

By: Rodríguez

S.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an advanced practice registered nurse to sign or issue certain documents.

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

SECTION 1. Section 38.001(c), Education Code, is amended to read as follows:

(c) Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission:

(1) submits to the admitting official:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States or an advanced practice registered nurse who is licensed to practice advanced practice registered nursing in the United States~~[7]~~ in which it is stated that, in the physician's or advanced practice registered nurse's opinion, the immunization required poses a significant risk to the health and well-being of the applicant or any member of the applicant's family or household; or

(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for reasons of conscience, including a religious belief; or

(2) is a member of the armed forces of the United

1 States and is on active duty.

2 SECTION 2. Section 51.9192(d), Education Code, is amended
3 to read as follows:

4 (d) A student to whom this section applies or a parent or
5 guardian of the student is not required to comply with Subsection
6 (c) if the student or a parent or guardian of the student submits to
7 the institution:

8 (1) an affidavit or a certificate signed by a
9 physician who is duly registered and licensed to practice medicine
10 in the United States or an advanced practice registered nurse who is
11 licensed to practice advanced practice registered nursing in the
12 United States in which it is stated that, in the physician's or
13 advanced practice registered nurse's opinion, the vaccination
14 required would be injurious to the health and well-being of the
15 student; or

16 (2) an affidavit signed by the student stating that
17 the student declines the vaccination for bacterial meningitis for
18 reasons of conscience, including a religious belief, or
19 confirmation that the student has completed the Internet-based
20 process described by Subsection (d-3) for declining the vaccination
21 on that basis, if applicable to the student.

22 SECTION 3. Section 51.933(d), Education Code, is amended to
23 read as follows:

24 (d) No form of immunization is required for a person's
25 admission to an institution of higher education if the person
26 applying for admission:

27 (1) submits to the admitting official:

1 (A) an affidavit or a certificate signed by a
2 physician who is duly registered and licensed to practice medicine
3 within the United States or an advanced practice registered nurse
4 who is licensed to practice advanced practice registered nursing in
5 the United States in which it is stated that, in the physician's or
6 advanced practice registered nurse's opinion, the immunization
7 required poses a significant risk to the health and well-being of
8 the applicant or any member of the applicant's family or household;
9 or

10 (B) an affidavit signed by the applicant or, if a
11 minor, by the applicant's parent or guardian stating that the
12 applicant declines immunization for reasons of conscience,
13 including a religious belief; or

14 (2) is a member of the armed forces of the United
15 States and is on active duty.

16 SECTION 4. Sections 62.109(b) and (f), Government Code, are
17 amended to read as follows:

18 (b) A person requesting an exemption under this section must
19 submit to the court an affidavit stating the person's name and
20 address and the reason for and the duration of the requested
21 exemption. A person requesting an exemption due to a physical or
22 mental impairment must attach to the affidavit a statement from a
23 physician or advanced practice registered nurse. The affidavit and
24 physician's or advanced practice registered nurse's statement may
25 be submitted to the court at the time the person is summoned for
26 jury service or at any other time.

27 (f) An affidavit accompanying a request for an exemption

1 from jury service because of a physical or mental impairment may be
2 presented by the affiant or by a friend or relative of the affiant.
3 The affidavit must state:

4 (1) the name and address of the physician or advanced
5 practice registered nurse whose statement accompanies the
6 affidavit;

7 (2) whether the request is for a permanent or
8 temporary exemption;

9 (3) the period of time for which a temporary exemption
10 is requested; and

11 (4) that as a direct result of the physical or mental
12 impairment it is impossible or very difficult for the affiant to
13 serve on a jury.

14 SECTION 5. Section 89.001, Health and Safety Code, is
15 amended by amending Subdivision (1) and adding Subdivision (1-a) to
16 read as follows:

17 (1) "Advanced practice registered nurse" has the
18 meaning assigned by Section 301.152, Occupations Code.

19 (1-a) "Community corrections facility" means a
20 facility established under Chapter 509, Government Code.

21 SECTION 6. Sections 89.011(a), (b), and (d), Health and
22 Safety Code, are amended to read as follows:

23 (a) The governing body of a jail or community corrections
24 facility, through the community supervision and corrections
25 department, shall require that each employee or volunteer working
26 or providing services in a jail or a community corrections
27 facility, who meets the screening guidelines prescribed by

department rule, present to the governing body a certificate signed by a physician or an advanced practice registered nurse that states that:

(1) the employee or volunteer has been tested for tuberculosis infection in accordance with department rules; and

(2) the results of the test indicate that the person does not have tuberculosis.

