

By: Bell

H.B. No. 1473

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an advanced practice registered nurse and a physician assistant to sign or issue certain documents.

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

SECTION 1. Section 38.001(c), Education Code, is amended to read as follows:

(c) Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission:

(1) submits to the admitting official:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States, an advanced practice registered nurse who is licensed to practice advanced nursing in this state, or a physician assistant licensed to practice under that license in this state, in which it is stated that, in the physician's, nurse's, or physician assistant's opinion, the immunization required poses a significant risk to the health and well-being of the applicant or any member of the applicant's family or household; or

(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for reasons of conscience, including a religious belief; or

(2) is a member of the armed forces of the United

1 States and is on active duty.

2 SECTION 2. Section 51.9192(d), Education Code, is amended  
3 to read as follows:

4 (d) A student to whom this section applies or a parent or  
5 guardian of the student is not required to comply with Subsection  
6 (c) if the student or a parent or guardian of the student submits to  
7 the institution:

8 (1) an affidavit or a certificate signed by a  
9 physician who is duly registered and licensed to practice medicine  
10 in the United States, an advanced practice registered nurse who is  
11 licensed to practice advanced nursing in this state, or a physician  
12 assistant licensed to practice under that license in this state in  
13 which it is stated that, in the physician's, nurse's, or physician  
14 assistant's opinion, the vaccination required would be injurious to  
15 the health and well-being of the student; or

16 (2) an affidavit signed by the student stating that  
17 the student declines the vaccination for bacterial meningitis for  
18 reasons of conscience, including a religious belief, or  
19 confirmation that the student has completed the Internet-based  
20 process described by Subsection (d-3) for declining the vaccination  
21 on that basis, if applicable to the student.

22 SECTION 3. Section 51.933(d), Education Code, is amended to  
23 read as follows:

24 (d) No form of immunization is required for a person's  
25 admission to an institution of higher education if the person  
26 applying for admission:

27 (1) submits to the admitting official:

1 (A) an affidavit or a certificate signed by a  
2 physician who is duly registered and licensed to practice medicine  
3 within the United States, an advanced practice registered nurse who  
4 is licensed to practice advanced nursing in this state, or a  
5 physician assistant licensed to practice under that license in this  
6 state in which it is stated that, in the physician's, nurse's, or  
7 physician assistant's opinion, the immunization required poses a  
8 significant risk to the health and well-being of the applicant or  
9 any member of the applicant's family or household; or

10 (B) an affidavit signed by the applicant or, if a  
11 minor, by the applicant's parent or guardian stating that the  
12 applicant declines immunization for reasons of conscience,  
13 including a religious belief; or

14 (2) is a member of the armed forces of the United  
15 States and is on active duty.

16 SECTION 4. Sections 62.109(b) and (f), Government Code, are  
17 amended to read as follows:

18 (b) A person requesting an exemption under this section must  
19 submit to the court an affidavit stating the person's name and  
20 address and the reason for and the duration of the requested  
21 exemption. A person requesting an exemption due to a physical or  
22 mental impairment must attach to the affidavit a statement from a  
23 physician, advanced practice registered nurse, or physician  
24 assistant. The affidavit and physician's, nurse's, or physician  
25 assistant's statement may be submitted to the court at the time the  
26 person is summoned for jury service or at any other time.

27 (f) An affidavit accompanying a request for an exemption

1 from jury service because of a physical or mental impairment may be  
2 presented by the affiant or by a friend or relative of the affiant.  
3 The affidavit must state:

4 (1) the name and address of the physician, advanced  
5 practice registered nurse, or physician assistant whose statement  
6 accompanies the affidavit;

7 (2) whether the request is for a permanent or  
8 temporary exemption;

9 (3) the period of time for which a temporary exemption  
10 is requested; and

11 (4) that as a direct result of the physical or mental  
12 impairment it is impossible or very difficult for the affiant to  
13 serve on a jury.

14 SECTION 5. Section 89.001, Health and Safety Code, is  
15 amended by amending Subdivision (1) and adding Subdivisions (1-a)  
16 and (7-a) to read as follows:

17 (1) "Advanced practice registered nurse" has the  
18 meaning assigned by Section 301.152, Occupations Code.

19 (1-a) "Community corrections facility" means a  
20 facility established under Chapter 509, Government Code.

21 (7-a) "Physician assistant" means an individual who  
22 holds a license issued under Chapter 204, Occupations Code.

