association (TMA), the Texas Pediatric Society (TPS) and the Texas Academy of Family Physicians (TAFP) testified against the bill\*. He talked about consolidation of care and the growing push for medical homes. He said allowing pharmacists to administer immunizations or vaccinations to this age population would make it harder to track what children have been administered. He said parents often forget or misplace their child’s health records to know what medications have been administered. He also said that the state immunization tracking registry or ImmTrac is slow. Dr. Floyd also said that this bill seems to be a “problem looking for a solution” since Texas has a 95 percent immunization rate for children due to school requirements. In addition to stepping away from expanding medical homes, the bill could further interrupt a chance for children to get their well-child screenings. He said that five to 15 percent of children have a reaction to immunizations, so it is critical that the child’s doctor’s office know exactly what was administered and when. (\*Note: Dr. Floyd testified earlier in the day on behalf of these same groups in favor of SB 406.)

**Screening for congenital heart defects - HB 740** (Crownover-R-Lake Dallas). **House Bill 740** requires the Department of State Health Services to require that newborns be screened for congenital heart defects. This bill passed the House of Representatives on April 24 with a 145 – 0 vote and has now been received in the Senate awaiting assignment to a committee.

**Prescribing of certain opioid analgesic drugs - SB 316** (Uresti-D-San Antonio) **–**this bill originally related to the substitution by a pharmacist of certain opioid analgesic drugs, but earlier this month in the Senate Committee on Health & Human Services, the author substituted his original language to call for an interim study of the growth of opioid drug use. Senator Uresti told the Committee that over the last decade, abuse of such drugs has increased nationally by 313 percent. The interim study would focus on use of tamper proof packing and continuing education for pharmacists. The bill passed the Senate on April 25 and has been received in the House awaiting assignment to a committee.

**CNAP-tracked bills scheduled for action by the Senate or House this week** (04/29 – 05/04) – the following are summaries of various CNAP-tracked bills scheduled for action this week either by the Senate or House:

* **SB 937 –** West (D-Dallas) - relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities to temporarily detain a person with mental illness. Senate Bill 937 is on the Senate Intent Calendar for April 29. CNAP tried to have the bill amended to include psychiatric mental health advanced practice registered nurses as health care providers who could examine a patient and determine if the patient should be detained because the patient is a danger to him or herself or others to help ensure that patients received the care they need and members of the public are protected. Though SB 937 was not amended in the Senate, CNAP will keep trying when the bill passes the Senate and is picked up by a House sponsor.
* **HB 620 –** Eiland (D-Galveston) - relating to the regulation of certain health care provider network contract arrangements; providing an administrative penalty. This is known as the Silent PPO bill. House Bill 620 is scheduled on the House Calendar for April 30. CNAP requested that the bill’s author amend HB 620, Sec. 1458.001 General Definitions, to include advanced practice registered nurses (APRNs) to the list of providers. The Committee Substitute for HB 620 that will be on the House Calendar later this week added “advanced practice nurses” to the general definitions section. If you are a constituent of Representative Eiland, please be sure to thank him for this addition.
* **HB 1782 –** Davis, S. (R-Houston) - relating to the requirement that certain health care providers who provide services at a hospital wear photo identification. The Senate companion to this bill (SB 945 – Nelson-R-Flower Mound) previously passed the HPH and was in the House Calendars Committee the same day HB 1782 was on the House Calendar (04/29). SB 945 was further along in the legislative process than its companion bill (HB 1782), so Rep. Davis substituted the Senate Bill because it was “over and eligible.” Representative Davis also amended SB 945 to require that the ID badge include the “type of license held by the provider, if the provider holds a license under Title 3, Occupations Code.”
* **HB 1803 –** Callegari (R-Katy) – the bill amends the Health and Safety Code to prohibit the public safety director of the Department of Public Safety (DPS) from requiring separate registration under the Texas Controlled Substances Act for a licensed physician for each principal place of business or professional practice where the physician manufactures, distributes, analyzes, dispenses or possesses a controlled substance. It also allows a physician to renew his/her DPS registration at the same time and in the same process when they renew their license with the Texas Medical Board. House Bill 1803 is on the House Calendar for May 1, and is a bill that CNAP supported during its public hearing.

**CNAP-tracked bills scheduled for hearings this week** (04/29 - 05/01) **-** the following are summaries of various CNAP-tracked bills, which have passed their chamber of origin and are scheduled for action this week in their assigned committees:

* **SB 7 –** Nelson - relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports. Senate Bill 7 is scheduled for a public hearing in the House Committee on Human Services on April 30.
* **HB 1205 –** Parker (R-Flower Mound)/Carona (R-Dallas) - relating to the offense of failure to report abuse or neglect of a child. House Bill 1205 is scheduled for a public hearing in the Senate Committee on Criminal Jurisprudence on April 30.
* **SB 8 –** Nelson - relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs. Senate Bill 8 is scheduled for a public hearing in the HPH on May 1.
* **SB 58** - Nelson - relating to the integration of behavioral health and physical health services into the Medicaid managed care program. Senate Bill 58 is scheduled for a public hearing in the HPH on May 1.

**May 8th – next Capitol visits. MAKE YOUR VOICE HEARD.** The last Capitol visit during this regular session is planned for Wednesday, May 8th. We continue to hear rumors that an effort will be made on the House floor to delete or dilute the language in SB 406 that allows physicians to delegate Schedule IIs to APRNs and PAs in hospitals and for hospice patients. If being able to prescribe Schedule II drugs will improve your ability to care for your patients, JOIN US ON THE 8th and let your Representative know. If you see this as a stepping stone to future gains, JOIN US ON THE 8th and let your Representative know. **Speak up now when we have an excellent opportunity to make this important advancement!**

Please e-mail Trish Conradt, CNAP Public Policy Director, at [trish@cnaptexas.org](mailto:trish@cnaptexas.org) if interested in visiting elected officials at the Capitol. Legislators and their staff will be scrambling to get their bills passed or attached to other germane bills that are moving as mid-May deadlines kick-in and most bills are on life support. Your presence and voice are needed! Make plans now to come advocate in Austin.