(b) In lieu of a screening test, an employee or volunteer with a history of a positive screening test may provide:

(1) documentation of that positive test result and of any diagnostic and therapeutic follow-up; and

(2) a certificate signed by a physician or an advanced practice registered nurse that states that the person does not have tuberculosis.

(d) An employee or volunteer is exempt from the screening test required by this section if:

(1) the screening test conflicts with the tenets of an organized religion to which the individual belongs; or

(2) the screening test is medically contraindicated based on an examination by a physician or an advanced practice registered nurse.

SECTION 7. Section 89.012(b), Health and Safety Code, is amended to read as follows:

(b) If the employee or volunteer has tuberculosis, the governing body may not permit the person to begin or continue the person's employment duties or volunteer services unless the person is under treatment for the disease by a physician or an advanced

1 practice registered nurse and the person provides to the governing
2 body a certificate signed by the attending physician or advanced
3 practice registered nurse stating that the patient is
4 noninfectious.

5 SECTION 8. Sections 192.003(a) and (c), Health and Safety
6 Code, are amended to read as follows:

7 (a) The physician, advanced practice registered nurse,
8 midwife, or person acting as a midwife in attendance at a birth
9 shall file the birth certificate with the local registrar of the
10 registration district in which the birth occurs.

11 (c) If there is no physician, advanced practice registered
12 nurse, midwife, or person acting as a midwife in attendance at a
13 birth and if the birth does not occur in a hospital or birthing
14 center, the following in the order listed shall report the birth to
15 the local registrar:

16 (1) the father or mother of the child; or

17 (2) the owner or householder of the premises where the
18 birth occurs.

19 SECTION 9. Sections 193.005(a), (b), and (c), Health and
20 Safety Code, are amended to read as follows:

21 (a) A person required to file a death certificate or fetal
22 death certificate shall obtain the required medical certification
23 from an attending physician or advanced practice registered nurse
24 if the death occurred under medical attendance for the care and
25 treatment of the condition or disease process that contributed to
26 the death.

27 (b) The attending physician or advanced practice registered

1 nurse shall complete the medical certification not later than five
2 days after receiving the death certificate.

3 (c) An associate physician, the chief medical officer of the
4 institution where the death occurred, or the physician who
5 performed an autopsy on the decedent may complete the medical
6 certification if:

7 (1) the attending physician or advanced practice
8 registered nurse is unavailable;

9 (2) the attending physician or advanced practice
10 registered nurse approves; and

11 (3) the person completing the medical certification
12 has access to the medical history of the case and the death is due to
13 natural causes.

14 SECTION 10. Section 408.025, Labor Code, is amended by
15 adding Subsection (a-1) to read as follows:

16 (a-1) An advanced practice registered nurse who is licensed
17 to practice advanced practice registered nursing in this state may
18 complete and sign a report or record that is required to be filed or
19 provided under Subsection (a).

20 SECTION 11. Section 504.201(d), Transportation Code, is
21 amended to read as follows:

22 (d) Except as provided by Subsection (d-1), the initial
23 application for specialty license plates under this section must be
24 accompanied by a written statement from a physician [~~who is~~]
25 licensed to practice medicine or an advanced practice registered
26 nurse licensed to practice advanced practice registered nursing in
27 this state or in a state adjacent to this state or who is authorized

1 by applicable law to practice medicine or advanced practice
 2 registered nursing, as applicable, in a hospital or other health
 3 facility of the Department of Veterans Affairs. If the applicant
 4 has a mobility problem caused by a disorder of the foot, the written
 5 statement may be issued by a person licensed to practice podiatry in
 6 this state or a state adjacent to this state. In this subsection,
 7 "podiatry" has the meaning assigned by Section 681.001. The
 8 statement must certify that the person making the application or on
 9 whose behalf the application is made is legally blind or has a
 10 mobility problem that substantially impairs the person's ability to
 11 ambulate. The statement must also certify whether a mobility
 12 problem is temporary or permanent. A written statement is not
 13 required as acceptable medical proof if:

- 14 (1) the person with a disability:
 - 15 (A) has had a limb, hand, or foot amputated; or
 - 16 (B) must use a wheelchair; and
- 17 (2) the applicant executes a statement attesting to
18 the person's disability before the county assessor-collector.

