

By: Hancock

H.B. No. 708

A BILL TO BE ENTITLED

1 AN ACT
2 relating to licensing, regulation, and prescribing and ordering
3 authority of advanced practice registered nurses and the regulation
4 of registered nurses and physician assistants.

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

6 ARTICLE 1. ADVANCED PRACTICE REGISTERED NURSES

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

9 SUBCHAPTER O. ADVANCED PRACTICE REGISTERED NURSES

10 Sec. 301.701. SCOPE OF PRACTICE. (a) Advanced practice
11 registered nursing by a nurse practitioner, nurse anesthetist,
12 nurse-midwife, or clinical nurse specialist is based on:

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

15 (2) licensure as a registered nurse;

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

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

23 (5) nursing care provided in an area with at least one
24 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. 301.702. 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. 301.703. 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 under this subchapter.

23 Sec. 301.704. 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. 301.705. PRACTICE BY ADVANCED PRACTICE REGISTERED

1 NURSE. (a) An advanced practice registered nurse who holds a
2 license issued under this subchapter 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. 301.706. 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 who holds a license issued under
10 Subchapter O and who:

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

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

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

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

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

ARTICLE 2. CONFORMING AMENDMENTS REGARDING DELEGATION

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

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

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

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

SECTION 2.003. Section 157.0511(b-1), Occupations Code, is amended to read as follows:

(b-1) The board shall adopt rules that require a physician who delegates the carrying out or signing of a prescription drug order under this subchapter to register with the board the name and license number of the physician assistant [~~or advanced practice nurse~~] to whom a delegation is made. The board may develop and use an electronic online delegation registration process for registration under this subsection.

SECTION 2.004. Sections 157.052(c) and (e), Occupations Code, are amended to read as follows:

(c) At a site serving a medically underserved population, a physician licensed by the board may delegate to a [~~registered nurse or~~] physician assistant acting under adequate physician supervision the act of administering, providing, or carrying out or signing a prescription drug order, as authorized by the physician

1 through a physician's order, a standing medical order, a standing
2 delegation order, or another order or protocol as defined by the
3 board.

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

6 (1) is responsible for the formulation or approval of
7 the physician's order, standing medical order, standing delegation
8 order, or other order or protocol, and periodically reviews the
9 order and the services provided patients under the order;

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

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

17 (4) is available through direct telecommunication for
18 consultation, patient referral, or assistance with a medical
19 emergency.

20 SECTION 2.005. Sections 157.053(a), (b), (c), and (e),
21 Occupations Code, are amended to read as follows:

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

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

25 (2) a licensed hospital, a licensed long-term care
26 facility, or a licensed adult care center where both the physician
27 and the physician assistant [~~or advanced practice nurse~~] are

1 authorized to practice;

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

7 (4) the residence of an established patient;

8 (5) another location at which the physician is
9 physically present with the physician assistant [~~or advanced~~
10 ~~practice nurse~~]; or

11 (6) a location where a physician assistant [~~or~~
12 ~~advanced practice nurse~~] who practices on-site with the physician
13 more than 50 percent of the time and in accordance with board rules
14 provides:

15 (A) health care services for established
16 patients;

17 (B) without remuneration, voluntary charity
18 health care services at a clinic run or sponsored by a nonprofit
19 organization; or

20 (C) without remuneration, voluntary health care
21 services during a declared emergency or disaster at a temporary
22 facility operated or sponsored by a governmental entity or
23 nonprofit organization and established to serve persons in this
24 state.

25 (b) At a physician's primary practice site, a physician
26 licensed by the board may delegate to a physician assistant [~~or an~~
27 ~~advanced practice nurse~~] acting under adequate physician

1 supervision the act of administering, providing, or carrying out or
2 signing a prescription drug order as authorized through a
3 physician's order, a standing medical order, a standing delegation
4 order, or another order or protocol as defined by the board.

