

By: Christian

H.B. No. 2079

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the administration by certain nurses and occupational  
3 therapists of treatments, medication, or therapy ordered by a  
4 health care practitioner.

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 health care practitioner legally  
24 authorized to order the medication or treatment [~~physician,~~

1 ~~podiatrist, or dentist~~];

2 (D) the supervision or teaching of nursing;

3 (E) the administration, supervision, and  
4 evaluation of nursing practices, policies, and procedures;

5 (F) the requesting, receiving, signing for, and  
6 distribution of prescription drug samples to patients at sites in  
7 which a registered nurse is authorized to sign prescription drug  
8 orders as provided by Subchapter B, Chapter 157;

9 (G) the performance of an act delegated by a  
10 physician under Section 157.052, 157.053, 157.054, 157.0541,  
11 157.0542, 157.058, or 157.059; and

12 (H) the development of the nursing care plan.

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

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

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

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

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

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

26 ~~(5) another qualified, licensed]~~ health care  
27 practitioner [~~professional~~] who is legally authorized to refer for

1 health care services within the scope of the practitioner's  
2 [~~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, 2011.