

Amend CSHB 2950 (house committee report) as follows:

(1) On page 42, line 25, strike "and 301.163" and substitute ", 301.163, and 301.168"

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 301.002, Occupations Code, is amended by amending Subdivision (2) and adding Subdivisions (6), (7), (8), (9), and (10) to read as follows:

(2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures, except as authorized for advanced practice registered nurses. Professional nursing involves:

(A) the observation, assessment, intervention, evaluation, rehabilitation, care and counsel, or health teachings of a person who is ill, injured, infirm, or experiencing a change in normal health processes;

(B) the maintenance of health or prevention of illness;

(C) the administration of a medication or treatment as ordered by a health care practitioner legally authorized to prescribe the medication or treatment [~~physician, podiatrist, or dentist~~];

(D) the supervision or teaching of nursing;

(E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;

(F) the performance of an act by an advanced practice registered nurse in accordance with Section 301.357 [~~the requesting, receiving, signing for, and distribution of prescription drug samples to patients at practices at which an advanced practice registered nurse is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157~~];

(G) the performance of an act delegated by a

physician under Section [~~157.0512, 157.0547~~] 157.058[~~7~~] or 157.059; and

(H) the development of the nursing care plan.

(6) "Controlled substance" has the meaning assigned by Section 157.051.

(7) "Dangerous drug" has the meaning assigned by Section 157.051.

(8) "Device" has the meaning assigned by Section 157.051.

(9) "Nonprescription drug" has the meaning assigned by Section 157.051.

(10) "Prescribe or order a drug or device" has the meaning assigned by Section 157.051.

SECTION _____. Section 301.152, Occupations Code, is transferred to Subchapter H, Chapter 301, Occupations Code, redesignated as Section 301.357, Occupations Code, and amended to read as follows:

Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED NURSES [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) In this section, "advanced practice registered nurse" means a registered nurse licensed by the board to practice as an advanced practice registered nurse on the basis of completion of an advanced educational program. The term includes a nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist. The term is synonymous with "advanced nurse practitioner" and "advanced practice nurse."

(a-1) Advanced practice registered nursing includes:

(1) ordering, performing, and interpreting diagnostic tests;

(2) formulating primary and differential medical diagnoses and advanced assessments;

(3) treating actual and potential health problems;

(4) prescribing therapeutic and corrective measures, including nutrition and diagnostic support services, home health care, hospice care, physical therapy, and occupational therapy, and delegating and assigning the performance of therapeutic and corrective measures to assistive personnel;

(5) to the extent authorized by the board under Section 301.358 or delegated by a physician under Section 157.058 or 157.059, prescribing, ordering, procuring, administering, and dispensing drugs and devices, including blood and blood products, controlled substances listed in Schedules II, III, IV, and V, dangerous drugs, and nonprescription drugs;

(6) providing referrals to health care agencies, health care providers, and community resources;

(7) serving as the primary care provider of record;
and

(8) performing other acts that require education and training consistent with professional standards and that are commensurate with the advanced practice registered nurse's education, licensure, and demonstrated competencies and experience.

(b) The board shall adopt rules to:

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

(2) establish:

(A) any specialized education or training, including pharmacology, that an advanced practice registered nurse must have to prescribe or order a drug or device as authorized [~~delegated~~] by the board [~~a physician~~] under Section 301.358 [~~157.0512 or 157.054~~];

(B) a system for approving an advanced practice registered nurse to prescribe or order a drug or device as authorized [~~delegated~~] by the board [~~a physician~~] under Section 301.358 [~~157.0512 or 157.054~~] on the receipt of evidence of completing the specialized education and training requirement under Paragraph (A); and

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

(3) concurrently renew any license or approval granted to an advanced practice registered nurse under this subsection and a license renewed by the advanced practice registered nurse under Section 301.301.

(c) At a minimum, the rules adopted under Subsection (b)(2) must:

(1) require completion of pharmacology and related pathophysiology education for initial approval; and

(2) require continuing education in clinical pharmacology and related pathophysiology in addition to any continuing education otherwise required under Section 301.303.

(d) The signature of an advanced practice registered nurse attesting to the provision of a legally authorized service by the advanced practice registered nurse satisfies any documentation requirement for that service established by a state agency.

(e) An advanced practice registered nurse shall practice as a licensed independent practitioner in accordance with standards established and recognized by the board to protect the public health and safety.

