

By: Christian

H.B. No. 1107

A BILL TO BE ENTITLED

AN ACT

relating to licensing of advanced practice registered nurses and the authority of those nurses to prescribe and order prescription drugs.

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

ARTICLE 1. ADVANCED PRACTICE REGISTERED NURSES

SECTION 1.001. Chapter 301, Occupations Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. ADVANCED PRACTICE REGISTERED NURSES

Sec. 301.651. SCOPE OF PRACTICE. (a) Advanced practice registered nursing by a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist is based on:

(1) knowledge and skills acquired in basic nursing education;

(2) licensure as a registered nurse;

(3) successful completion of a graduate-level advanced practice registered nursing program accredited by a national accrediting body recognized by the board;

(4) current certification in accordance with this chapter by a national certifying body recognized by the board in the appropriate advanced practice registered nursing role approved by the board; and

(5) nursing care provided in an area with at least one targeted population group recognized and approved by the board.

1 (b) Practice as an advanced practice registered nurse is an
2 expanded scope of nursing practice in a role approved by the board
3 and in an area with a targeted population group recognized and
4 approved by the board, with or without compensation or other
5 personal profit, and includes the scope of practice of a registered
6 nurse.

7 (c) The scope of practice of an advanced practice registered
8 nurse includes advanced assessment, diagnosing, prescribing, and
9 ordering.

10 (d) An advanced practice registered nurse may serve as a
11 primary care provider of record.

12 Sec. 301.652. APPLICABILITY OF SUBCHAPTER TO REGISTERED
13 NURSES. (a) This subchapter does not limit or modify the scope of
14 practice of a registered nurse who is not an advanced practice
15 registered nurse approved by the board.

16 (b) The scope of practice of a registered nurse includes any
17 act of professional nursing the nurse is authorized to perform
18 under this chapter.

19 Sec. 301.653. LICENSE REQUIRED. A person may not practice
20 or offer to practice advanced practice registered nursing in this
21 state unless the person is licensed as an advanced practice
22 registered nurse.

23 Sec. 301.654. APPLICATION. An applicant for an advanced
24 practice registered nurse license shall submit to the board an
25 application on the form prescribed by the board, any required fee,
26 and any other information required by the board.

27 Sec. 301.655. PRACTICE BY LICENSED ADVANCED PRACTICE

1 REGISTERED NURSE. (a) A licensed advanced practice registered
2 nurse may:

3 (1) diagnose, prescribe, and institute therapy or
4 referrals of patients to health care agencies, health care
5 providers, and community resources; and

6 (2) plan and initiate a therapeutic regimen that
7 includes ordering and prescribing medical devices and equipment,
8 nutrition, and diagnostic and supportive services, including home
9 health care, hospice, physical therapy, and occupational therapy.

10 (b) An advanced practice registered nurse shall practice as
11 a licensed independent practitioner in accordance with standards
12 established and recognized by the board to protect the public
13 health and safety.

14 (c) An advanced practice registered nurse is accountable to
15 patients, the nursing profession, and the board for:

16 (1) complying with the requirements of this chapter;

17 (2) providing quality advanced nursing care;

18 (3) recognizing the nurse's limits of knowledge and
19 experience;

20 (4) planning for the management of situations beyond
21 the nurse's expertise; and

22 (5) consulting with or referring patients to other
23 health care providers as appropriate.

24 Sec. 301.656. PRESCRIBING AND ORDERING AUTHORITY. (a) The
25 board may grant prescribing and ordering authority in accordance
26 with this chapter through the issuance of an advanced practice
27 registered nursing license to a registered nurse approved by the

1 board to practice as an advanced practice registered nurse.

2 (b) As authorized by the board, an advanced practice
3 registered nurse may prescribe, procure, administer, and dispense
4 dangerous drugs and controlled substances.