23 SECTION 6. Sections 89.011(a), (b), and (d), Health and  
24 Safety Code, are amended to read as follows:

25 (a) The governing body of a jail or community corrections  
26 facility, through the community supervision and corrections  
27 department, shall require that each employee or volunteer working

1 or providing services in a jail or a community corrections  
2 facility, who meets the screening guidelines prescribed by  
3 department [~~board~~] rule, present to the governing body a  
4 certificate signed by a physician, an advanced practice registered  
5 nurse, or a physician assistant that states that:

6 (1) the employee or volunteer has been tested for  
7 tuberculosis infection in accordance with department [~~board~~]  
8 rules; and

9 (2) the results of the test indicate that the person  
10 does not have tuberculosis.

11 (b) In lieu of a screening test, an employee or volunteer  
12 with a history of a positive screening test may provide:

13 (1) documentation of that positive test result and of  
14 any diagnostic and therapeutic follow-up; and

15 (2) a certificate signed by a physician, an advanced  
16 practice registered nurse, or a physician assistant that states  
17 that the person does not have tuberculosis.

18 (d) An employee or volunteer is exempt from the screening  
19 test required by this section if:

20 (1) the screening test conflicts with the tenets of an  
21 organized religion to which the individual belongs; or

22 (2) the screening test is medically contraindicated  
23 based on an examination by a physician, an advanced practice  
24 registered nurse, or a physician assistant.

25 SECTION 7. Section 89.012(b), Health and Safety Code, is  
26 amended to read as follows:

27 (b) If the employee or volunteer has tuberculosis, the

1 governing body may not permit the person to begin or continue the  
2 person's employment duties or volunteer services unless the person  
3 is under treatment for the disease by a physician, an advanced  
4 practice registered nurse, or a physician assistant and the person  
5 provides to the governing body a certificate signed by the  
6 attending physician, nurse, or physician assistant stating that the  
7 patient is noninfectious.

8 SECTION 8. Sections 192.003(a) and (c), Health and Safety  
9 Code, are amended to read as follows:

10 (a) The physician, advanced practice registered nurse,  
11 physician assistant, midwife, or person acting as a midwife in  
12 attendance at a birth shall file the birth certificate with the  
13 local registrar of the registration district in which the birth  
14 occurs.

15 (c) If there is no physician, advanced practice registered  
16 nurse, physician assistant, midwife, or person acting as a midwife  
17 in attendance at a birth and if the birth does not occur in a  
18 hospital or birthing center, the following in the order listed  
19 shall report the birth to the local registrar:

- 20 (1) the father or mother of the child; or  
21 (2) the owner or householder of the premises where the  
22 birth occurs.

23 SECTION 9. Sections 193.005(a), (b), and (c), Health and  
24 Safety Code, are amended to read as follows:

25 (a) A person required to file a death certificate or fetal  
26 death certificate shall obtain the required medical certification  
27 from an attending physician, advanced practice registered nurse, or

1 physician assistant if the death occurred under medical attendance  
2 for the care and treatment of the condition or disease process that  
3 contributed to the death.

4 (b) The attending physician, advanced practice registered  
5 nurse, or physician assistant shall complete the medical  
6 certification not later than five days after receiving the death  
7 certificate.

8 (c) An associate physician, the chief medical officer of the  
9 institution where the death occurred, or the physician who  
10 performed an autopsy on the decedent may complete the medical  
11 certification if:

12 (1) the attending physician, advanced practice  
13 registered nurse, or physician assistant is unavailable;

14 (2) the attending physician, advanced practice  
15 registered nurse, or physician assistant approves; and

16 (3) the person completing the medical certification  
17 has access to the medical history of the case and the death is due to  
18 natural causes.

19 SECTION 10. Section 504.201(d), Transportation Code, is  
20 amended to read as follows:

21 (d) Except as provided by Subsection (d-1), the initial  
22 application for specialty license plates under this section must be  
23 accompanied by a written statement from a physician [~~who is~~]  
24 licensed to practice medicine, an advanced practice registered  
25 nurse licensed to practice advanced nursing, or a physician  
26 assistant licensed to practice under that license in this state or  
27 in a state adjacent to this state or who is authorized by applicable

1 law to practice medicine or advanced nursing or as a physician  
2 assistant, as applicable, in a hospital or other health facility of  
3 the Department of Veterans Affairs. If the applicant has a  
4 mobility problem caused by a disorder of the foot, the written  
5 statement may be issued by a person licensed to practice podiatry in  
6 this state or a state adjacent to this state. In this subsection,  
7 "podiatry" has the meaning assigned by Section 681.001. The  
8 statement must certify that the person making the application or on  
9 whose behalf the application is made is legally blind or has a  
10 mobility problem that substantially impairs the person's ability to  
11 ambulate. The statement must also certify whether a mobility  
12 problem is temporary or permanent. A written statement is not  
13 required as acceptable medical proof if:

- 14 (1) the person with a disability:  
15 (A) has had a limb, hand, or foot amputated; or  
16 (B) must use a wheelchair; and  
17 (2) the applicant executes a statement attesting to  
18 the person's disability before the county assessor-collector.