(f) An advanced practice registered nurse is accountable to patients, the nursing profession, and the board for:

(1) complying with the requirements of this chapter;

(2) providing quality advanced nursing care;

(3) recognizing the nurse's limits of knowledge;

(4) planning for the management of situations beyond the nurse's expertise; and

(5) consulting with or referring patients to other health care providers as appropriate.

(g) This section does not limit or modify the scope of practice of a registered nurse who is not an advanced practice registered nurse.

SECTION _____. Subchapter H, Chapter 301, Occupations Code, is amended by adding Section 301.358 to read as follows:

Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSE. The board may authorize an advanced practice registered nurse, with a prescription authorization number issued as required under Section 301.357(b), to prescribe and order drugs and devices, including controlled substances listed in Schedules II, III, IV, and V, dangerous drugs, and nonprescription drugs.

SECTION _____. The heading to Subchapter B, Chapter 157,

Occupations Code, is amended to read as follows:

SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE REGISTERED NURSES AND~~] PHYSICIAN ASSISTANTS AND CERTAIN ADVANCED PRACTICE REGISTERED NURSES

SECTION _____. Sections 157.051(1) and (14), Occupations Code, are amended to read as follows:

(1) "Advanced practice registered nurse" has the meaning assigned to that term by Section 301.357 [~~301.152~~]. The term includes an advanced nurse practitioner and advanced practice nurse.

(14) "Prescriptive authority agreement" means an agreement entered into by a physician and a [~~an advanced practice registered nurse or~~] physician assistant through which the physician delegates to the [~~advanced practice registered nurse or~~] physician assistant the act of prescribing or ordering a drug or device.

SECTION _____. Section 157.0511(b-2), Occupations Code, is amended to read as follows:

(b-2) The board shall adopt rules that require a physician who delegates the prescribing or ordering of a drug or device to register with the board the name and license number of the physician assistant [~~or advanced practice registered nurse~~] to whom a delegation is made. The board may develop and use an electronic online delegation registration process for registration under this subsection.

SECTION _____. Sections 157.0512(a), (b), (c), (e), (f), (g), (i), (j), (l), (m), (n), and (o), Occupations Code, are amended to read as follows:

(a) A physician may delegate to a [~~an advanced practice registered nurse or~~] physician assistant, acting under adequate physician supervision, the act of prescribing or ordering a drug or device as authorized through a prescriptive authority agreement between the physician and the [~~advanced practice registered nurse or~~] physician assistant [~~, as applicable~~].

(b) A physician and a [~~an advanced practice registered nurse or~~] physician assistant are eligible to enter into or be parties to a prescriptive authority agreement only if:

(1) ~~[if applicable, the Texas Board of Nursing has approved the advanced practice registered nurse's authority to prescribe or order a drug or device as authorized under this subchapter,~~

~~[(2)]~~ the ~~[advanced practice registered nurse or]~~ physician assistant:

(A) holds an active license to practice in this state as a ~~[an advanced practice registered nurse or]~~ physician assistant~~[, as applicable,]~~ and is in good standing in this state; and

(B) is not currently prohibited by the ~~[Texas Board of Nursing or the]~~ Texas Physician Assistant Board~~[, as applicable,]~~ from executing a prescriptive authority agreement; and

(2) ~~[(3)]~~ before executing the prescriptive authority agreement, the physician and the ~~[advanced practice registered nurse or]~~ physician assistant disclose to the other prospective party to the agreement any prior disciplinary action by the board~~[, the Texas Board of Nursing,]~~ or the Texas Physician Assistant Board~~[, as applicable]~~.

(c) Except as provided by Subsection (d), the ~~[combined]~~ number of ~~[advanced practice registered nurses and]~~ physician assistants with whom a physician may enter into a prescriptive authority agreement may not exceed seven ~~[advanced practice registered nurses and]~~ physician assistants or the full-time equivalent of seven ~~[advanced practice registered nurses and]~~ physician assistants.

