

By: Schwertner

S.B. No. 196

A BILL TO BE ENTITLED

1 AN ACT

2 relating to controlled substance registration by physician  
3 assistants and advanced practice registered nurses; imposing  
4 penalties; imposing fees.

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

6 SECTION 1. Section 481.061(c), Health and Safety Code, is  
7 amended to read as follows:

8 (c) A separate registration is required at each principal  
9 place of business or professional practice where the applicant  
10 manufactures, distributes, analyzes, dispenses, or possesses a  
11 controlled substance, except that the director may not require  
12 separate registration for:

13 (1) a physician licensed under Subtitle B, Title 3,  
14 Occupations Code, a physician assistant licensed under Chapter 204,  
15 Occupations Code, or a registered nurse licensed as an advanced  
16 practice registered nurse under Section 301.152, Occupations Code;  
17 or

18 (2) a practitioner engaged in research with a  
19 nonnarcotic controlled substance listed in Schedules II through V  
20 if the registrant is already registered under this subchapter in  
21 another capacity.

22 SECTION 2. Section 481.063(g), Health and Safety Code, is  
23 amended to read as follows:

24 (g) Except as otherwise provided by Section 481.0645 for a

1 physician licensed under Subtitle B, Title 3, Occupations Code, by  
2 Section 481.0646 for a physician assistant licensed under Chapter  
3 204, Occupations Code, or by Section 481.0647 for a registered  
4 nurse licensed as an advanced practice registered nurse under  
5 Section 301.152, Occupations Code, a registration is valid until  
6 the first anniversary of the date of issuance and may be renewed  
7 annually under rules adopted by the director, unless a rule  
8 provides for a longer period of validity or renewal.

9 SECTION 3. Section 481.064, Health and Safety Code, is  
10 amended by amending Subsection (a) and adding Subsection (a-2) to  
11 read as follows:

12 (a) Except as otherwise provided by Section 481.0645 for a  
13 physician licensed under Subtitle B, Title 3, Occupations Code, by  
14 Section 481.0646 for a physician assistant licensed under Chapter  
15 204, Occupations Code, or by Section 481.0647 for a registered  
16 nurse licensed as an advanced practice registered nurse under  
17 Section 301.152, Occupations Code, the director may charge a  
18 nonrefundable fee of not more than \$25 before processing an  
19 application for annual registration and may charge a late fee of not  
20 more than \$50 for each application for renewal the department  
21 receives after the date the registration expires. The director by  
22 rule shall set the amounts of the fees at the amounts that are  
23 necessary to cover the cost of administering and enforcing this  
24 subchapter. Except as provided by Subsection (b) or by Section  
25 156.004, 204.1561, or 301.1525, Occupations Code, registrants  
26 shall pay the fees to the director. Not later than 60 days before  
27 the date the registration expires, the director shall send a

1 renewal notice to the registrant at the last known address of the  
2 registrant according to department records, unless the registrant  
3 is a physician to whom notice of expiration is provided under  
4 Section 156.004, Occupations Code, a physician assistant to whom  
5 notice of expiration is provided under Section 204.1561,  
6 Occupations Code, or an advanced practice registered nurse to whom  
7 notice of expiration is provided under Section 301.1525,  
8 Occupations Code.

9 (a-2) Notwithstanding Subsection (a), the director shall  
10 continue to send renewal notices to registrants who are physician  
11 assistants or advanced practice registered nurses. This  
12 subsection expires January 1, 2018.

13 SECTION 4. Subchapter C, Chapter 481, Health and Safety  
14 Code, is amended by adding Sections 481.0646 and 481.0647 to read as  
15 follows:

16 Sec. 481.0646. REGISTRATION, RENEWAL, AND FEES FOR  
17 PHYSICIAN ASSISTANTS. (a) The registration under this chapter of a  
18 physician assistant licensed under Chapter 204, Occupations Code,  
19 is valid for a period of not less than two years and expires on the  
20 same date the physician assistant's license issued by the Texas  
21 Physician Assistant Board under Chapter 204, Occupations Code,  
22 expires.

