

By: Christian

H.B. No. 915

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of advanced practice registered nurses to
3 make medical diagnoses and to prescribe and order prescription
4 drugs and devices.

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

6 SECTION 1. Section 157.051(1), Occupations Code, is amended
7 to read as follows:

8 (1) "Advanced practice nurse" has the meaning assigned
9 to that term by Section 301.152, except the term does not include an
10 advanced practice registered nurse granted prescribing and
11 ordering authority under Section 301.357. The term includes an
12 advanced nurse practitioner.

13 SECTION 2. Section 157.052(3), Occupations Code, is amended
14 to read as follows:

15 (3) "Registered nurse" means a registered nurse
16 recognized by the Texas Board of Nursing as having the specialized
17 education and training required under Section 301.152 to carry out
18 a prescription drug order under this subchapter.

19 SECTION 3. Section 301.002(2), Occupations Code, is amended
20 to read as follows:

21 (2) "Professional nursing" means the performance of an
22 act that requires substantial specialized judgment and skill, the
23 proper performance of which is based on knowledge and application
24 of the principles of biological, physical, and social science as

1 acquired by a completed course in an approved school of
2 professional nursing. The term does not include acts of medical
3 diagnosis or the prescription of therapeutic or corrective measures
4 except as authorized for advanced practice registered nurses under
5 Section 301.357. Professional nursing involves:

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

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

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

15 (D) the supervision or teaching of nursing;

16 (E) the administration, supervision, and
17 evaluation of nursing practices, policies, and procedures;

18 (F) the requesting, receiving, signing for, and
19 distribution of prescription drug samples to patients by an
20 authorized advanced practice registered nurse or at sites in which
21 a registered nurse is authorized to sign prescription drug orders
22 as provided by Subchapter B, Chapter 157;

23 (G) the performance of an act delegated by a
24 physician under Section 157.052, 157.053, 157.054, 157.0541,
25 157.0542, 157.058, or 157.059; [~~and~~]

26 (H) the prescribing of controlled substances and
27 dangerous drugs and medical devices by an authorized advanced

1 practice registered nurse; and

2 (I) the development of the nursing care plan.

3 SECTION 4. Section 301.152, Occupations Code, is amended by
4 amending Subsections (a) and (b) and adding Subsection (c-1) to
5 read as follows:

6 (a) In this section, "advanced practice nurse" means a
7 registered nurse approved by the board to practice as an advanced
8 practice nurse on the basis of completion of an advanced
9 educational program. The term includes a nurse practitioner, nurse
10 midwife, nurse anesthetist, and clinical nurse specialist. The term
11 is synonymous with "advanced nurse practitioner" and "advanced
12 practice registered nurse."

13 (b) The board shall adopt rules to:

14 (1) establish:

15 (A) any specialized education or training,
16 including pharmacology, that a registered nurse must have to:

17 (i) carry out a prescription drug order
18 under Section 157.052; or

19 (ii) prescribe and order drugs and medical
20 devices under Section 301.357; and

21 (B) a system for assigning an identification
22 number to a registered nurse who provides the board with evidence of
23 completing the specialized education and training requirement
24 under Paragraph (A)(i) or (ii) [~~Subdivision (1)(A)~~];

25 (2) approve a registered nurse as an advanced practice
26 nurse; and

27 (3) initially approve and biennially renew an advanced

1 practice nurse's authority to:

2 (A) carry out or sign a prescription drug order
3 under Chapter 157; or

4 (B) prescribe and order drugs and medical devices
5 under Section 301.357.

6 (c-1) For initial approval under Subsection (b)(3)(B), the
7 rules must require the completion of 3,600 hours of practice as an
8 advanced practice nurse with authority to carry out or sign
9 prescription drug orders under Chapter 157.

10 SECTION 5. Subchapter H, Chapter 301, Occupations Code, is
11 amended by adding Section 301.357 to read as follows:

12 Sec. 301.357. PRESCRIBING AND ORDERING AUTHORITY OF CERTAIN
13 NURSES. (a) The board may grant prescribing and ordering authority
14 to an advanced practice registered nurse who is qualified for the
15 authority under the rules adopted by the board under Section
16 301.152(c-1).

17 (b) As authorized by the board, an advanced practice
18 registered nurse may:

19 (1) prescribe, procure, administer, and dispense
20 dangerous drugs and controlled substances;

21 (2) diagnose, prescribe, and institute therapy or
22 referrals of patients to health care agencies, health care
23 providers, and community resources; and

24 (3) plan and initiate a therapeutic regimen that
25 includes ordering and prescribing medical devices and equipment,
26 nutrition, and diagnostic and supportive services, including home
27 health care, hospice, physical therapy, and occupational therapy.

