

By: Pena

H.B. No. 3249

A BILL TO BE ENTITLED

AN ACT

relating to a physician's authority to delegate prescribing acts to physician assistants.

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

SECTION 1. Section 157.0542(a), Occupations Code, is amended to read as follows:

(a) On determining that the conditions of Subsection (b) have been met, the board may waive or modify any of the site or supervision requirements for a physician to delegate the carrying out or signing of prescription drug orders to an advanced practice nurse or physician assistant under Sections 157.052, 157.053, 157.054, ~~and~~ 157.0541, 157.0543, and 157.0544, or under board rules. The board may not waive the limitation on the number of primary or alternate practice sites at which a physician may delegate the carrying out or signing of prescription drug orders or the number of advanced practice nurses or physician assistants to whom a physician may delegate the carrying out or signing of prescription drug orders, except as provided by Subsection (b-1)(1).

SECTION 2. (a) This section takes effect only if the Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Subchapter B, Chapter 157, Occupations Code, is amended

1 by adding Section 157.0543 to read as follows:

2 Sec. 157.0543. PRESCRIBING AT CERTAIN PRACTICE SITES.

3 (a) At certain practice sites a physician may delegate to
4 one or more physician assistants acting under adequate physician
5 supervision the administering, providing, carrying out, or signing
6 of a prescription drug order for a controlled substance listed in
7 Schedule II, as established by the commissioner of state health
8 services under Chapter 481, Health and Safety Code.

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

15 (c) An alternate physician may provide appropriate
16 supervision on a temporary basis as defined and established by
17 board rule.

18 (d) A physician's authority to delegate under Subsection
19 (b) is limited as follows:

20 (1) the delegation must be made under a physician's
21 order, standing medical order, or standing delegation order, or
22 another order or protocol as defined by the board;

23 (2) the delegation must occur in the certain practice
24 sites, identified in Sec. 157.0544, in which the physician
25 practices; and

26 (3) the delegation may not permit the carrying out or
27 signing of prescription drug orders for the care or treatment of the

1 patients of any other physician without the prior consent of that
2 physician.

3 Sec. 157.0544. In the following certain practice sites, a
4 physician may delegate to one or more physician assistants acting
5 under adequate physician supervision the administering, providing,
6 carrying out, or signing of a prescription drug order for a
7 controlled substance listed in Schedule II.

8 (a) a medical school or dental school or an outpatient
9 clinic associated with a medical or dental school;

10 (b) a hospital, including any outpatient facility, or
11 clinic of a hospital;

12 (c) a hospice established under 40 T.A.C. Section 97.403 or
13 defined by 42 C.F.R. Section 418.3;

14 (d) a facility maintained or operated by this state;

15 (e) a clinic maintained or operated by the United States;

16 (f) a clinic owned or operated by a physician who treats
17 patients within the physician's area of specialty and who uses
18 other forms of treatment, including surgery, with the issuance of a
19 prescription for a majority of the patients.

20 SECTION 3. (a) This section takes effect only if the Act of
21 the 82nd Legislature, Regular Session, 2011, relating to
22 nonsubstantive additions to and corrections in enacted codes does
23 not become law.

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