(e) A prescriptive authority agreement must, at a minimum:

(1) be in writing and signed and dated by the parties to the agreement;

(2) state the name, address, and all professional license numbers of the parties to the agreement;

(3) state the nature of the practice, practice locations, or practice settings;

(4) identify the types or categories of drugs or devices that may be prescribed or the types or categories of drugs or devices that may not be prescribed;

(5) provide a general plan for addressing consultation and referral;

(6) provide a plan for addressing patient emergencies;

(7) state the general process for communication and the sharing of information between the physician and the [~~advanced practice registered nurse or~~] physician assistant to whom the physician has delegated prescriptive authority related to the care and treatment of patients;

(8) if alternate physician supervision is to be utilized, designate one or more alternate physicians who may:

(A) provide appropriate supervision on a temporary basis in accordance with the requirements established by the prescriptive authority agreement and the requirements of this subchapter; and

(B) participate in the prescriptive authority quality assurance and improvement plan meetings required under this section; and

(9) describe a prescriptive authority quality assurance and improvement plan and specify methods for documenting the implementation of the plan that includes the following:

(A) chart review, with the number of charts to be reviewed determined by the physician and [~~advanced practice registered nurse or~~] physician assistant; and

(B) periodic face-to-face meetings between the [~~advanced practice registered nurse or~~] physician assistant and the physician at a location determined by the physician and the [~~advanced practice registered nurse or~~] physician assistant.

(f) The periodic face-to-face meetings described by Subsection (e)(9)(B) must:

(1) include:

(A) the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; and

(B) discussion of patient care improvement; and

(2) be documented and occur:

(A) except as provided by Paragraph (B):

(i) at least monthly until the third

anniversary of the date the agreement is executed; and

(ii) at least quarterly after the third anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or

(B) if during the seven years preceding the date the agreement is executed the [~~advanced practice registered nurse or~~] physician assistant for at least five years was in a practice that included the exercise of prescriptive authority with required physician supervision:

(i) at least monthly until the first anniversary of the date the agreement is executed; and

(ii) at least quarterly after the first anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet.

(g) The prescriptive authority agreement may include other provisions agreed to by the physician and [~~advanced practice registered nurse or~~] physician assistant.

(i) The prescriptive authority agreement need not describe the exact steps that a [~~an advanced practice registered nurse or~~] physician assistant must take with respect to each specific condition, disease, or symptom.

(j) A physician[~~, advanced practice registered nurse,~~] or physician assistant who is a party to a prescriptive authority agreement must retain a copy of the agreement until the second anniversary of the date the agreement is terminated.

(l) In the event that a party to a prescriptive authority agreement is notified that the individual has become the subject of an investigation by the board[~~, the Texas Board of Nursing,~~] or the Texas Physician Assistant Board, the individual shall immediately notify the other party to the prescriptive authority agreement.

(m) The prescriptive authority agreement and any amendments must be reviewed at least annually, dated, and signed by the parties to the agreement. The prescriptive authority agreement and any

amendments must be made available to the board [~~the Texas Board of Nursing,~~] or the Texas Physician Assistant Board not later than the third business day after the date of receipt of request, if any.

(n) The prescriptive authority agreement should promote the exercise of professional judgment by the [~~advanced practice registered nurse or~~] physician assistant commensurate with the [~~advanced practice registered nurse's or~~] physician assistant's education and experience and the relationship between the [~~advanced practice registered nurse or~~] physician assistant and the physician.

(o) This section shall be liberally construed to allow the use of prescriptive authority agreements to safely and effectively utilize the skills and services of [~~advanced practice registered nurses and~~] physician assistants.

SECTION _____. Section 157.0513, Occupations Code, is amended to read as follows:

Sec. 157.0513. PRESCRIPTIVE AUTHORITY AGREEMENT: INFORMATION. (a) The board [~~the Texas Board of Nursing,~~] and the Texas Physician Assistant Board shall jointly develop a process:

(1) to exchange information regarding the names, locations, and license numbers of each physician [~~advanced practice registered nurse,~~] and physician assistant who has entered into a prescriptive authority agreement;

(2) by which each board shall immediately notify the other board [~~boards~~] when a license holder of the board becomes the subject of an investigation involving the delegation and supervision of prescriptive authority, as well as the final disposition of any such investigation; and

(3) by which each board shall maintain and share a list of the board's license holders who have been subject to a final adverse disciplinary action for an act involving the delegation and supervision of prescriptive authority.

