

By: Allison

H.B. No. 3567

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for the renewal of a physician's
3 registration permit and the delegation by a physician of certain
4 medical acts.

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

6 SECTION 1. Section 156.001, Occupations Code, is amended by
7 adding Subsection (d-1) to read as follows:

8 (d-1) A license holder who has entered into a prescriptive
9 authority agreement under Section 157.0512 shall, at the time the
10 license holder submits a registration renewal application, make an
11 electronically signed attestation to the board that periodic
12 meetings required by Section 157.0512(e)(9)(B) have taken place in
13 accordance with Section 157.0512(f).

14 SECTION 2. Section 157.001, Occupations Code, is amended by
15 amending Subsections (a) and (c) and adding Subsections (a-1) and
16 (a-2) to read as follows:

17 (a) A physician may delegate to a qualified and properly
18 trained person acting under the physician's supervision any medical
19 act that a reasonable and prudent physician would find within the
20 scope of sound medical judgment to delegate if, in the opinion of
21 the delegating physician:

22 (1) the act:

23 (A) can be properly and safely performed by the
24 person to whom the medical act is delegated;

1 (B) is performed in its customary manner; [~~and~~]

2 (C) is not in violation of any other statute; and

3 (D) is within the scope of practice of the
4 physician's primary specialty during the five-year period
5 preceding the delegation; and

6 (2) the person to whom the delegation is made does not
7 represent to the public that the person is authorized to practice
8 medicine.

9 (a-1) The performance of a delegated medical act by a
10 qualified person must be supervised:

11 (1) at the location and for the period the delegated
12 medical act is performed; and

13 (2) by:

14 (A) the delegating physician; or

15 (B) an advanced practice registered nurse or
16 physician assistant supervised by the delegating physician and to
17 whom the delegating physician has delegated the supervision of the
18 qualified person.

19 (a-2) A delegated medical act may not be performed at a
20 location that is more than 75 miles from the physician's primary
21 practice location.

22 (c) The board may determine whether:

23 (1) an act constitutes the practice of medicine, not
24 inconsistent with this chapter; and

25 (2) a medical act may be properly or safely delegated
26 and supervised by a physician with a thorough knowledge of the
27 delegated medical act [~~physicians~~].

1 SECTION 3. Section 157.002(b), Occupations Code, is amended
2 to read as follows:

3 (b) A physician may delegate to any qualified and properly
4 trained person acting under the physician's supervision the act of
5 administering or providing dangerous drugs in the physician's
6 office, as ordered by the physician, that are used or required to
7 meet the immediate needs of the physician's patients. The
8 administration or provision of the dangerous drugs must be
9 performed in compliance with laws relating to the practice of
10 medicine and state and federal laws relating to those dangerous
11 drugs, including a requirement that the proper dosage of a
12 dangerous drug may be determined only by:

- 13 (1) the delegating physician; or
14 (2) an advanced practice registered nurse or physician
15 assistant acting under the physician's delegation through a
16 standing order.

17 SECTION 4. Section 157.051(4), Occupations Code, is amended
18 to read as follows:

19 (4) "Device" has the meaning assigned by Section
20 551.003, and includes durable medical equipment, laser and
21 intense-pulsed light devices, and injectable implant devices.

22 SECTION 5. Sections 157.0512(c), (e), and (f), Occupations
23 Code, are amended to read as follows:

24 (c) Except as provided by Subsection (d), the combined
25 number of advanced practice registered nurses and physician
26 assistants with whom a physician may enter into a prescriptive
27 authority agreement and whom a physician may supervise may not

1 exceed five [~~seven~~] advanced practice registered nurses and
2 physician assistants or the full-time equivalent of five [~~seven~~]
3 advanced practice registered nurses and physician assistants.