5 SECTION 1.002. Subchapter A, Chapter 301, Occupations Code,
6 is amended by adding Section 301.0021 to read as follows:

7 Sec. 301.0021. DEFINITION OF ADVANCED PRACTICE REGISTERED
8 NURSE. (a) In this chapter, "advanced practice registered nurse"
9 means a registered nurse licensed under this chapter who:

10 (1) has successfully completed a graduate-level
11 education program accredited by a national accrediting
12 organization recognized by the board that prepares the nurse to
13 function as a nurse practitioner, nurse anesthetist,
14 nurse-midwife, or clinical nurse specialist;

15 (2) if the education program required under
16 Subdivision (1) was completed after January 1, 1996, has met
17 requirements established or recognized by the board for national
18 certification;

19 (3) is licensed by the board to provide advanced
20 practice registered nursing in an area with a targeted population
21 group recognized and approved by the board; and

22 (4) meets requirements established by the board for
23 continued competence.

24 (b) The term "advanced practice registered nurse" is
25 synonymous with "advanced nurse practitioner" and "advanced
26 practice nurse."

1 ARTICLE 2. CONFORMING AMENDMENTS REGARDING DELEGATION

2 SECTION 2.001. The heading to Subchapter B, Chapter 157,
3 Occupations Code, is amended to read as follows:

4 SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE NURSES AND~~
5 PHYSICIAN ASSISTANTS

6 SECTION 2.002. Section 157.051(2), Occupations Code, is
7 amended to read as follows:

8 (2) "Carrying out or signing a prescription drug
9 order" means completing a prescription drug order presigned by the
10 delegating physician, or the signing of a prescription by a
11 [~~registered nurse or~~] physician assistant.

12 SECTION 2.003. Sections 157.052(c) and (e), Occupations
13 Code, are amended to read as follows:

14 (c) At a site serving a medically underserved population, a
15 physician licensed by the board may delegate to a [~~registered nurse~~
16 ~~or~~] physician assistant acting under adequate physician
17 supervision the act of administering, providing, or carrying out or
18 signing a prescription drug order, as authorized by the physician
19 through a physician's order, a standing medical order, a standing
20 delegation order, or another order or protocol as defined by the
21 board.

22 (e) Physician supervision is adequate for the purposes of
23 this section if a delegating physician:

24 (1) is responsible for the formulation or approval of
25 the physician's order, standing medical order, standing delegation
26 order, or other order or protocol, and periodically reviews the
27 order and the services provided patients under the order;

1 (2) is on-site to provide medical direction and
2 consultation at least once every 10 business days during which the
3 ~~[advanced practice nurse or]~~ physician assistant is on-site
4 providing care;

5 (3) receives a daily status report from the ~~[advanced~~
6 ~~practice nurse or]~~ physician assistant on any problem or
7 complication encountered; and

8 (4) is available through direct telecommunication for
9 consultation, patient referral, or assistance with a medical
10 emergency.

11 SECTION 2.004. Sections 157.053(a), (b), (c), and (e),
12 Occupations Code, are amended to read as follows:

13 (a) In this section, "primary practice site" means:

14 (1) the practice location of a physician at which the
15 physician spends the majority of the physician's time;

16 (2) a licensed hospital, a licensed long-term care
17 facility, or a licensed adult care center where both the physician
18 and the physician assistant ~~[or advanced practice nurse]~~ are
19 authorized to practice;

20 (3) a clinic operated by or for the benefit of a public
21 school district to provide care to the students of that district and
22 the siblings of those students, if consent to treatment at that
23 clinic is obtained in a manner that complies with Chapter 32, Family
24 Code;

25 (4) the residence of an established patient; or

26 (5) another location at which the physician is
27 physically present with the physician assistant ~~[or advanced~~

1 ~~practice nurse~~].

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

9 (c) Physician supervision of the carrying out and signing of
10 prescription drug orders must conform to what a reasonable, prudent
11 physician would find consistent with sound medical judgment but may
12 vary with the education and experience of the particular [~~advanced~~
13 ~~practice nurse or~~] physician assistant. A physician shall provide
14 continuous supervision, but the constant physical presence of the
15 physician is not required.

16 (e) A physician's authority to delegate the carrying out or
17 signing of a prescription drug order is limited to:

18 (1) three physician assistants [~~or advanced practice~~
19 ~~nurses~~] or their full-time equivalents practicing at the
20 physician's primary practice site or at an alternate practice site
21 under Section 157.0541; and

22 (2) the patients with whom the physician has
23 established or will establish a physician-patient relationship.

