

By: Averitt

S.B. No. 1148

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration by certain health care professionals
3 of certain treatments, therapy, or medication ordered by an
4 optometrist or therapeutic optometrist.

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

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

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

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

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

22 (C) the administration of a medication or
23 treatment as ordered by a physician, podiatrist, ~~or~~ dentist, or
24 therapeutic optometrist;

- 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:

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) an optometrist or therapeutic optometrist
26 licensed by a state optometry board; or

27 (6) another qualified, licensed health care

1 professional who is authorized to refer for health care services
2 within the scope of the professional's license.

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