

By: Howard of Travis

H.B. No. 3273

A BILL TO BE ENTITLED

AN ACT

relating to the administration by certain nurses of treatments or medication ordered by a health care practitioner.

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

SECTION 1. Section 301.002(2), Occupations Code, is amended to read as follows:

(2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures. Professional nursing involves:

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

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

(C) the administration of a medication or treatment as ordered by a health care practitioner legally authorized to order the medication or treatment [~~physician, podiatrist, or dentist~~];

- 1 (D) the supervision or teaching of nursing;
- 2 (E) the administration, supervision, and
3 evaluation of nursing practices, policies, and procedures;
- 4 (F) the requesting, receiving, signing for, and
5 distribution of prescription drug samples to patients at sites in
6 which a registered nurse is authorized to sign prescription drug
7 orders as provided by Subchapter B, Chapter 157;
- 8 (G) the performance of an act delegated by a
9 physician under Section 157.052, 157.053, 157.054, 157.0541,
10 157.0542, 157.058, or 157.059; and
- 11 (H) the development of the nursing care plan.

12 SECTION 2. Section 454.213(b), Occupations Code, is amended
13 to read as follows:

14 (b) Implementation of direct occupational therapy to a
15 person for a specific health care condition must be based on a
16 referral from a [+

17 ~~[(1) a physician licensed by a state board of medical~~
18 ~~examiners,~~

19 ~~[(2) a dentist licensed by a state board of dental~~
20 ~~examiners,~~

21 ~~[(3) a chiropractor licensed by a state board of~~
22 ~~chiropractic examiners,~~

23 ~~[(4) a podiatrist licensed by a state board of~~
24 ~~podiatric medical examiners, or~~

25 ~~[(5) another qualified, licensed]~~ health care
26 practitioner [~~professional~~] who is legally authorized to refer for
27 health care services within the scope of the practitioner's

1 [~~professional's~~] license.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.