24 SECTION 2.005. Sections 157.054(a), (b), and (c),
25 Occupations Code, are amended to read as follows:

26 (a) A physician licensed by the board may delegate, to one
27 or more physician assistants [~~or advanced practice nurses~~] acting

1 under adequate physician supervision whose practice is
2 facility-based at a licensed hospital or licensed long-term care
3 facility, the administration or provision of a drug and the
4 carrying out or signing of a prescription drug order if the
5 physician is:

6 (1) the medical director or chief of medical staff of
7 the facility in which the physician assistant [~~or advanced practice~~
8 ~~nurse~~] practices;

9 (2) the chair of the facility's credentialing
10 committee;

11 (3) a department chair of a facility department in
12 which the physician assistant [~~or advanced practice nurse~~]
13 practices; or

14 (4) a physician who consents to the request of the
15 medical director or chief of medical staff to delegate the carrying
16 out or signing of a prescription drug order at the facility in which
17 the physician assistant [~~or advanced practice nurse~~] practices.

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

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

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

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

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

10 (5) a physician may not delegate at more than one
11 licensed hospital or more than two long-term care facilities unless
12 approved by the board.

13 (c) Physician supervision of the carrying out and signing of
14 prescription drug orders must conform to what a reasonable, prudent
15 physician would find consistent with sound medical judgment but may
16 vary with the education and experience of the particular [~~advanced~~
17 ~~practice nurse or~~] physician assistant. A physician shall provide
18 continuous supervision, but the constant physical presence of the
19 physician is not required.

20 SECTION 2.006. Sections 157.0541(b), (c), (d), and (e),
21 Occupations Code, are amended to read as follows:

22 (b) At an alternate site, a physician licensed by the board
23 may delegate to a [~~an advanced practice nurse or~~] physician
24 assistant, acting under adequate physician supervision, the act of
25 administering, providing, or carrying out or signing a prescription
26 drug order as authorized through a physician's order, a standing
27 medical order, a standing delegation order, or another order or

1 protocol as defined by the board.

2 (c) Physician supervision is adequate for the purposes of
3 this section if the delegating physician:

4 (1) is on-site with the ~~[advanced practice nurse or]~~
5 physician assistant at least 20 percent of the time;

6 (2) reviews at least 10 percent of the medical charts
7 at the site; and

8 (3) is available through direct telecommunication for
9 consultation, patient referral, or assistance with a medical
10 emergency.

11 (d) An alternate physician may provide appropriate
12 supervision to a ~~[an advanced practice nurse or]~~ physician
13 assistant under this section on a temporary basis as provided by
14 board rule.

15 (e) The combined number of ~~[advanced practice nurses and]~~
16 physician assistants to whom a physician may delegate under this
17 section and at a primary practice site under Section 157.053 may not
18 exceed three physician assistants ~~[or advanced practice nurses]~~ or
19 the full-time equivalent of three physician assistants ~~[or advanced~~
20 ~~practice nurses]~~.

21 SECTION 2.007. Sections 157.0542(a) and (b), Occupations
22 Code, are amended to read as follows:

23 (a) On determining that the conditions of Subsection (b)
24 have been met, the board may waive or modify any of the site or
25 supervision requirements for a physician to delegate the carrying
26 out or signing of prescription drug orders to a ~~[an advanced~~
27 ~~practice nurse or]~~ physician assistant under Sections 157.052,

1 157.053, 157.054, and 157.0541, or under board rules. The board may
2 not waive the limitation on the number of primary or alternate
3 practice sites at which a physician may delegate the carrying out or
4 signing of prescription drug orders or the number of [~~advanced~~
5 ~~practice nurses or~~] physician assistants to whom a physician may
6 delegate the carrying out or signing of prescription drug orders.

7 (b) The board may grant a waiver under Subsection (a) if the
8 board determines that:

9 (1) the practice site where the physician is seeking
10 to delegate prescriptive authority is unable to meet the
11 requirements of this chapter or board rules or compliance would
12 cause an undue burden without a corresponding benefit to patient
13 care;

14 (2) safeguards exist for patient care and for
15 fostering a collaborative practice between the physician and the
16 [~~advanced practice nurses and~~] physician assistants; and

17 (3) if the requirement for which the waiver is sought
18 is the amount of time the physician is on-site, the frequency and
19 duration of time the physician is on-site when the [~~advanced~~
20 ~~practice nurse or~~] physician assistant is present is sufficient for
21 collaboration to occur, taking into consideration the other ways
22 the physician collaborates with the [~~advanced practice nurse or~~]
23 physician assistant, including at other sites.