23 (a-1) Notwithstanding Subsection (a), a registration of a  
24 physician assistant licensed under Chapter 204, Occupations Code,  
25 that is in effect on January 1, 2016, expires on the date on which  
26 the physician assistant's license to practice as a physician  
27 assistant issued by the Texas Physician Assistant Board under

1 Chapter 204, Occupations Code, expires. This subsection expires  
2 January 1, 2019.

3 (b) The director may charge a physician assistant who is  
4 registered under this section:

5 (1) a nonrefundable registration fee of not more than  
6 \$50; and

7 (2) a late fee for each application submitted after  
8 the expiration of the license issued under Chapter 204, Occupations  
9 Code.

10 (c) A physician assistant may request the renewal of the  
11 physician assistant's registration under this chapter by remitting  
12 the information required under Section 481.063 and the fee required  
13 under Subsection (b) to the Texas Physician Assistant Board. The  
14 Texas Physician Assistant Board must allow a physician assistant to  
15 submit the information and pay the fee electronically.

16 (d) A physician assistant requesting renewal under this  
17 section must meet all eligibility requirements under Section  
18 481.063(e).

19 (e) The director shall adopt any rules necessary to  
20 administer this section. The director shall coordinate with the  
21 Texas Physician Assistant Board in the adoption of rules necessary  
22 under this section to prevent any conflicts between rules adopted  
23 by the agencies and to ensure that administrative burden to  
24 physician assistants is minimized.

25 Sec. 481.0647. REGISTRATION, RENEWAL, AND FEES FOR ADVANCED  
26 PRACTICE REGISTERED NURSES. (a) The registration under this chapter  
27 of a registered nurse licensed as an advanced practice registered

1 nurse under Section 301.152, Occupations Code, is valid for a  
2 period of not less than two years and expires on the same date the  
3 nurse's license issued by the Texas Board of Nursing under Chapter  
4 301, Occupations Code, expires.

5 (a-1) Notwithstanding Subsection (a), a registration of a  
6 registered nurse licensed as an advanced practice registered nurse  
7 under Section 301.152, Occupations Code, that is in effect on  
8 January 1, 2016, expires on the date on which the nurse's license to  
9 practice professional nursing issued by the Texas Board of Nursing  
10 under Chapter 301, Occupations Code, expires. This subsection  
11 expires January 1, 2019.

12 (b) The director may charge an advanced practice registered  
13 nurse who is registered under this section:

14 (1) a nonrefundable registration fee of not more than  
15 \$50; and

16 (2) a late fee for each application submitted after  
17 the expiration of the license issued under Chapter 301, Occupations  
18 Code.

19 (c) An advanced practice registered nurse may request the  
20 renewal of the nurse's registration under this chapter by remitting  
21 the information required under Section 481.063 and the fee required  
22 under Subsection (b) to the Texas Board of Nursing. The Texas Board  
23 of Nursing must allow a nurse to submit the information and pay the  
24 fee electronically.

25 (d) An advanced practice registered nurse requesting  
26 renewal under this section must meet all eligibility requirements  
27 under Section 481.063(e).

1       (e) The director shall adopt any rules necessary to  
2 administer this section. The director shall coordinate with the  
3 Texas Board of Nursing in the adoption of rules necessary under this  
4 section to prevent any conflicts between rules adopted by the  
5 agencies and to ensure that administrative burden to advanced  
6 practice registered nurses is minimized.

7       SECTION 5. Subchapter D, Chapter 204, Occupations Code, is  
8 amended by adding Section 204.1561 to read as follows:

9       Sec. 204.1561. RENEWAL OF CONTROLLED SUBSTANCE  
10 REGISTRATION. (a) The board shall accept the renewal application  
11 and fee submitted by a physician assistant under Section 481.0646,  
12 Health and Safety Code, for a registration under Subchapter C,  
13 Chapter 481, Health and Safety Code.

14       (b) The board by rule shall adopt a procedure for submitting  
15 a registration renewal application and remitting the registration  
16 fee to the Department of Public Safety.

17       (c) The board shall coordinate a physician assistant's  
18 controlled substance registration renewal with the license  
19 required under this chapter so that the times of registration,  
20 license renewal, payment, and notice are the same and provide a  
21 minimum of administrative burden to the board and to physician  
22 assistants.

23       (d) At least 60 days before the date on which the license of  
24 a physician assistant who is registered under Subchapter C, Chapter  
25 481, Health and Safety Code, expires, the board shall send to the  
26 physician assistant at the physician assistant's last known address  
27 according to the board's records:

1           (1) written notice of the impending license  
2 expiration; and

3           (2) a renewal notice for the physician assistant's  
4 registration with the Department of Public Safety under Subchapter  
5 C, Chapter 481, Health and Safety Code.