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

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

14 (1) four physician assistants [~~or advanced practice~~
15 ~~nurses~~] or their full-time equivalents practicing at the
16 physician's primary practice site or at an alternate practice site
17 under Section 157.0541 unless a waiver is granted under Section
18 157.0542(b-1); and

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

21 SECTION 2.006. Sections 157.054(a), (b), and (c),
22 Occupations Code, are amended to read as follows:

23 (a) A physician licensed by the board may delegate, to one
24 or more physician assistants [~~or advanced practice nurses~~] acting
25 under adequate physician supervision whose practice is
26 facility-based at a licensed hospital or licensed long-term care
27 facility, the administration or provision of a drug and the

1 carrying out or signing of a prescription drug order if the
2 physician is:

3 (1) the medical director or chief of medical staff of
4 the facility in which the physician assistant [~~or advanced practice~~
5 ~~nurse~~] practices;

6 (2) the chair of the facility's credentialing
7 committee;

8 (3) a department chair of a facility department in
9 which the physician assistant [~~or advanced practice nurse~~]
10 practices; or

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

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

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

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

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

1 physician;

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

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

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

17 SECTION 2.007. Sections 157.0541(b), (c), (d), and (e),
18 Occupations Code, are amended to read as follows:

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

26 (c) Physician supervision is adequate for the purposes of
27 this section if:

1 (1) the delegating physician:

2 (A) is on-site with the [~~advanced practice nurse~~
3 ~~or~~] physician assistant at least 10 percent of the hours of
4 operation of the site each month that the physician assistant [~~or~~
5 ~~advanced practice nurse~~] is acting with delegated prescriptive
6 authority and is available while on-site to see, diagnose, treat,
7 and provide care to those patients for services provided or to be
8 provided by the physician assistant [~~or advanced practice nurse~~] to
9 whom the physician has delegated prescriptive authority; and

10 (B) is not prohibited by contract from seeing,
11 diagnosing, or treating a patient for services provided or to be
12 provided by the physician assistant [~~or advanced practice nurse~~]
13 under delegated prescriptive authority;

14 (2) the delegating physician reviews at least 10
15 percent of the medical charts, including through electronic review
16 of the charts from a remote location, for each [~~advanced practice~~
17 ~~nurse or~~] physician assistant at the site; and

18 (3) the delegating physician is available through
19 direct telecommunication for consultation, patient referral, or
20 assistance with a medical emergency.

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

25 (e) Unless a waiver is granted under Section 157.0542(b-1),
26 the combined number of [~~advanced practice nurses and~~] physician
27 assistants to whom a physician may delegate under this section and

1 at a primary practice site under Section 157.053 may not exceed four
2 physician assistants [~~or advanced practice nurses~~] or the full-time
3 equivalent of four physician assistants [~~or advanced practice~~
4 ~~nurses~~].

5 SECTION 2.008. Sections 157.0542(a), (b), and (b-1),
6 Occupations Code, are amended to read as follows:

7 (a) On determining that the conditions of Subsection (b)
8 have been met, the board may waive or modify any of the site or
9 supervision requirements for a physician to delegate the carrying
10 out or signing of prescription drug orders to a [~~an advanced~~
11 ~~practice nurse or~~] physician assistant under Sections 157.052,
12 157.053, 157.054, and 157.0541, or under board rules. The board may
13 not waive the limitation on the number of primary or alternate
14 practice sites at which a physician may delegate the carrying out or
15 signing of prescription drug orders or the number of [~~advanced~~
16 ~~practice nurses or~~] physician assistants to whom a physician may
17 delegate the carrying out or signing of prescription drug orders,
18 except as provided by Subsection (b-1)(1).

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

21 (1) the practice site where the physician is seeking
22 to delegate prescriptive authority is unable to meet the
23 requirements of this chapter or board rules or compliance would
24 cause an undue burden without a corresponding benefit to patient
25 care;

26 (2) safeguards exist for patient care and for
27 fostering a collaborative practice between the physician and the

1 ~~[advanced practice nurses and]~~ physician assistants; and

2 (3) if the requirement for which the waiver is sought
3 is the amount of time the physician is on-site, the frequency and
4 duration of time the physician is on-site when the ~~[advanced~~
5 ~~practice nurse or]~~ physician assistant is present is sufficient for
6 collaboration to occur, taking into consideration the other ways
7 the physician collaborates with the ~~[advanced practice nurse or]~~
8 physician assistant, including at other sites.

