

By: Uresti

S.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

relating to the delegation of certain acts of prescriptive authority by a physician.

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

SECTION 1. Section 157.0511(b), Occupations Code, is amended to read as follows:

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

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

(2) the prescription is for a period not to exceed 90 ~~[30]~~ days;

(3) with regard to the refill of a prescription, the refill is in accordance with the delegating physician's protocols ~~[authorized after consultation with the delegating physician]~~ and ~~[the consultation]~~ is noted in the patient's chart; and

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

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

(e) A physician's authority to delegate the carrying out or

signing of a prescription drug order is limited to:

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

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

SECTION 3. Sections 157.0541(a), (c), and (e), Occupations Code, are amended to read as follows:

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

(1) where services similar to the services provided at the delegating physician's primary practice site are provided; and

(2) located within 90 [~~60~~] miles of the delegating physician's residence or primary practice site.

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

(1) is on-site with the advanced practice nurse or physician assistant at least once every 10 business days [~~20 percent of the time~~];

(2) reviews at least 10 percent of the medical charts, which can be reviewed electronically from a remote location, of each physician assistant or advanced practice nurse at the site; and

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

(e) The combined number of advanced practice nurses and

1 physician assistants to whom a physician may delegate under this
2 section and at a primary practice site under Section 157.053 may not
3 exceed five [~~three~~] physician assistants or advanced practice
4 nurses or the full-time equivalent of three physician assistants or
5 advanced practice nurses.

6 SECTION 4. The Texas Medical Board shall adopt rules under
7 Subchapter B, Chapter 157, Occupations Code, as amended by this
8 Act, not later than January 31, 2010.

9 SECTION 5. This Act takes effect September 1, 2009.