6           SECTION 6. Section 301.152(b), Occupations Code, is amended  
7 to read as follows:

8           (b) The board shall adopt rules to:

9           (1) license a registered nurse as an advanced practice  
10 registered nurse; and

11           (2) establish:

12           (A) any specialized education or training,  
13 including pharmacology, that an advanced practice registered nurse  
14 must have to prescribe or order a drug or device as delegated by a  
15 physician under Section 157.0512 or 157.054; and

16           (B) a system for approving an advanced practice  
17 registered nurse to prescribe or order a drug or device as delegated  
18 by a physician under Section 157.0512 or 157.054 on the receipt of  
19 evidence of completing the specialized education and training  
20 requirement under Paragraph (A) [~~, and~~

21           ~~[(C) a system for issuing a prescription~~  
22 ~~authorization number to an advanced practice registered nurse~~  
23 ~~approved under Paragraph (B); and~~

24           ~~[(3) concurrently renew any license or approval~~  
25 ~~granted to an advanced practice registered nurse under this~~  
26 ~~subsection and a license renewed by the advanced practice~~  
27 ~~registered nurse under Section 301.301].~~

1 SECTION 7. Subchapter D, Chapter 301, Occupations Code, is  
2 amended by adding Section 301.1525 to read as follows:

3 Sec. 301.1525. ADVANCED PRACTICE REGISTERED NURSE LICENSE  
4 RENEWAL; RENEWAL OF CONTROLLED SUBSTANCE REGISTRATION. (a) To the  
5 extent of a conflict between this section and Subchapter G, this  
6 section controls.

7 (b) The board shall adopt rules to concurrently renew:

8 (1) any license or approval granted to an advanced  
9 practice registered nurse under Section 301.152;

10 (2) the advanced practice registered nurse's license  
11 to practice professional nursing issued under this chapter; and

12 (3) the advanced practice registered nurse's  
13 controlled substance registration under Subchapter C, Chapter 481,  
14 Health and Safety Code.

15 (c) The board shall accept the renewal application and fee  
16 submitted by an advanced practice registered nurse under Section  
17 481.0647, Health and Safety Code, for a registration under  
18 Subchapter C, Chapter 481, Health and Safety Code.

19 (d) The board by rule shall adopt a procedure for submitting  
20 a registration renewal application and remitting the registration  
21 fee to the Department of Public Safety.

22 (e) The board shall coordinate an advanced practice  
23 registered nurse's controlled substance registration renewal with  
24 the license required under this chapter so that the times of  
25 registration, license renewal, payment, and notice are the same and  
26 provide a minimum of administrative burden to the board and to the  
27 nurse.



1        (f) Notwithstanding Section 301.301(e), at least 60 days  
2 before the date on which the license to practice professional  
3 nursing of an advanced practice nurse who is registered under  
4 Subchapter C, Chapter 481, Health and Safety Code, expires, the  
5 board shall send to the advanced practice registered nurse at the  
6 nurse's last known address according to the board's records:

7            (1) written notice of the impending license expiration  
8 and any separate expiration provided by rule under Section 301.152,  
9 if applicable; and

10           (2) a renewal notice for the nurse's registration with  
11 the Department of Public Safety under Subchapter C, Chapter 481,  
12 Health and Safety Code.

13        SECTION 8. (a) The changes in law made to Subchapter C,  
14 Chapter 481, Health and Safety Code, by this Act apply only to a  
15 registration under that subchapter that expires on or after the  
16 effective date of this Act.

17        (b) The changes in law made to Chapters 204 and 301,  
18 Occupations Code, by this Act apply only to an occupational license  
19 that expires on or after the effective date of this Act.

20        (c) An unexpired registration under Subchapter C, Chapter  
21 481, Health and Safety Code, held by a physician assistant or an  
22 advanced practice registered nurse on the effective date of this  
23 Act expires on the date on which the license issued to the physician  
24 assistant under Chapter 204, Occupations Code, or to the nurse  
25 under Chapter 301, Occupations Code, expires.

26        SECTION 9. This Act takes effect January 1, 2016.