9 (b-1) If the board determines that the types of health care
10 services provided by a physician assistant ~~[or advanced practice~~
11 ~~nurse]~~ under Section 157.0541 are limited in nature and duration
12 and are within the scope of delegated authority under this
13 subchapter, as defined by board rule, and that patient health care
14 will not be adversely affected, the board may modify or waive:

15 (1) the limitation on the number of physician
16 assistants ~~[or advanced practice nurses]~~, or their full-time
17 equivalents, if the board does not authorize more than six
18 physician assistants ~~[or advanced practice nurses]~~ or their
19 full-time equivalents;

20 (2) the mileage limitation; or

21 (3) the on-site supervision requirements, except that
22 the physician must be available on-site at regular intervals and
23 when on-site the physician must be available to treat patients.

24 SECTION 2.009. 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 2.010. 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 2.011. 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 671.001(b), Government Code, is
14 amended to read as follows:

15 (b) The pilot program must provide for the following:

16 (1) a licensed advanced practice registered nurse as
17 defined by Section 301.0021 [~~301.152~~], Occupations Code, or a
18 licensed physician assistant as described by Chapter 204,
19 Occupations Code, who is employed by the state or whose services are
20 acquired by contract, who will be located at a state office complex;

21 (2) a licensed physician, who is employed by a state
22 governmental entity for purposes other than the pilot program or
23 whose services are acquired by contract, who will perform all
24 supervisory functions described by Section 157.052(e), Occupations
25 Code, with respect to the physician assistant;

26 (3) appropriate office space and equipment for the
27 advanced practice registered nurse or physician assistant to

1 provide basic medical care to employees at the state office complex
2 where the nurse or physician assistant is located; and

3 (4) professional liability insurance covering
4 services provided by the advanced practice registered nurse or the
5 physician assistant.

6 SECTION 3.008. Section 481.002(39), Health and Safety Code,
7 is amended to read as follows:

8 (39) "Practitioner" means:

9 (A) a physician, dentist, veterinarian,
10 podiatrist, scientific investigator, advanced practice registered
11 nurse, or other person licensed, registered, or otherwise permitted
12 to distribute, dispense, analyze, conduct research with respect to,
13 or administer a controlled substance in the course of professional
14 practice or research in this state;

15 (B) a pharmacy, hospital, or other institution
16 licensed, registered, or otherwise permitted to distribute,
17 dispense, conduct research with respect to, or administer a
18 controlled substance in the course of professional practice or
19 research in this state;

20 (C) a person practicing in and licensed by
21 another state as a physician, dentist, veterinarian, advanced
22 practice registered nurse, or podiatrist, having a current Federal
23 Drug Enforcement Administration registration number, who may
24 legally prescribe Schedule II, III, IV, or V controlled substances
25 in that state; or

26 (D) a [~~an advanced practice nurse or~~] physician
27 assistant to whom a physician has delegated the authority to carry

1 out or sign prescription drug orders under Section 157.0511,
2 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations
3 Code.

4 SECTION 3.009. Sections 483.001(12) and (13), Health and
5 Safety Code, are amended to read as follows:

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

7 (A) by the Texas [~~State Board of~~] Medical Board
8 [~~Examiners~~], State Board of Dental Examiners, Texas State Board of
9 Podiatric Medical Examiners, Texas Optometry Board, Texas Board of
10 Nursing, or State Board of Veterinary Medical Examiners to
11 prescribe and administer dangerous drugs;

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

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

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

23 (13) "Prescription" means an order from a
24 practitioner, or an agent of the practitioner designated in writing
25 as authorized to communicate prescriptions, or an order made in
26 accordance with Subchapter B, Chapter 157, Occupations Code, or
27 Section 203.353, Occupations Code, to a pharmacist for a dangerous

