

By: Nelson

S.B. No. 612

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of advanced practice nurses and physician
3 assistants to administer, provide, and carry out or sign a
4 prescription drug order.

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

6 SECTION 1. Section 157.051, Occupations Code, is amended by
7 adding Subdivisions (2-a) and (2-b) to read as follows:

8 (2-a) "Controlled substance" has the meaning assigned
9 to that term by Section 481.002, Health and Safety Code.

10 (2-b) "Dangerous drug" has the meaning assigned to
11 that term by Section 483.001, Health and Safety Code.

12 SECTION 2. Subchapter B, Chapter 157, Occupations Code, is
13 amended by adding Section 157.0511 to read as follows:

14 Sec. 157.0511. PRESCRIPTION DRUG ORDERS. (a) A physician's
15 authority to delegate the carrying out or signing of a prescription
16 drug order under this subchapter is limited to:

17 (1) dangerous drugs; and

18 (2) controlled substances to the extent provided by
19 Subsection (b).

20 (b) A physician may delegate the carrying out or signing of
21 a prescription drug order for a controlled substance only if:

22 (1) the prescription is for a controlled substance
23 listed in Schedules III, IV, or V as established by the commissioner
24 of public health under Chapter 481, Health and Safety Code;

1 (2) the prescription is for a period not to exceed 30
2 days;

3 (3) with regard to the refill of a prescription, the
4 refill is authorized after consultation with the delegating
5 physician and the consultation is noted in the patient's chart; and

6 (4) with regard to a prescription for a child less than
7 two years of age, the prescription is made after consultation with
8 the delegating physician and the consultation is noted in the
9 patient's chart.

10 (c) This subchapter does not modify the authority granted by
11 law for a licensed registered nurse or physician assistant to
12 administer or provide a medication, including a controlled
13 substance listed in Schedule II as established by the commissioner
14 of public health under Chapter 481, Health and Safety Code, that is
15 authorized by a physician under a physician's order, standing
16 medical order, standing delegation order, or protocol.

17 SECTION 3. Section 157.052(c), Occupations Code, is amended
18 to read as follows:

19 (c) At a site serving a medically underserved population, a
20 physician licensed by the board may delegate to a registered nurse
21 or physician assistant acting under adequate physician supervision
22 the act of administering, providing, or carrying out or signing a
23 prescription drug order, as authorized by the physician through a
24 physician's order, a standing medical order, a standing delegation
25 order, or another order or protocol as defined by the board. [~~The~~
26 ~~authority of a physician to delegate the carrying out or signing of~~
27 ~~prescription drug orders is limited to dangerous drugs.~~]

1 SECTION 4. Section 157.053(b), Occupations Code, is amended
2 to read as follows:

3 (b) At a physician's primary practice site, a physician
4 licensed by the board may delegate to a physician assistant or an
5 advanced practice nurse acting under adequate physician
6 supervision the act of administering, providing, or carrying out or
7 signing a prescription drug order as authorized through a
8 physician's order, a standing medical order, a standing delegation
9 order, or another order or protocol as defined by the board.
10 ~~[Providing a drug and carrying out or signing a prescription drug~~
11 ~~order under this section is limited to dangerous drugs.]~~

12 SECTION 5. Section 157.054(b), Occupations Code, is amended
13 to read as follows:

14 (b) A physician's authority to delegate under Subsection
15 (a) is limited as follows:

16 (1) the delegation must be made under a physician's
17 order, standing medical order, standing delegation order, or
18 another order or protocol developed in accordance with policies
19 approved by the facility's medical staff or a committee of the
20 facility's medical staff as provided by the facility bylaws;

21 (2) the delegation must occur in the facility in which
22 the physician is the medical director, the chief of medical staff,
23 the chair of the credentialing committee, or a department chair;

24 (3) the delegation may not permit the carrying out or
25 signing of prescription drug orders for the care or treatment of the
26 patients of any other physician without the prior consent of that
27 physician;

1 (4) delegation in a long-term care facility must be by
2 the medical director and is limited to the carrying out and signing
3 of prescription drug orders to not more than three advanced
4 practice nurses or physician assistants or their full-time
5 equivalents; and

6 (5) a physician may not delegate at more than one
7 licensed hospital or more than two long-term care facilities unless
8 approved by the board[~~, and~~

9 ~~[(6) the authority of a physician to delegate the~~
10 ~~carrying out or signing of a prescription drug order under this~~
11 ~~section is limited to dangerous drugs].~~

12 SECTION 6. Section 157.0541(b), Occupations Code, is
13 amended to read as follows:

14 (b) At an alternate site, a physician licensed by the board
15 may delegate to an advanced practice nurse or physician assistant,
16 acting under adequate physician supervision, the act of
17 administering, providing, or carrying out or signing a prescription
18 drug order as authorized through a physician's order, a standing
19 medical order, a standing delegation order, or another order or
20 protocol as defined by the board. ~~[The authority of a physician to~~
21 ~~delegate the carrying out or signing of prescription drug orders~~
22 ~~under this section is limited to dangerous drugs.]~~

23 SECTION 7. Section 157.059, Occupations Code, is amended by
24 adding Subsection (j) to read as follows:

25 (j) This section does not limit the authority of a physician
26 to delegate the carrying out or signing of a prescription drug order
27 involving a controlled substance under this subchapter.

