

By: Paddie

H.B. No. 3398

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the participation of an advanced practice nurse as a
3 primary care provider for certain governmental and other health
4 benefit plans.

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

6 SECTION 1. Section 533.005, Government Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) For purposes of Subsection (a)(13), an advanced
9 practice nurse, including an advanced practice nurse certified as a
10 psychiatric/mental health advanced practice nurse, may be included
11 as a primary care provider in a managed care organization's
12 provider network regardless of whether the physician delegating to
13 or supervising the advanced practice nurse under Subchapter B,
14 Chapter 157, Occupations Code, is in the provider network. If a
15 managed care organization includes an advanced practice nurse as a
16 primary care provider under this subsection, the physician
17 delegating to or supervising the advanced practice nurse is part of
18 the network for purposes of supervision. This subsection may not be
19 construed as authorizing a managed care organization to supervise
20 or control the practice of medicine as prohibited by Subtitle B,
21 Title 3, Occupations Code.

22 SECTION 2. Section 62.1551, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 62.1551. INCLUSION OF CERTAIN HEALTH CARE PROVIDERS IN

1 PROVIDER NETWORKS. (a) Notwithstanding any other law, including
2 Sections 843.312 and 1301.052, Insurance Code, the executive
3 commissioner of the commission shall adopt rules to require a
4 managed care organization or other entity to ensure that advanced
5 practice registered nurses and physician assistants are available
6 as primary care providers in the organization's or entity's
7 provider network. The rules must require advanced practice
8 registered nurses and physician assistants to be treated in the
9 same manner as primary care physicians with regard to:

10 (1) selection and assignment as primary care
11 providers;

12 (2) inclusion as primary care providers in the
13 provider network; and

14 (3) inclusion as primary care providers in any
15 provider network directory maintained by the organization or
16 entity.

17 (b) For purposes of Subsection (a), an advanced practice
18 nurse, including an advanced practice nurse certified as a
19 psychiatric/mental health advanced practice nurse, may be included
20 as a primary care provider in a managed care organization's or
21 entity's provider network regardless of whether the physician
22 delegating to or supervising the advanced practice nurse under
23 Subchapter B, Chapter 157, Occupations Code, is in the provider
24 network. If a managed care organization or other entity includes an
25 advanced practice nurse as a primary care provider under this
26 subsection, the physician delegating to or supervising the advanced
27 practice nurse is part of the provider network for purposes of

1 supervision.

2 (c) This section may not be construed as authorizing a
3 managed care organization or other entity to supervise or control
4 the practice of medicine as prohibited by Subtitle B, Title 3,
5 Occupations Code.

6 SECTION 3. Section 32.024(gg), Human Resources Code, is
7 amended to read as follows:

8 (gg) Notwithstanding any other law, including Sections
9 843.312 and 1301.052, Insurance Code, the department shall ensure
10 that advanced practice registered nurses, including advanced
11 practice registered nurses certified as psychiatric/mental health
12 advanced practice nurses, and physician assistants may be selected
13 by and assigned to recipients of medical assistance as the primary
14 care providers of those recipients regardless of whether the
15 physician delegating to or supervising the advanced practice
16 registered nurse under Subchapter B, Chapter 157, Occupations Code,
17 is included in any directory of providers of medical assistance
18 maintained by the department. If an advanced practice registered
19 nurse is included as a primary care provider under this subsection,
20 the physician delegating to or supervising the advanced practice
21 registered nurse is included in the directory for purposes of
22 supervision. This subsection may not be construed as authorizing
23 the department to supervise or control the practice of medicine as
24 prohibited by Subtitle B, Title 3, Occupations Code. The
25 department must require that advanced practice registered nurses
26 and physician assistants be treated in the same manner as primary
27 care physicians with regard to:

1 (1) selection and assignment as primary care
2 providers; and

3 (2) inclusion as primary care providers in any
4 directory of providers of medical assistance maintained by the
5 department.

6 SECTION 4. Subchapter I, Chapter 843, Insurance Code, is
7 amended by adding Section 843.3125 to read as follows:

8 Sec. 843.3125. CONTRACTS WITH ADVANCED PRACTICE NURSES.

9 (a) A health maintenance organization may contract directly with
10 an advanced practice nurse to provide health care services on
11 behalf of the health maintenance organization regardless of whether
12 the physician delegating to or supervising the advanced practice
13 nurse under Subchapter B, Chapter 157, Occupations Code, provides
14 health care services for the health maintenance organization.

15 (b) If a health maintenance organization contracts directly
16 with an advanced practice nurse under Subsection (a), the physician
17 delegating to or supervising the advanced practice nurse is part of
18 an applicable limited provider network for purposes of supervision.

19 (c) This section may not be construed as authorizing a
20 health maintenance organization to supervise or control the
21 practice of medicine as prohibited by Subtitle B, Title 3,
22 Occupations Code.

23 SECTION 5. Subchapter B, Chapter 1301, Insurance Code, is
24 amended by adding Section 1301.0525 to read as follows:

25 Sec. 1301.0525. DESIGNATION OF ADVANCED PRACTICE NURSES AS

26 PREFERRED PROVIDERS. (a) An insurer offering a preferred provider
27 benefit plan may designate an advanced practice nurse as a

1 preferred provider regardless of whether the physician delegating
2 to or supervising the advanced practice nurse under Subchapter B,
3 Chapter 157, Occupations Code, is a preferred provider.

4 (b) If an insurer designates an advanced practice nurse as a
5 preferred provider under Subsection (a), the physician delegating
6 to or supervising the advanced practice nurse is a preferred
7 provider for purposes of supervision.

8 (c) This section may not be construed as authorizing an
9 insurer to supervise or control the practice of medicine as
10 prohibited by Subtitle B, Title 3, Occupations Code.

11 SECTION 6. If before implementing any provision of this Act
12 a state agency determines that a waiver or authorization from a
13 federal agency is necessary for implementation of that provision,
14 the agency affected by the provision shall request the waiver or
15 authorization and may delay implementing that provision until the
16 waiver or authorization is granted.

17 SECTION 7. This Act takes effect September 1, 2015.