1 drug to be dispensed that states:

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

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

4 (C) if the drug is prescribed for an animal, the
5 species of the animal;

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

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

8 (F) the intended use of the drug unless the
9 practitioner determines the furnishing of this information is not
10 in the best interest of the patient;

11 (G) the name, address, and telephone number of
12 the practitioner at the practitioner's usual place of business,
13 legibly printed or stamped; and

14 (H) the name, address, and telephone number of
15 the licensed midwife[~~, registered nurse,~~] or physician assistant,
16 legibly printed or stamped, if signed by a licensed midwife[~~,~~
17 ~~registered nurse,~~] or physician assistant.

18 SECTION 3.010. Section 483.022(f), Health and Safety Code,
19 is amended to read as follows:

20 (f) A practitioner may designate a person who is a licensed
21 vocational nurse or has an education equivalent to or greater than
22 that required for a licensed vocational nurse to communicate
23 prescriptions of a [~~an advanced practice nurse or~~] physician
24 assistant authorized by the practitioner to sign prescription drug
25 orders under Subchapter B, Chapter 157, Occupations Code.

26 SECTION 3.011. Section 843.312, Insurance Code, is amended
27 to read as follows:

1 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
2 REGISTERED NURSES. (a) A health maintenance organization may not
3 refuse a request by a physician participating in the health
4 maintenance organization delivery network and a physician
5 assistant [~~or advanced practice nurse~~] who is authorized by the
6 physician to provide care under Subchapter B, Chapter 157,
7 Occupations Code, or an advanced practice registered nurse who is
8 authorized to provide care under Subchapter O, Chapter 301,
9 Occupations Code, to identify a physician assistant or advanced
10 practice registered nurse as a provider in the network.

11 (b) A health maintenance organization may refuse a request
12 under Subsection (a) if the physician assistant or advanced
13 practice registered nurse does not meet the quality of care
14 standards previously established by the health maintenance
15 organization for participation in the network by physician
16 assistants and advanced practice registered nurses.

17 SECTION 3.012. Section 1301.052, Insurance Code, is amended
18 to read as follows:

19 Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED
20 NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer
21 offering a preferred provider benefit plan may not refuse a request
22 made by a physician participating as a preferred provider under the
23 plan and an advanced practice registered nurse or physician
24 assistant to have the advanced practice registered nurse or
25 physician assistant included as a preferred provider under the plan
26 if:

27 (1) the [~~advanced practice nurse or~~] physician

1 assistant is authorized by the physician to provide care under
2 Subchapter B, Chapter 157, Occupations Code, or the advanced
3 practice registered nurse is authorized to provide care under
4 Subchapter O, Chapter 301, Occupations Code; and

5 (2) the advanced practice registered nurse or
6 physician assistant meets the quality of care standards previously
7 established by the insurer for participation in the plan by
8 advanced practice registered nurses and physician assistants.

9 SECTION 3.013. Section 1452.051(1), Insurance Code, is
10 amended to read as follows:

11 (1) "Advanced practice nurse" means an advanced
12 practice registered nurse as defined by Section 301.0021, [~~has the~~
13 ~~meaning assigned by Section 301.152,~~] Occupations Code.

14 ARTICLE 4. REPEALER

15 SECTION 4.001. The following sections of the Occupations
16 Code are repealed:

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

21 ARTICLE 5. TRANSITION AND EFFECTIVE DATE

22 SECTION 5.001. (a) Not later than January 1, 2012, the
23 Texas Board of Nursing shall adopt the rules necessary to implement
24 the changes in law made by this Act.

25 (b) Notwithstanding Subchapter O, Chapter 301, Occupations
26 Code, as added by this Act, an advanced practice registered nurse
27 who has been approved by the Texas Board of Nursing to provide

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1 advanced practice registered nursing care is not required to hold a
2 license as an advanced practice registered nurse under Subchapter O
3 until March 1, 2012.

4 SECTION 5.002. This Act takes effect September 1, 2011.