(b) If the board [~~the Texas Board of Nursing,~~] or the Texas Physician Assistant Board receives a notice under Subsection (a)(2), the board that received notice may open an investigation against a license holder of the board who is a party to a prescriptive authority agreement with the license holder who is

under investigation by the board that provided notice under Subsection (a)(2).

(c) The board shall maintain and make available to the public a searchable online list of physicians~~[, advanced practice registered nurses,]~~ and physician assistants who have entered into a prescriptive authority agreement authorized under Section 157.0512 and identify the physician~~[, advanced practice registered nurse, or physician assistant]~~ with whom each ~~[physician, advanced practice registered nurse, and]~~ physician assistant has entered into a prescriptive authority agreement.

(d) The board shall collaborate with the ~~[Texas Board of Nursing and the]~~ Texas Physician Assistant Board to maintain and make available to the public a list of physicians~~[, advanced practice registered nurses,]~~ and physician assistants who are prohibited from entering into or practicing under a prescriptive authority agreement.

SECTION _____. Sections 157.054(a), (a-1), (b), and (c), Occupations Code, are amended to read as follows:

(a) One or more physicians licensed by the board may delegate, to one or more physician assistants ~~[or advanced practice registered nurses]~~ acting under adequate physician supervision whose practice is facility-based at a hospital or licensed long-term care facility, the administration or provision of a drug and the prescribing or ordering of a drug or device if each of the delegating physicians is:

(1) the medical director or chief of medical staff of the facility in which the physician assistant ~~[or advanced practice registered nurse]~~ practices;

(2) the chair of the facility's credentialing committee;

(3) a department chair of a facility department in which the physician assistant ~~[or advanced practice registered nurse]~~ practices; or

(4) a physician who consents to the request of the medical director or chief of medical staff to delegate the prescribing or ordering of a drug or device at the facility in which the physician assistant ~~[or advanced practice registered nurse]~~

practices.

(a-1) The limits on the number of [~~advanced practice registered nurses or~~] physician assistants to whom a physician may delegate under Section 157.0512 do not apply to a physician under Subsection (a) whose practice is facility-based under this section, provided that the physician is not delegating in a freestanding clinic, center, or practice of the facility.

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

(1) the delegation must be made under a physician's order, standing medical order, standing delegation order, or another order or protocol developed in accordance with policies approved by the facility's medical staff or a committee of the facility's medical staff as provided by the facility bylaws;

(2) the delegation must occur in the facility in which the physician is the medical director, the chief of medical staff, the chair of the credentialing committee, a department chair, or a physician who consents to delegate under Subsection (a)(4);

(3) the delegation may not permit the prescribing or ordering of a drug or device for the care or treatment of the patients of any other physician without the prior consent of that physician; and

(4) delegation in a long-term care facility must be by the medical director and is limited to the prescribing or ordering of a drug or device to not more than seven [~~advanced practice registered nurses or~~] physician assistants or their full-time equivalents.

(c) Physician supervision of the prescribing or ordering of a drug or device must conform to what a reasonable, prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular [~~advanced practice registered nurse or~~] physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required.

SECTION _____. Section 157.055, Occupations Code, is amended to read as follows:

Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other

order shall be defined in a manner that promotes the exercise of professional judgment by the [~~advanced practice registered nurse and~~] physician assistant commensurate with the education and experience of that person. Under this section, an order or protocol used by a reasonable and prudent physician exercising sound medical judgment:

(1) is not required to describe the exact steps that [~~an advanced practice registered nurse or~~] a physician assistant must take with respect to each specific condition, disease, or symptom; and

(2) may state the types or categories of medications that may be prescribed or the types or categories of medications that may not be prescribed.

SECTION _____. Section 157.056, Occupations Code, is amended to read as follows:

Sec. 157.056. PRESCRIPTION INFORMATION. The following information must be provided on each prescription subject to this subchapter:

- (1) the patient's name and address;
- (2) the drug to be dispensed;
- (3) directions to the patient regarding the taking of the drug and the dosage;
- (4) the intended use of the drug, if appropriate;
- (5) the name, address, and telephone number of the physician;
- (6) the name, address, telephone number, and identification number of the [~~registered nurse or~~] physician assistant completing or signing the prescription drug order;
- (7) the date; and
- (8) the number of refills permitted.