1 SECTION 8. Section 551.003(34), Occupations Code, is
2 amended to read as follows:

3 (34) "Practitioner" means:

4 (A) a person licensed or registered to prescribe,
5 distribute, administer, or dispense a prescription drug or device
6 in the course of professional practice in this state, including a
7 physician, dentist, podiatrist, or veterinarian but excluding a
8 person licensed under this subtitle;

9 (B) a person licensed by another state, Canada,
10 or the United Mexican States in a health field in which, under the
11 law of this state, a license holder in this state may legally
12 prescribe a dangerous drug;

13 (C) a person practicing in another state and
14 licensed by another state as a physician, dentist, veterinarian, or
15 podiatrist, who has a current federal Drug Enforcement
16 Administration registration number and who may legally prescribe a
17 Schedule II, III, IV, or V controlled substance, as specified under
18 Chapter 481, Health and Safety Code, in that other state; or

19 (D) an advanced practice nurse or physician
20 assistant to whom a physician has delegated the authority to carry
21 out or sign prescription drug orders under Section 157.0511,
22 157.052, 157.053, 157.054, 157.0541, or 157.0542.

23 SECTION 9. Section 481.002(39), Health and Safety Code, is
24 amended to read as follows:

25 (39) "Practitioner" means:

26 (A) a physician, dentist, veterinarian,
27 podiatrist, scientific investigator, or other person licensed,

1 registered, or otherwise permitted to distribute, dispense,
2 analyze, conduct research with respect to, or administer a
3 controlled substance in the course of professional practice or
4 research in this state;

5 (B) a pharmacy, hospital, or other institution
6 licensed, registered, or otherwise permitted to distribute,
7 dispense, conduct research with respect to, or administer a
8 controlled substance in the course of professional practice or
9 research in this state; ~~or~~

10 (C) a person practicing in and licensed by
11 another state as a physician, dentist, veterinarian, or podiatrist,
12 having a current Federal Drug Enforcement Administration
13 registration number, who may legally prescribe Schedule II, III,
14 IV, or V controlled substances in that state; or

15 (D) an advanced practice nurse or physician
16 assistant to whom a physician has delegated the authority to carry
17 out or sign prescription drug orders under Section 157.0511,
18 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations
19 Code.

20 SECTION 10. Section 483.001(12), Health and Safety Code, is
21 amended to read as follows:

22 (12) "Practitioner" means a person licensed:

23 (A) by the Texas State Board of Medical
24 Examiners, State Board of Dental Examiners, Texas State Board of
25 Podiatric Medical Examiners, Texas Optometry Board, or State Board
26 of Veterinary Medical Examiners to prescribe and administer
27 dangerous drugs;

1 (B) by another state in a health field in which,
2 under the laws of this state, a licensee may legally prescribe
3 dangerous drugs;

4 (C) in Canada or Mexico in a health field in
5 which, under the laws of this state, a licensee may legally
6 prescribe dangerous drugs; or

7 (D) an advanced practice nurse or physician
8 assistant to whom a physician has delegated the authority to carry
9 out or sign prescription drug orders under Section 157.0511,
10 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations
11 Code.

12 SECTION 11. Article 21.58D, Insurance Code, is amended to
13 read as follows:

14 Art. 21.58D. STANDARDIZED FORM FOR VERIFICATION OF CERTAIN
15 [PHYSICIAN] CREDENTIALS

16 Sec. 1. DEFINITIONS [~~DEFINITION~~]. In this article:

17 (1) "Physician" [~~,"physician"~~] means an individual
18 licensed to practice medicine in this state.

19 (2) "Advanced practice nurse" has the meaning assigned
20 by Section 301.152, Occupations Code.

21 (3) "Physician assistant" means a person who holds a
22 license issued under Chapter 204, Occupations Code.

23 Sec. 2. STANDARDIZED FORM. (a) The commissioner by rule
24 shall:

25 (1) adopt a standardized form for the verification of
26 the credentials of a physician, an advanced practice nurse, or a
27 physician assistant; and

1 (2) require that a public or private hospital, a
2 health maintenance organization operating under the Texas Health
3 Maintenance Organization Act (Chapter 20A, Vernon's Texas
4 Insurance Code), or a preferred provider organization operating
5 under Article 3.70-3C, Insurance Code, as added by Chapter 1024,
6 Acts of the 75th Legislature, Regular Session, 1997, use the form
7 for verification of credentials.

8 (b) In adopting a form under Subsection (a) of this section,
9 the commissioner shall consider any credentialing application form
10 that is widely used in this state or a form currently used by the
11 department.

12 SECTION 12. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2003.