



Long-Term Care Regulatory Provider Letter (PL)

Number: PL 18-06 (ALL)
Title: Amended Nursing Peer Review Committee (NPRC) Requirements and a State Agency's Duty to Report
Provider Types: Assisted Living Facility (ALF), Day Activity and Health Services (DAHS) Facility, Home and Community Support Services Agency (HCSSA), Intermediate Care Facility for Individuals with an Intellectual Disability or Related Condition (ICF/IID), Nursing Facility (NF)
Date Issued: April 11, 2018

1.0 Subject and Purpose

The purpose of this letter is to notify the provider types referenced above that House Bill (HB) 3296, 85th Legislature, Regular Session, 2017, amended Texas Occupations Code §303.0015, regarding the establishment of a NPRC. Additionally, this letter clarifies the process a surveyor from the Texas Health and Human Services Commission (HHSC) follows when reporting a nurse to the facility's or agency's NPRC.

2.0 Policy Details & Provider Responsibilities

Effective September 1, 2017, all providers must meet the amended NPRC establishment requirements depending on the number of nurses that are employed or contracted and the nurse's level of licensure. In order to be in compliance with the amended rules, providers must establish a NPRC to conduct nursing peer review:

- for vocational nurses, if a provider regularly employs, hires, or contracts for the services of eight or more licensed nurses; and,
- for professional nurses, if a provider regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are registered nurses.¹

Nursing peer review involves the evaluation of nursing services, the qualifications of a nurse, the quality of patient care rendered by a nurse, the merits of a complaint concerning a nurse or nursing care, and a determination or recommendation regarding a complaint. If a report is made to a NPRC, it must investigate and conduct an incident-based peer review.²

¹ See Texas Occupations Code, Chapter 303, [§303.0015\(a\)](#)

² See Texas Administrative Code (TAC), Chapter 217, [§217.19\(a\)\(14\)](#) and TOC, Chapter 303, [§303.001\(4-5\)](#)

2.1 Process for HHSC to Report a Nurse

If an HHSC surveyor has reason to believe that a nurse who is employed or contracting with a provider, has engaged in “conduct subject to reporting,”³ the surveyor must report the nurse to the Texas Board of Nursing (BON) or to the facility’s or agency’s NPRC.⁴ If the surveyor makes a report to the NPRC, the surveyor: (1) completes Form 3710, Surveyor Report to a NPRC; (2) requests that the NPRC chairperson sign and date the form to acknowledge its receipt; and (3) provides a copy of the form to the NPRC chairperson.

If the NPRC’s chairperson is not available to sign and date the Form 3710, the surveyor gives the form to the facility or agency representative. The surveyor notifies the representative that the NPRC chairperson must sign, date, and return the form to the appropriate HHSC regional office no later than 10 calendar days after the representative receives the form.

If HHSC reports a nurse to a NPRC, the NPRC must conduct an incident-based nursing peer review. If the provider does not have a NPRC, if the NPRC chairperson refuses to sign the Form 3710 or does not return the signed and dated form to HHSC within 10 days, or if HHSC determines that the NPRC is not going to conduct a peer review in a timely manner, HHSC reports the nurse to the BON.

3.0 Background/History

HB 3296 amended existing rules and lowered the threshold for the number of nurses that would require a NPRC to be established. A NPRC is a committee established under the authority of the governing body of a national, state, or local nursing association; a school of nursing; the nursing staff of a hospital, health science center, nursing home, home health agency, temporary nursing service, or other health care facility; or state agency or political subdivision for the purpose of conducting peer reviews.

HHSC is required to report a nurse to a NPRC or the BON because it licenses an NF, HCSSA, or other health care facility or agency.⁵

4.0 Forms & Appendices

None.

³ See Texas Occupations Code §301.401(1)

⁴ Texas Occupations Code §301.407

⁵ Texas Occupations Code §301.407

5.0 Contact Information

For more information regarding peer review or BON rules or position statements, please contact the BON nurse practice line at 512-305-6802 or visit www.bon.texas.gov.

If you have any questions about this letter, please contact the Policy, Rules, and Training Section at (512) 438-3161.

[signature on file]

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Long-term Care Regulatory

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