19 SECTION 12. Section 681.003(c), Transportation Code, is
 20 amended to read as follows:

21 (c) Subject to Subsections (e) and (f), the first
 22 application must be accompanied by a notarized written statement or
 23 written prescription of a physician licensed to practice medicine
 24 or an advanced practice registered nurse licensed to practice
 25 advanced practice registered nursing in this state or a state
 26 adjacent to this state, or authorized by applicable law to practice
 27 medicine or advanced practice registered nursing, as applicable, in

1 a hospital or other health facility of the United States Department
2 of Veterans Affairs, certifying and providing evidence acceptable
3 to the department that the person making the application or on whose
4 behalf the application is made is legally blind or has a mobility
5 problem that substantially impairs the person's ability to
6 ambulate. The statement or prescription must include a
7 certification of whether the disability is temporary or permanent
8 and information acceptable to the department to determine the type
9 of disabled parking placard for which the applicant is
10 eligible. The department shall determine a person's eligibility
11 based on evidence provided by the applicant establishing legal
12 blindness or mobility impairment.

13 SECTION 13. Section 681.004(d), Transportation Code, is
14 amended to read as follows:

15 (d) A disabled parking placard issued to a person with a
16 temporary disability expires after the period set by the department
17 and may be renewed at the end of that period if the disability
18 remains as evidenced by a physician's or advanced practice
19 registered nurse's statement or prescription submitted as required
20 for a first application under Section 681.003(c).

21 SECTION 14. Section 14(b), Texas Local Fire Fighters
22 Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is
23 amended to read as follows:

24 (b) An application for disability retirement must be filed
25 with the board of trustees of the retirement system of which the
26 applicant is a member. The application must contain a sworn
27 statement of the member's medical condition, signed by a physician

1 or advanced practice registered nurse attending the member, and a
2 sworn statement of the circumstances under which the disability
3 arose, signed by the member or another person who has reason to know
4 those circumstances. The application also may contain other
5 pertinent information to enable the board to determine whether the
6 member is eligible for disability retirement.

7 SECTION 15. Section 6.06(a), Chapter 183 (S.B. 598), Acts
8 of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),
9 Vernon's Texas Civil Statutes), is amended to read as follows:

10 (a) An application for disability retirement must be
11 accompanied by a written statement, on a form approved by the board
12 of trustees, signed by a physician or advanced practice registered
13 nurse of the member's choice. The member shall pay any costs of or
14 fees for obtaining the physician's or advanced practice registered
15 nurse's statement and shall file the application and statement with
16 the fund. As soon as possible after the application is filed, the
17 medical board shall evaluate the medical and other pertinent
18 information concerning the member's application.

19 SECTION 16. Section 8(f), Chapter 451 (S.B. 737), Acts of
20 the 72nd Legislature, Regular Session, 1991 (Article [6243n](#),
21 Vernon's Texas Civil Statutes), is amended to read as follows:

22 (f) A member receiving a disability retirement allowance
23 shall periodically file a report with the retirement board
24 concerning continued proof of disability. The retirement board
25 shall adopt rules establishing the required supporting information
26 to accompany the reports, the content of the reports, and deadlines
27 for filing the reports. The report shall include:

1 (1) a current statement of the member's physical or
2 mental condition stating the existence of continued disability,
3 signed by the member's attending physician or an advanced practice
4 registered nurse; and

5 (2) a statement of all employment activities pursued
6 in the preceding year.

7 SECTION 17. Section 7.03(a)(1), Chapter 452 (S.B. 738),
8 Acts of the 72nd Legislature, Regular Session, 1991 (Article
9 [6243n-1](#), Vernon's Texas Civil Statutes), is amended to read as
10 follows:

11 (1) A member receiving a disability retirement benefit
12 is required to file a report to the board concerning continued proof
13 of disability one year after the date on which the board originally
14 awarded the member disability retirement. The report shall
15 include:

16 (A) a current statement of the member's physical
17 or ~~[and/or]~~ mental condition, signed by the member's attending
18 physician or an advanced practice registered nurse; and

19 (B) a statement of all employment activities
20 pursued in the preceding one-year period and a copy of federal
21 income tax returns applicable to the one-year period.

22 SECTION 18. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section [39](#), Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2017.