19 SECTION 11. Section 681.003(c), Transportation Code, is  
20 amended to read as follows:

21 (c) Subject to Subsections (e) and (f), the first  
22 application must be accompanied by a notarized written statement or  
23 written prescription of a physician licensed to practice medicine,  
24 an advanced practice registered nurse licensed to practice advanced  
25 nursing, or a physician assistant licensed to practice under that  
26 license in this state or a state adjacent to this state, or  
27 authorized by applicable law to practice medicine or advanced

1 nursing or as a physician assistant, as applicable, in a hospital or  
2 other health facility of the United States Department of Veterans  
3 Affairs, certifying and providing evidence acceptable to the  
4 department that the person making the application or on whose  
5 behalf the application is made is legally blind or has a mobility  
6 problem that substantially impairs the person's ability to  
7 ambulate. The statement or prescription must include a  
8 certification of whether the disability is temporary or permanent  
9 and information acceptable to the department to determine the type  
10 of disabled parking placard for which the applicant is  
11 eligible. The department shall determine a person's eligibility  
12 based on evidence provided by the applicant establishing legal  
13 blindness or mobility impairment.

14 SECTION 12. Section 681.004(d), Transportation Code, is  
15 amended to read as follows:

16 (d) A disabled parking placard issued to a person with a  
17 temporary disability expires after the period set by the department  
18 and may be renewed at the end of that period if the disability  
19 remains as evidenced by a physician's, advanced practice registered  
20 nurse's, or physician assistant's statement or prescription  
21 submitted as required for a first application under Section  
22 681.003(c).

23 SECTION 13. Section 14(b), Texas Local Fire Fighters  
24 Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is  
25 amended to read as follows:

26 (b) An application for disability retirement must be filed  
27 with the board of trustees of the retirement system of which the

1 applicant is a member. The application must contain a sworn  
2 statement of the member's medical condition, signed by a physician,  
3 advanced practice registered nurse, or physician assistant  
4 attending the member, and a sworn statement of the circumstances  
5 under which the disability arose, signed by the member or another  
6 person who has reason to know those circumstances. The application  
7 also may contain other pertinent information to enable the board to  
8 determine whether the member is eligible for disability retirement.

9 SECTION 14. Section 6.06(a), Chapter 183 (S.B. 598), Acts  
10 of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
11 Vernon's Texas Civil Statutes), is amended to read as follows:

12 (a) An application for disability retirement must be  
13 accompanied by a written statement, on a form approved by the board  
14 of trustees, signed by a physician, advanced practice registered  
15 nurse, or physician assistant of the member's choice. The member  
16 shall pay any costs of or fees for obtaining the physician's,  
17 nurse's, or physician assistant's statement and shall file the  
18 application and statement with the fund. As soon as possible after  
19 the application is filed, the medical board shall evaluate the  
20 medical and other pertinent information concerning the member's  
21 application.

22 SECTION 15. Section 8(f), Chapter 451 (S.B. 737), Acts of  
23 the 72nd Legislature, Regular Session, 1991 (Article [6243n](#),  
24 Vernon's Texas Civil Statutes), is amended to read as follows:

25 (f) A member receiving a disability retirement allowance  
26 shall periodically file a report with the retirement board  
27 concerning continued proof of disability. The retirement board

1 shall adopt rules establishing the required supporting information  
2 to accompany the reports, the content of the reports, and deadlines  
3 for filing the reports. The report shall include:

4 (1) a current statement of the member's physical or  
5 mental condition stating the existence of continued disability,  
6 signed by the member's attending physician, advanced practice  
7 registered nurse, or physician assistant; and

8 (2) a statement of all employment activities pursued  
9 in the preceding year.

10 SECTION 16. Section 7.03(a)(1), Chapter 452 (S.B. 738),  
11 Acts of the 72nd Legislature, Regular Session, 1991 (Article  
12 [6243n-1](#), Vernon's Texas Civil Statutes), is amended to read as  
13 follows:

14 (1) A member receiving a disability retirement benefit  
15 is required to file a report to the board concerning continued proof  
16 of disability one year after the date on which the board originally  
17 awarded the member disability retirement. The report shall  
18 include:

19 (A) a current statement of the member's physical  
20 or [~~and/or~~] mental condition, signed by the member's attending  
21 physician, advanced practice registered nurse, or physician  
22 assistant; and

23 (B) a statement of all employment activities  
24 pursued in the preceding one-year period and a copy of federal  
25 income tax returns applicable to the one-year period.

26 SECTION 17. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect September 1, 2015.