24 SECTION 2.008. Section 157.055, Occupations Code, is
25 amended to read as follows:

26 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other
27 order shall be defined in a manner that promotes the exercise of

1 professional judgment by the [~~advanced practice nurse and~~
2 physician assistant commensurate with the education and experience
3 of that person. Under this section, an order or protocol used by a
4 reasonable and prudent physician exercising sound medical
5 judgment:

6 (1) is not required to describe the exact steps that
7 [~~an advanced practice nurse or~~] a physician assistant must take
8 with respect to each specific condition, disease, or symptom; and

9 (2) may state the types or categories of medications
10 that may be prescribed or the types or categories of medications
11 that may not be prescribed.

12 SECTION 2.009. Section 157.056, Occupations Code, is
13 amended to read as follows:

14 Sec. 157.056. PRESCRIPTION INFORMATION. The following
15 information must be provided on each prescription subject to this
16 subchapter:

17 (1) the patient's name and address;

18 (2) the drug to be dispensed;

19 (3) directions to the patient regarding the taking of
20 the drug and the dosage;

21 (4) the intended use of the drug, if appropriate;

22 (5) the name, address, and telephone number of the
23 physician;

24 (6) the name, address, telephone number, and
25 identification number of the [~~registered nurse or~~] physician
26 assistant completing or signing the prescription drug order;

27 (7) the date; and

1 (8) the number of refills permitted.

2 SECTION 2.010. Section 157.060, Occupations Code, is
3 amended to read as follows:

4 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT.
5 Unless the physician has reason to believe the physician assistant
6 [~~or advanced practice nurse~~] lacked the competency to perform the
7 act, a physician is not liable for an act of a physician assistant
8 [~~or advanced practice nurse~~] solely because the physician signed a
9 standing medical order, a standing delegation order, or another
10 order or protocol authorizing the physician assistant [~~or advanced~~
11 ~~practice nurse~~] to administer, provide, carry out, or sign a
12 prescription drug order.

13 ARTICLE 3. GENERAL CONFORMING AMENDMENTS

14 SECTION 3.001. Section 301.002(2), Occupations Code, is
15 amended to read as follows:

16 (2) "Professional nursing" means the performance of an
17 act that requires substantial specialized judgment and skill, the
18 proper performance of which is based on knowledge and application
19 of the principles of biological, physical, and social science as
20 acquired by a completed course in an approved school of
21 professional nursing. The term does not include acts of medical
22 diagnosis or the prescription of therapeutic or corrective measures
23 except as authorized for advanced practice registered nurses.

24 Professional nursing involves:

25 (A) the observation, assessment, intervention,
26 evaluation, rehabilitation, care and counsel, or health teachings
27 of a person who is ill, injured, infirm, or experiencing a change in

1 normal health processes;

2 (B) the maintenance of health or prevention of
3 illness;

4 (C) the administration of a medication or
5 treatment as ordered by a practitioner, as that term is defined by
6 Section 551.003 [~~physician, podiatrist, or dentist~~];

7 (D) the supervision or teaching of nursing;

8 (E) the administration, supervision, and
9 evaluation of nursing practices, policies, and procedures;

10 (F) the requesting, receiving, signing for, and
11 distribution of prescription drug samples to patients by an
12 advanced practice [~~at sites in which a~~] registered nurse [~~is~~
13 ~~authorized to sign prescription drug orders as provided by~~
14 ~~Subchapter B, Chapter 157~~];

15 (G) the prescribing of controlled substances and
16 dangerous drugs by an advanced practice registered nurse [~~the~~
17 ~~performance of an act delegated by a physician under Section~~
18 ~~157.052, 157.053, 157.054, 157.0541, 157.0542, 157.058, or~~
19 ~~157.059~~]; and

20 (H) the development of the nursing care plan.