SECTION _____. Section 157.060, Occupations Code, is amended to read as follows:

Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT. Unless the physician has reason to believe the physician assistant [~~or advanced practice registered nurse~~] lacked the competency to perform the act, a physician is not liable for an act of a physician assistant [~~or advanced practice registered nurse~~]

solely because the physician signed a standing medical order, a standing delegation order, or another order or protocol, or entered into a prescriptive authority agreement, authorizing the physician assistant [~~or advanced practice registered nurse~~] to administer, provide, prescribe, or order a drug or device.

SECTION _____. Section 38.151(1), Education Code, is amended to read as follows:

(1) "Advanced practice nurse" has the meaning assigned to "advanced practice registered nurse" by Section 301.357 [~~301.152~~], Occupations Code.

SECTION _____. Section 61.601, Education Code, is amended to read as follows:

Sec. 61.601. DEFINITION. In this subchapter, "mental health professional" means:

(1) a licensed physician who is:

(A) a graduate of an accredited psychiatric residency training program; or

(B) certified in psychiatry by:

(i) the American Board of Psychiatry and Neurology; or

(ii) the American Osteopathic Board of Neurology and Psychiatry;

(2) a psychologist, as defined by Section 501.002, Occupations Code;

(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

(4) an advanced practice registered nurse, as defined by Section 301.357 [~~301.152~~], Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing; and

(5) a licensed clinical social worker, as defined by Section 505.002, Occupations Code.

SECTION _____. Section 671.001(b), Government Code, is amended to read as follows:

(b) The pilot program must provide for the following:

(1) a licensed advanced practice registered nurse as defined by Section 301.357 [~~301.152~~], Occupations Code, or a

licensed physician assistant as described by Chapter 204, Occupations Code, who is employed by the state or whose services are acquired by contract, who will be located at a state office complex;

(2) if applicable, a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will delegate to and supervise the [~~advanced practice registered nurse or~~] physician assistant under a prescriptive authority agreement under Chapter 157, Occupations Code;

(3) appropriate office space and equipment for the advanced practice registered nurse or physician assistant to provide basic medical care to employees at the state office complex where the nurse or physician assistant is located; and

(4) professional liability insurance covering services provided by the advanced practice registered nurse or the physician assistant.

SECTION _____. Section 47.011(a), Health and Safety Code, is amended to read as follows:

(a) In this section, "midwife" has the meaning assigned by Section 203.002, Occupations Code, and includes a nurse midwife described by Section 301.357 [~~301.152~~], Occupations Code.

SECTION _____. Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39) "Practitioner" means:

(A) a physician, dentist, veterinarian, podiatrist, scientific investigator, advanced practice registered nurse, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(C) a person practicing in and licensed by another state as a physician, dentist, veterinarian, advanced

practice registered nurse, or podiatrist, having a current Federal Drug Enforcement Administration registration number, who may legally prescribe Schedule II, III, IV, or V controlled substances in that state; or

(D) a [~~an advanced practice registered nurse or~~] physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054, Occupations Code.

SECTION _____. Section 481.073(a), Health and Safety Code, is amended to read as follows:

(a) Only a practitioner defined by Section 481.002(39)(A) and an agent designated in writing by the practitioner in accordance with rules adopted by the board may communicate a prescription by telephone. A pharmacy that receives a telephonically communicated prescription shall promptly write the prescription and file and retain the prescription in the manner required by this subchapter. A practitioner who designates an agent to communicate prescriptions shall maintain the written designation of the agent in the practitioner's usual place of business and shall make the designation available for inspection by investigators for the Texas Medical Board, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, the board, and the department. A practitioner who designates a different agent shall designate that agent in writing and maintain the designation in the same manner in which the practitioner initially designated an agent under this section.

SECTION _____. Section 481.074(d), Health and Safety Code, is amended to read as follows:

(d) Except as specified in Subsections (e) and (f), the board, by rule and in consultation with the Texas Medical Board and the Texas Board of Nursing, shall establish the period after the date on which the prescription is issued that a person may fill a prescription for a controlled substance listed in Schedule II. A person may not refill a prescription for a substance listed in Schedule II.

SECTION _____. Section 481.076(c), Health and Safety Code,

is amended to read as follows:

(c) The board by rule shall design and implement a system for submission of information to the board by electronic or other means and for retrieval of information submitted to the board under this section and Sections 481.074 and 481.075. The board shall use automated information security techniques and devices to preclude improper access to the information. The board shall submit the system design to the director, ~~and~~ the Texas Medical Board, and the Texas Board of Nursing for review and comment a reasonable time before implementation of the system and shall comply with the comments of those agencies unless it is unreasonable to do so.