4 (e) A prescriptive authority agreement must, at a minimum:

5 (1) be in writing and signed and dated by the parties
6 to the agreement;

7 (2) state the name, address, and all professional
8 license numbers of the parties to the agreement;

9 (3) state the nature of the practice, practice
10 locations, or practice settings;

11 (4) identify the types or categories of drugs or
12 devices that may be prescribed or the types or categories of drugs
13 or devices that may not be prescribed;

14 (5) provide a general plan for addressing consultation
15 and referral;

16 (6) provide a plan for addressing patient emergencies;

17 (7) state the general process for communication and
18 the sharing of information between the physician and the advanced
19 practice registered nurse or physician assistant to whom the
20 physician has delegated prescriptive authority related to the care
21 and treatment of patients;

22 (8) provide that [~~if~~]
23 will [~~is to~~] be utilized during any period during which the
24 supervising physician is more than 75 miles from the advanced
25 practice registered nurse's or physician assistant's primary
26 practice location and [7] designate one or more alternate
27 physicians who may:

1 (A) provide appropriate supervision on a
2 temporary basis in accordance with the requirements established by
3 the prescriptive authority agreement and the requirements of this
4 subchapter; and

5 (B) participate in the prescriptive authority
6 quality assurance and improvement plan meetings required under this
7 section; and

8 (9) describe a prescriptive authority quality
9 assurance and improvement plan and specify methods for documenting
10 the implementation of the plan that include the following:

11 (A) chart review, including provisions for the
12 physician to sign a chart to denote that the physician reviewed the
13 chart and for [~~with the number of charts to be reviewed determined~~
14 ~~by~~] the physician to review the charts of at least 10 percent of the
15 patients treated under the prescriptive authority agreement by the
16 [~~and~~] advanced practice registered nurse or physician assistant, as
17 applicable; and

18 (B) periodic meetings between the advanced
19 practice registered nurse or physician assistant and the physician.

20 (f) The periodic meetings described by Subsection (e)(9)(B)
21 must:

22 (1) include:

23 (A) the sharing of information relating to
24 patient treatment and care, needed changes in patient care plans,
25 and issues relating to referrals; and

26 (B) discussion of patient care improvement;

27 (2) be documented in writing; [~~and~~]

1 (3) identify the patients whose treatment and care is
2 discussed; and

3 (4) [~~(3)~~] take place at least once a month in a manner
4 determined by the physician and the advanced practice registered
5 nurse or physician assistant.

6 SECTION 6. Section 157.055, Occupations Code, is amended to
7 read as follows:

8 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other
9 order shall be defined in a manner that promotes the exercise of
10 professional judgment by the clinical nurse specialist or [advanced
11 practice registered nurse and] physician assistant, as applicable,
12 commensurate with the education and experience of that person.
13 Under this section, an order or protocol used by a reasonable and
14 prudent physician exercising sound medical judgment:

15 (1) is not required to describe the exact steps that a
16 clinical nurse specialist [an advanced practice registered nurse]
17 or a physician assistant must take with respect to each specific
18 condition, disease, or symptom; and

19 (2) may state the types or categories of medications
20 that may be prescribed or the types or categories of medications
21 that may not be prescribed.

22 SECTION 7. Not later than December 1, 2023, the Texas
23 Medical Board shall adopt the rules necessary to implement the
24 changes in law made by this Act, including a rule prescribing the
25 method by which a physician may make and electronically sign the
26 attestation required by Section 156.001(d-1), Occupations Code, as
27 added by this Act.

1 SECTION 8. Section [156.001\(d-1\)](#), Occupations Code, as added
2 by this Act, applies only to an application for renewal of a
3 registration permit submitted on or after January 1, 2024.

4 SECTION 9. Section [157.0512](#), Occupations Code, as amended
5 by this Act, applies only to a prescriptive authority agreement
6 entered into on or after the effective date of this Act. An
7 agreement entered into before the effective date of this Act is
8 governed by the law in effect on the date the agreement was entered
9 into, and the former law is continued in effect for that purpose.

10 SECTION 10. This Act takes effect September 1, 2023.