21 SECTION 3.002. Section 301.005, Occupations Code, is
22 amended to read as follows:

23 Sec. 301.005. REFERENCE IN OTHER LAW. (a) A reference in
24 any other law to the former Board of Nurse Examiners means the Texas
25 Board of Nursing.

26 (b) A reference in any other law to an "advanced nurse
27 practitioner" or "advanced practice nurse" means an "advanced

1 practice registered nurse."

2 SECTION 3.003. Section 301.152, Occupations Code, is
3 amended to read as follows:

4 Sec. 301.152. RULES REGARDING ADVANCED PRACTICE REGISTERED
5 NURSES [~~SPECIALIZED TRAINING~~]. (a) [~~In this section, "advanced~~
6 ~~practice nurse" means a registered nurse approved by the board to~~
7 ~~practice as an advanced practice nurse on the basis of completion of~~
8 ~~an advanced educational program. The term includes a nurse~~
9 ~~practitioner, nurse midwife, nurse anesthetist, and clinical nurse~~
10 ~~specialist. The term is synonymous with "advanced nurse~~
11 ~~practitioner."~~

12 [~~(b)~~] The board shall adopt rules to:

13 (1) establish:

14 (A) any specialized education or training,
15 including pharmacology, that an advanced practice [~~a~~] registered
16 nurse must have to prescribe and [~~carry out a prescription drug~~]
17 order drugs and medical devices [~~under Section 157.052~~]; and

18 (B) a system for assigning a prescriptive
19 authorization [~~an identification~~] number to an advanced practice
20 [~~a~~] registered nurse who provides the board with evidence of
21 completing the specialized education and training requirement
22 under Subdivision (1)(A); and

23 (2) [~~approve a registered nurse as an advanced~~
24 ~~practice nurse, and~~

25 [~~(3)~~] initially approve and biennially renew an
26 advanced practice registered nurse's authority to prescribe and
27 [~~carry out or sign a prescription drug~~] order drugs and medical

1 devices [~~under Chapter 157~~].

2 (b) [~~(c)~~] At a minimum, the rules adopted under Subsection
3 (a)(2) [~~(b)(3)~~] must:

4 (1) require completion of pharmacology and related
5 pathology education for initial approval;

6 (2) require continuing education in clinical
7 pharmacology and related pathology in addition to any continuing
8 education otherwise required under Section 301.303; and

9 (3) provide for the issuance of a prescription
10 authorization number to an advanced practice registered nurse
11 approved under this section.

12 (c) [~~(d)~~] The signature of an advanced practice registered
13 nurse attesting to the provision of a legally authorized service by
14 the advanced practice registered nurse satisfies any documentation
15 requirement for that service established by a state agency.

16 SECTION 3.004. Section 551.003(34), Occupations Code, is
17 amended to read as follows:

18 (34) "Practitioner" means:

19 (A) a person licensed or registered to prescribe,
20 distribute, administer, or dispense a prescription drug or device
21 in the course of professional practice in this state, including a
22 physician, dentist, podiatrist, advanced practice registered
23 nurse, or veterinarian but excluding a person licensed under this
24 subtitle;

25 (B) a person licensed by another state, Canada,
26 or the United Mexican States in a health field in which, under the
27 law of this state, a license holder in this state may legally

1 prescribe a dangerous drug;

2 (C) a person practicing in another state and
3 licensed by another state as a physician, dentist, veterinarian,
4 advanced practice registered nurse, or podiatrist, who has a
5 current federal Drug Enforcement Administration registration
6 number and who may legally prescribe a Schedule II, III, IV, or V
7 controlled substance, as specified under Chapter 481, Health and
8 Safety Code, in that other state; or

9 (D) a [~~an advanced practice nurse or~~] physician
10 assistant to whom a physician has delegated the authority to carry
11 out or sign prescription drug orders under Section 157.0511,
12 157.052, 157.053, 157.054, 157.0541, or 157.0542.

13 SECTION 3.005. Section 563.051(e), Occupations Code, is
14 amended to read as follows:

15 (e) A practitioner may designate a licensed vocational
16 nurse or a person having education equivalent to or greater than
17 that required for a licensed vocational nurse to communicate the
18 prescriptions of a [~~an advanced practice nurse or~~] physician
19 assistant authorized by the practitioner to sign prescription drug
20 orders under Subchapter B, Chapter 157.