SECTION _____. Sections 483.001(4), (12), and (13), Health and Safety Code, are amended to read as follows:

(4) "Designated agent" means:

(A) a licensed nurse, physician assistant, pharmacist, or other individual designated by a practitioner to communicate prescription drug orders to a pharmacist;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom the practitioner communicates a prescription drug order; or

(C) a ~~registered nurse or~~ physician assistant authorized by a practitioner to carry out a prescription drug order for dangerous drugs under Subchapter B, Chapter 157, Occupations Code, or an advanced practice registered nurse authorized by a practitioner to carry out a prescription drug order for dangerous drugs.

(12) "Practitioner" means:

(A) a person licensed by the Texas Medical Board, State Board of Dental Examiners, Texas State Board of Podiatric Medical Examiners, Texas Optometry Board, Texas Board of Nursing, or State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs;

(B) a person licensed by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(C) a person licensed in Canada or Mexico in a health field in which, under the laws of this state, a licensee may

legally prescribe dangerous drugs; or

(D) a [~~an advanced practice registered nurse or~~] physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054, Occupations Code.

(13) "Prescription" means an order from a practitioner, or an agent of the practitioner designated in writing as authorized to communicate prescriptions, or an order made in accordance with Subchapter B, Chapter 157, Occupations Code, or Section 203.353, Occupations Code, to a pharmacist for a dangerous drug to be dispensed that states:

(A) the date of the order's issue;

(B) the name and address of the patient;

(C) if the drug is prescribed for an animal, the species of the animal;

(D) the name and quantity of the drug prescribed;

(E) the directions for the use of the drug;

(F) the intended use of the drug unless the practitioner determines the furnishing of this information is not in the best interest of the patient;

(G) the name, address, and telephone number of the practitioner at the practitioner's usual place of business, legibly printed or stamped; and

(H) the name, address, and telephone number of the licensed midwife[~~, registered nurse,~~] or physician assistant, legibly printed or stamped, if signed by a licensed midwife[~~, registered nurse,~~] or physician assistant.

SECTION _____. Section 483.022(f), Health and Safety Code, is amended to read as follows:

(f) A practitioner may designate a person who is a licensed vocational nurse or has an education equivalent to or greater than that required for a licensed vocational nurse to communicate prescriptions of a [~~an advanced practice nurse or~~] physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, Occupations Code, or of an advanced practice registered nurse.

SECTION _____. Section 483.042(a), Health and Safety Code,

is amended to read as follows:

(a) A person commits an offense if the person delivers or offers to deliver a dangerous drug:

(1) unless:

(A) the dangerous drug is delivered or offered for delivery by a pharmacist under:

(i) a prescription issued by a practitioner described by Section 483.001(12)(A) or (B);

(ii) a prescription signed by a [~~registered nurse or~~] physician assistant in accordance with Subchapter B, Chapter 157, Occupations Code; or

(iii) an original written prescription issued by a practitioner described by Section 483.001(12)(C); and

(B) a label is attached to the immediate container in which the drug is delivered or offered to be delivered and the label contains the following information:

(i) the name and address of the pharmacy from which the drug is delivered or offered for delivery;

(ii) the date the prescription for the drug is dispensed;

(iii) the number of the prescription as filed in the prescription files of the pharmacy from which the prescription is dispensed;

(iv) the name of the practitioner who prescribed the drug and, if applicable, the name of the [~~registered nurse or~~] physician assistant who signed the prescription;

(v) the name of the patient and, if the drug is prescribed for an animal, a statement of the species of the animal; and

(vi) directions for the use of the drug as contained in the prescription; or

(2) unless:

(A) the dangerous drug is delivered or offered for delivery by:

(i) a practitioner in the course of practice; or

(ii) a [~~registered nurse or~~] physician

assistant in the course of practice in accordance with Subchapter B, Chapter 157, Occupations Code; and

(B) a label is attached to the immediate container in which the drug is delivered or offered to be delivered and the label contains the following information:

(i) the name and address of the practitioner who prescribed the drug, and if applicable, the name and address of the [~~registered nurse or~~] physician assistant;

(ii) the date the drug is delivered;

(iii) the name of the patient and, if the drug is prescribed for an animal, a statement of the species of the animal; and

(iv) the name of the drug, the strength of the drug, and directions for the use of the drug.