1 (c) An advanced practice registered nurse granted
2 prescribing and ordering authority under this section shall
3 practice professional nursing in accordance with standards
4 established and recognized by the board to protect the public
5 health and safety.

6 (d) An advanced practice registered nurse may apply to the
7 board for prescribing and ordering authority under this section by
8 submitting to the board an application on the form prescribed by the
9 board, paying any required fee, and providing any other information
10 required by the board.

11 SECTION 6. Section 551.003(34), Occupations Code, is
12 amended to read as follows:

13 (34) "Practitioner" means:

14 (A) a person licensed or registered to prescribe,
15 distribute, administer, or dispense a prescription drug or device
16 in the course of professional practice in this state, including a
17 physician, dentist, podiatrist, advanced practice registered
18 nurse, or veterinarian but excluding a person licensed under this
19 subtitle;

20 (B) a person licensed by another state, Canada,
21 or the United Mexican States in a health field in which, under the
22 law of this state, a license holder in this state may legally
23 prescribe a dangerous drug;

24 (C) a person practicing in another state and
25 licensed by another state as a physician, dentist, veterinarian,
26 advanced practice registered nurse, or podiatrist, who has a
27 current federal Drug Enforcement Administration registration

1 number and who may legally prescribe a Schedule II, III, IV, or V
2 controlled substance, as specified under Chapter 481, Health and
3 Safety Code, in that other state; or

4 (D) an advanced practice nurse or physician
5 assistant to whom a physician has delegated the authority to carry
6 out or sign prescription drug orders under Section 157.0511,
7 157.052, 157.053, 157.054, 157.0541, or 157.0542.

8 SECTION 7. Section 563.053, Occupations Code, is amended to
9 read as follows:

10 Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN
11 RURAL AREAS. (a) In this section:

12 (1) "Advanced practice registered nurse" means an
13 advanced practice registered nurse granted prescribing and
14 ordering authority under Section 301.357.

15 (2) "Reimbursement [~~,"reimbursement~~ for cost" means
16 an additional charge, separate from that imposed for the
17 physician's or advanced practice registered nurse's professional
18 services, that includes the cost of the drug product and all other
19 actual costs to the physician or advanced practice registered nurse
20 incidental to providing the dispensing service. The term does not
21 include a separate fee imposed for the act of dispensing the drug
22 itself.

23 (b) This section applies to an area located in a county with
24 a population of 5,000 or less, or in a municipality or an
25 unincorporated town with a population of less than 2,500, that is
26 within a 15-mile radius of the physician's or advanced practice
27 registered nurse's office and in which a pharmacy is not located.

1 This section does not apply to a municipality or an unincorporated
2 town that is adjacent to a municipality with a population of 2,500
3 or more.

4 (c) A physician who practices medicine or an advanced
5 practice registered nurse who practices advanced practice nursing
6 in an area described by Subsection (b) may:

7 (1) maintain a supply of dangerous drugs in the
8 physician's or advanced practice registered nurse's office to be
9 dispensed in the course of treating the physician's or advanced
10 practice registered nurse's patients; and

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

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

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

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

19 (e) A physician who desires to dispense dangerous drugs
20 under this section shall notify both the board and the Texas [~~State~~
21 ~~Board of~~] Medical Board [~~Examiners~~] that the physician practices in
22 an area described by Subsection (b). An advanced practice
23 registered nurse who desires to dispense dangerous drugs under this
24 section shall notify both the board and the Texas Board of Nursing
25 that the advanced practice registered nurse practices in an area
26 described by Subsection (b). The physician or advanced practice
27 registered nurse may continue to dispense dangerous drugs in the

1 area until the board determines, after notice and hearing, that the
2 physician or advanced practice registered nurse no longer practices
3 in an area described by Subsection (b).

4 SECTION 8. Section 481.002(39), Health and Safety Code, is
5 amended to read as follows:

6 (39) "Practitioner" means:

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

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

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

24 (D) an advanced practice nurse or physician
25 assistant to whom a physician has delegated the authority to carry
26 out or sign prescription drug orders under Section 157.0511,
27 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations

1 Code.

2 SECTION 9. Section 483.001(12), Health and Safety Code, is
3 amended to read as follows:

4 (12) "Practitioner" means a person who is ~~[licensed]~~:

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

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

13 (C) licensed in Canada or Mexico in a health
14 field in which, under the laws of this state, a licensee may legally
15 prescribe dangerous drugs; ~~[or]~~

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

21 (E) an advanced practice registered nurse to whom
22 the Texas Board of Nursing has granted prescribing and ordering
23 authority under Section 301.357, Occupations Code.

24 SECTION 10. Not later than January 1, 2012, the Texas Board
25 of Nursing shall adopt the rules necessary to implement the changes
26 in law made by this Act.

27 SECTION 11. This Act takes effect September 1, 2011.