21 SECTION 3.006. Section 563.053, Occupations Code, is
22 amended to read as follows:

23 Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN
24 RURAL AREAS. (a) In this section, "reimbursement for cost" means
25 an additional charge, separate from that imposed for the
26 physician's or advanced practice registered nurse's professional
27 services, that includes the cost of the drug product and all other

1 actual costs to the physician or advanced practice registered nurse
2 incidental to providing the dispensing service. The term does not
3 include a separate fee imposed for the act of dispensing the drug
4 itself.

5 (b) This section applies to an area located in a county with
6 a population of 5,000 or less, or in a municipality or an
7 unincorporated town with a population of less than 2,500, that is
8 within a 15-mile radius of the physician's or advanced practice
9 registered nurse's office and in which a pharmacy is not located.
10 This section does not apply to a municipality or an unincorporated
11 town that is adjacent to a municipality with a population of 2,500
12 or more.

13 (c) A physician who practices medicine or an advanced
14 practice registered nurse who practices advanced practice nursing
15 in an area described by Subsection (b) may:

16 (1) maintain a supply of dangerous drugs in the
17 physician's or advanced practice registered nurse's office to be
18 dispensed in the course of treating the physician's or advanced
19 practice registered nurse's patients; and

20 (2) be reimbursed for the cost of supplying those
21 drugs without obtaining a license under Chapter 558.

22 (d) A physician or advanced practice registered nurse who
23 dispenses dangerous drugs under Subsection (c) shall:

24 (1) comply with each labeling provision under this
25 subtitle applicable to that class of drugs; and

26 (2) oversee compliance with packaging and
27 recordkeeping provisions applicable to that class of drugs.

1 (e) A physician who desires to dispense dangerous drugs
2 under this section shall notify both the board and the Texas [~~State~~
3 ~~Board of~~] Medical Board [~~Examiners~~] that the physician practices in
4 an area described by Subsection (b). An advanced practice
5 registered nurse who desires to dispense dangerous drugs under this
6 section shall notify both the board and the Texas Board of Nursing
7 that the advanced practice registered nurse practices in an area
8 described by Subsection (b). The physician or advanced practice
9 registered nurse may continue to dispense dangerous drugs in the
10 area until the board determines, after notice and hearing, that the
11 physician or advanced practice registered nurse no longer practices
12 in an area described by Subsection (b).

13 SECTION 3.007. Section 481.002(39), Health and Safety Code,
14 is amended to read as follows:

15 (39) "Practitioner" means:

16 (A) a physician, dentist, veterinarian,
17 podiatrist, scientific investigator, advanced practice registered
18 nurse, or other person licensed, registered, or otherwise permitted
19 to distribute, dispense, analyze, conduct research with respect to,
20 or administer a controlled substance in the course of professional
21 practice or research in this state;

22 (B) a pharmacy, hospital, or other institution
23 licensed, registered, or otherwise permitted to distribute,
24 dispense, conduct research with respect to, or administer a
25 controlled substance in the course of professional practice or
26 research in this state;

27 (C) a person practicing in and licensed by

1 another state as a physician, dentist, veterinarian, advanced
2 practice registered nurse, or podiatrist, having a current Federal
3 Drug Enforcement Administration registration number, who may
4 legally prescribe Schedule II, III, IV, or V controlled substances
5 in that state; or

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

11 SECTION 3.008. Sections 483.001(12) and (13), Health and
12 Safety Code, are amended to read as follows:

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

14 (A) by the Texas [~~State Board of~~] Medical Board
15 [~~Examiners~~], State Board of Dental Examiners, Texas State Board of
16 Podiatric Medical Examiners, Texas Optometry Board, Texas Board of
17 Nursing, or State Board of Veterinary Medical Examiners to
18 prescribe and administer dangerous drugs;

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

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

25 (D) a [~~an advanced practice nurse or~~] physician
26 assistant to whom a physician has delegated the authority to carry
27 out or sign prescription drug orders under Section 157.0511,

1 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations
2 Code.