SECTION _____. Section 32.03141, Human Resources Code, is amended to read as follows:

Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in addition to other health care practitioners authorized by federal law, the following persons may order and prescribe durable medical equipment and supplies under the medical assistance program:

(1) an advanced practice registered nurse; and

(2) a [~~or~~] physician assistant acting under adequate physician supervision and to whom a physician has delegated the authority to prescribe and order drugs and devices under Chapter 157, Occupations Code[~~, may order and prescribe durable medical equipment and supplies under the medical assistance program~~].

SECTION _____. Section 843.312, Insurance Code, is amended to read as follows:

Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE REGISTERED NURSES. (a) A health maintenance organization may not refuse a request by a physician participating in the health maintenance organization delivery network and a physician assistant [~~or advanced practice nurse~~] who is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or an advanced practice registered nurse who is

authorized to provide care under Section 301.357, Occupations Code,
to identify a physician assistant or advanced practice registered
nurse as a provider in the network.

(b) A health maintenance organization may refuse a request under Subsection (a) if the physician assistant or advanced practice registered nurse does not meet the quality of care standards previously established by the health maintenance organization for participation in the network by physician assistants and advanced practice registered nurses.

SECTION _____. Section 1301.001(1-a), Insurance Code, is amended to read as follows:

(1-a) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term includes a pharmacist, ~~[and]~~ a pharmacy, and an advanced practice registered nurse. The term does not include a physician.

SECTION _____. Section 1301.052, Insurance Code, is amended to read as follows:

Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer offering a preferred provider benefit plan may not refuse a request made by a physician participating as a preferred provider under the plan and an advanced practice registered nurse or physician assistant to have the advanced practice registered nurse or physician assistant included as a preferred provider under the plan if:

(1) the ~~[advanced practice nurse or]~~ physician assistant is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or the advanced practice registered nurse is authorized to provide care under Section 301.357, Occupations Code; and

(2) the advanced practice registered nurse or physician assistant meets the quality of care standards previously established by the insurer for participation in the plan by advanced practice registered nurses and physician assistants.

SECTION _____. Section 1451.001(2), Insurance Code, is

amended to read as follows:

(2) "Advanced practice registered nurse" means an individual licensed by the Texas Board of Nursing as a registered nurse and licensed [~~recognized~~] by that board as an advanced practice registered nurse.

SECTION _____. Section 1451.104(c), Insurance Code, is amended to read as follows:

(c) Notwithstanding Subsection (a), a health insurance policy may provide for a different amount of payment or reimbursement for scheduled services or procedures performed by an advanced practice registered nurse, nurse first assistant, licensed surgical assistant, or physician assistant if the methodology used to compute the amount is the same as the methodology used to compute the amount of payment or reimbursement when the services or procedures are provided by a physician.

SECTION _____. Section 1451.106, Insurance Code, is amended to read as follows:

Sec. 1451.106. SELECTION OF ADVANCED PRACTICE REGISTERED NURSE. An insured may select an advanced practice registered nurse to provide the services scheduled in the health insurance policy that are within the scope of the nurse's license.

SECTION _____. Section 1452.051(1), Insurance Code, is amended to read as follows:

(1) "Advanced practice nurse" has the meaning assigned to "advanced practice registered nurse" by Section 301.357 [~~301.152~~], Occupations Code.

SECTION _____. Section 204.1025, Occupations Code, is amended to read as follows:

Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY AGREEMENTS. The physician assistant board shall in conjunction with the Texas Medical Board [~~and the Texas Board of Nursing~~] perform the functions and duties relating to prescriptive authority agreements assigned to the physician assistant board in Sections 157.0512 and 157.0513.

SECTION _____. Sections 551.003(14) and (34), Occupations Code, are amended to read as follows:

(14) "Designated agent" means:

(A) an individual, including a licensed nurse, physician assistant, or pharmacist:

(i) who is designated by a practitioner and authorized to communicate a prescription drug order to a pharmacist; and

(ii) for whom the practitioner assumes legal responsibility;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom a practitioner communicates a prescription drug order; or

(C) a [~~registered nurse or~~] physician assistant authorized by a practitioner to administer a prescription drug order for a dangerous drug under Subchapter B, Chapter 157, or an advanced practice registered nurse authorized by a practitioner to administer a prescription drug order for a dangerous drug.

