

By: Uresti

S.B. No. 1750

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, and 157.0543, 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. Subchapter B, Chapter 157, Occupations Code, is amended by adding Section 157.0543 to read as follows:

Sec. 157.0543. PRESCRIBING AT OTHER SITES. (a) This section applies only to the delegation of prescriptive authority at:

(1) a medical school or dental school or an outpatient

1 clinic associated with a medical or dental school;

2 (2) a hospital, including any outpatient facility or  
3 clinic of a hospital;

4 (3) a hospice established under 40 T.A.C. Section  
5 97.403 or defined by 42 C.F.R. Section 418.3;

6 (4) a facility maintained or operated by this state;

7 (5) a clinic maintained or operated by the United  
8 States; and

9 (6) a clinic owned or operated by a physician who  
10 treats patients within the physician's area of specialty and who  
11 uses other forms of treatment, including surgery, with the issuance  
12 of a prescription for a majority of the patients.

13 (b) Notwithstanding Section 157.0511(b), at a location  
14 described by Subsection (a), a physician may delegate to one or more  
15 physician assistants acting under adequate physician supervision  
16 the administering, providing, carrying out, or signing of a  
17 prescription drug order for a controlled substance listed in  
18 Schedule II as established by the commissioner of state health  
19 services under Chapter 481, Health and Safety Code.

20 (c) Physician supervision of the carrying out and signing of  
21 prescription drug orders must conform to what a reasonable, prudent  
22 physician would find consistent with sound medical judgment but may  
23 vary with the education and experience of the particular physician  
24 assistant. A physician shall provide continuous supervision, but  
25 the constant physical presence of the physician is not required.

26 (d) An alternate physician may provide appropriate  
27 supervision on a temporary basis as defined and established by

1 board rule.

2 (e) A physician's authority to delegate under Subsection  
3 (b) is limited as follows:

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

7 (2) the delegation must occur in a location described  
8 by Subsection (a) in which the physician practices; and

9 (3) the delegation may not permit the carrying out or  
10 signing of prescription drug orders for the care or treatment of the  
11 patients of any other physician without the prior consent of that  
12 physician.

13 SECTION 3. This Act takes effect September 1, 2011.