3 (13) "Prescription" means an order from a
4 practitioner, or an agent of the practitioner designated in writing
5 as authorized to communicate prescriptions, or an order made in
6 accordance with Subchapter B, Chapter 157, Occupations Code, or
7 Section 203.353, Occupations Code, to a pharmacist for a dangerous
8 drug to be dispensed that states:

9 (A) the date of the order's issue;

10 (B) the name and address of the patient;

11 (C) if the drug is prescribed for an animal, the
12 species of the animal;

13 (D) the name and quantity of the drug prescribed;

14 (E) the directions for the use of the drug;

15 (F) the intended use of the drug unless the
16 practitioner determines the furnishing of this information is not
17 in the best interest of the patient;

18 (G) the name, address, and telephone number of
19 the practitioner at the practitioner's usual place of business,
20 legibly printed or stamped; and

21 (H) the name, address, and telephone number of
22 the licensed midwife[~~registered nurse~~] or physician assistant,
23 legibly printed or stamped, if signed by a licensed midwife[~~registered nurse~~]
24 ~~registered nurse~~] or physician assistant.

25 SECTION 3.009. Section 483.022(f), Health and Safety Code,
26 is amended to read as follows:

27 (f) A practitioner may designate a person who is a licensed

1 vocational nurse or has an education equivalent to or greater than
2 that required for a licensed vocational nurse to communicate
3 prescriptions of a [~~an advanced practice nurse or~~] physician
4 assistant authorized by the practitioner to sign prescription drug
5 orders under Subchapter B, Chapter 157, Occupations Code.

6 SECTION 3.010. Section 843.312, Insurance Code, is amended
7 to read as follows:

8 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
9 REGISTERED NURSES. (a) A health maintenance organization may not
10 refuse a request by a physician participating in the health
11 maintenance organization delivery network and a physician
12 assistant [~~or advanced practice nurse~~] who is authorized by the
13 physician to provide care under Subchapter B, Chapter 157,
14 Occupations Code, or an advanced practice registered nurse who is
15 authorized to provide care under Subchapter N, Chapter 301,
16 Occupations Code, to identify a physician assistant or advanced
17 practice registered nurse as a provider in the network.

18 (b) A health maintenance organization may refuse a request
19 under Subsection (a) if the physician assistant or advanced
20 practice registered nurse does not meet the quality of care
21 standards previously established by the health maintenance
22 organization for participation in the network by physician
23 assistants and advanced practice registered nurses.

24 SECTION 3.011. Section 1301.052, Insurance Code, is amended
25 to read as follows:

26 Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED
27 NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer

1 offering a preferred provider benefit plan may not refuse a request
2 made by a physician participating as a preferred provider under the
3 plan and an advanced practice registered nurse or physician
4 assistant to have the advanced practice registered nurse or
5 physician assistant included as a preferred provider under the plan
6 if:

7 (1) the [~~advanced practice nurse or~~] physician
8 assistant is authorized by the physician to provide care under
9 Subchapter B, Chapter 157, Occupations Code, or the advanced
10 practice registered nurse is authorized to provide care under
11 Subchapter N, Chapter 301, Occupations Code; and

12 (2) the advanced practice registered nurse or
13 physician assistant meets the quality of care standards previously
14 established by the insurer for participation in the plan by
15 advanced practice registered nurses and physician assistants.

16 ARTICLE 4. REPEALER

17 SECTION 4.001. The following sections of the Occupations
18 Code are repealed:

- 19 (1) Section 157.051(1);
20 (2) Section 157.052(a)(3);
21 (3) Section 157.058; and
22 (4) Section 157.059.

23 ARTICLE 5. TRANSITION AND EFFECTIVE DATE

24 SECTION 5.001. (a) Not later than January 1, 2010, the Texas
25 Board of Nursing shall adopt the rules necessary to implement the
26 changes in law made by this Act.

27 (b) Notwithstanding Subchapter N, Chapter 301, Occupations

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1 Code, as added by this Act, an advanced practice registered nurse
2 who has been approved by the Texas Board of Nursing to provide
3 advanced practice registered nursing care is not required to hold a
4 license as an advanced practice registered nurse under Subchapter N
5 until March 1, 2010.

6 SECTION 5.002. This Act takes effect September 1, 2009.