(34) "Practitioner" means:

(A) a person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state, including a physician, dentist, podiatrist, advanced practice registered nurse, or veterinarian but excluding a person licensed under this subtitle;

(B) a person licensed by another state, Canada, or the United Mexican States in a health field in which, under the law of this state, a license holder in this state may legally prescribe a dangerous drug;

(C) a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, advanced practice registered nurse, or podiatrist, who has a current federal Drug Enforcement Administration registration number and who may legally prescribe a Schedule II, III, IV, or V controlled substance, as specified under Chapter 481, Health and Safety Code, in that other state; or

(D) a [~~an advanced practice registered nurse or~~] physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054.

SECTION _____. Section 563.051(e), Occupations Code, is amended to read as follows:

(e) A practitioner may designate a licensed vocational nurse or a person having education equivalent to or greater than that required for a licensed vocational nurse to communicate the prescriptions of a [~~an advanced practice nurse or~~] physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, or of an advanced practice registered nurse.

SECTION _____. Section 563.053, Occupations Code, is amended to read as follows:

Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN RURAL AREAS. (a) In this section, "reimbursement for cost" means an additional charge, separate from that imposed for the physician's or advanced practice registered nurse's professional services, that includes the cost of the drug product and all other actual costs to the physician or advanced practice registered nurse incidental to providing the dispensing service. The term does not include a separate fee imposed for the act of dispensing the drug itself.

(b) This section applies to an area located in a county with a population of 5,000 or less, or in a municipality or an unincorporated town with a population of less than 2,500, that is within a 15-mile radius of the physician's or advanced practice registered nurse's office and in which a pharmacy is not located. This section does not apply to a municipality or an unincorporated town that is adjacent to a municipality with a population of 2,500 or more.

(c) A physician who practices medicine or an advanced practice registered nurse who practices advanced practice registered nursing in an area described by Subsection (b) may:

(1) maintain a supply of dangerous drugs in the physician's or advanced practice registered nurse's office to be dispensed in the course of treating the physician's or advanced practice registered nurse's patients; and

(2) be reimbursed for the cost of supplying those drugs without obtaining a license under Chapter 558.

(d) A physician or advanced practice registered nurse who dispenses dangerous drugs under Subsection (c) shall:

(1) comply with each labeling provision under this subtitle applicable to that class of drugs; and

(2) oversee compliance with packaging and recordkeeping provisions applicable to that class of drugs.

(e) A physician who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Medical [~~State~~] Board [~~of Medical Examiners~~] that the physician practices in an area described by Subsection (b). An advanced practice registered nurse who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Board of Nursing that the advanced practice registered nurse practices in an area described by Subsection (b). The physician or advanced practice registered nurse may continue to dispense dangerous drugs in the area until the board determines, after notice and hearing, that the physician or advanced practice registered nurse no longer practices in an area described by Subsection (b).

SECTION _____. Section 605.002(14), Occupations Code, is amended to read as follows:

(14) "Orthotics" means the science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a licensed physician, chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for the correction or alleviation of a neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

SECTION _____. Section 605.2515, Occupations Code, is amended to read as follows:

Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A person licensed to practice orthotics or prosthetics who measures, designs, fabricates, fits, assembles, adjusts, or services an orthosis or a prosthesis under an order from a licensed physician, chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice registered nurse, or from a physician assistant acting under the

delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is exempt from licensing as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code. A person licensed to practice orthotics or prosthetics who fabricates or assembles an orthosis or a prosthesis without an order from a licensed physician, chiropractor, ~~or~~ podiatrist, or ~~an~~ advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is required to be licensed as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code.

SECTION _____. Not later than February 1, 2018, the Texas Board of Nursing shall adopt the rules necessary to implement Sections 301.357 and 301.358, Occupations Code, as added by this Act.

SECTION _____. Notwithstanding any changes in law made by this Act, an advanced practice registered nurse who has been delegated the authority to prescribe and order drugs and medical devices by a physician's protocol or order under Section 157.0511, 157.0512, or 157.054, Occupations Code, may continue to exercise that authority until February 1, 2018.