



17 MAY -1 AM 8:42  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stickland

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:

2 (1) On page 42, line 25, strike "and 301.163" and substitute  
3 ", 301.163, and 301.168"

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

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

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

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

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

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

28 (D) the supervision or teaching of nursing;

29 (E) the administration, supervision, and

1 evaluation of nursing practices, policies, and procedures;

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

8 (G) the performance of an act delegated by a  
9 physician under Section [~~157.0512, 157.054,~~] 157.058[~~7~~] or  
10 157.059; and

11 (H) the development of the nursing care plan.

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

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

16 (8) "Device" has the meaning assigned by Section  
17 157.051.

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

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

22 SECTION \_\_\_\_\_. Section 301.152, Occupations Code, is  
23 transferred to Subchapter H, Chapter 301, Occupations Code,  
24 redesignated as Section 301.357, Occupations Code, and amended to  
25 read as follows:

26 Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED NURSES  
27 [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) In this section,  
28 "advanced practice registered nurse" means a registered nurse  
29 licensed by the board to practice as an advanced practice  
30 registered nurse on the basis of completion of an advanced  
31 educational program. The term includes a nurse practitioner,

1 nurse midwife, nurse anesthetist, and clinical nurse  
2 specialist. The term is synonymous with "advanced nurse  
3 practitioner" and "advanced practice nurse."

4 (a-1) Advanced practice registered nursing includes:

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

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

9 (3) treating actual and potential health problems;

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

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

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

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

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

30 (b) The board shall adopt rules to:

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

1 registered nurse;

2 (2) establish:

3 (A) any specialized education or training,  
4 including pharmacology, that an advanced practice registered nurse  
5 must have to prescribe or order a drug or device as authorized  
6 ~~[delegated]~~ by the board ~~[a physician]~~ under Section 301.358  
7 ~~[157.0512 or 157.054]~~;

8 (B) a system for approving an advanced practice  
9 registered nurse to prescribe or order a drug or device as  
10 authorized ~~[delegated]~~ by the board ~~[a physician]~~ under Section  
11 301.358 ~~[157.0512 or 157.054]~~ on the receipt of evidence of  
12 completing the specialized education and training requirement  
13 under Paragraph (A); and

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

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

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

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

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

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

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

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

7           (1) complying with the requirements of this chapter;

8           (2) providing quality advanced nursing care;

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

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

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

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

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

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

26       SECTION \_\_\_\_\_. The heading to Subchapter B, Chapter 157,  
27 Occupations Code, is amended to read as follows:

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

31       SECTION \_\_\_\_\_. Sections 157.051(1) and (14), Occupations

1 Code, are amended to read as follows:

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

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

12 SECTION \_\_\_\_\_. Section 157.0511(b-2), Occupations Code, is  
13 amended to read as follows:

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

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

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

30 (b) A physician and a [~~an advanced practice registered nurse~~  
31 ~~or~~] physician assistant are eligible to enter into or be parties to

1 a prescriptive authority agreement only if:

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

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

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

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

16 (2) ~~[(3)]~~ before executing the prescriptive authority  
17 agreement, the physician and the ~~[advanced practice registered~~  
18 ~~nurse or]~~ physician assistant disclose to the other prospective  
19 party to the agreement any prior disciplinary action by the board~~[,~~  
20 ~~the Texas Board of Nursing,]~~ or the Texas Physician Assistant  
21 Board~~[, as applicable].~~

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

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

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

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

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

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

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

10          (6) provide a plan for addressing patient emergencies;

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

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

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

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

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

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

31               (B) periodic face-to-face meetings between the



1 ~~[advanced practice registered nurse or]~~ physician assistant and the  
2 physician at a location determined by the physician and the  
3 ~~[advanced practice registered nurse or]~~ physician assistant.

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

6 (1) include:

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

10 (B) discussion of patient care improvement; and

11 (2) be documented and occur:

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

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

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

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

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

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

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

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

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

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

17 (m) The prescriptive authority agreement and any amendments  
18 must be reviewed at least annually, dated, and signed by the parties  
19 to the agreement. The prescriptive authority agreement and any  
20 amendments must be made available to the board[~~, the Texas Board of~~  
21 ~~Nursing,~~] or the Texas Physician Assistant Board not later than the  
22 third business day after the date of receipt of request, if any.

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

30 (o) This section shall be liberally construed to allow the  
31 use of prescriptive authority agreements to safely and effectively

1 utilize the skills and services of [~~advanced practice registered~~  
2 ~~nurses and~~] physician assistants.

3 SECTION \_\_\_\_\_. Section 157.0513, Occupations Code, is  
4 amended to read as follows:

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

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

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

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

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

28 (c) The board shall maintain and make available to the  
29 public a searchable online list of physicians[~~, advanced practice~~  
30 ~~registered nurses,~~] and physician assistants who have entered into  
31 a prescriptive authority agreement authorized under Section

1 157.0512 and identify the physician [~~advanced practice registered~~  
2 ~~nurse, or physician assistant~~] with whom each [~~physician, advanced~~  
3 ~~practice registered nurse, and~~] physician assistant has entered  
4 into a prescriptive authority agreement.

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

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

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

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

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

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

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

1 practices.

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

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

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

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

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

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

28 (c) Physician supervision of the prescribing or ordering of  
29 a drug or device must conform to what a reasonable, prudent  
30 physician would find consistent with sound medical judgment but may  
31 vary with the education and experience of the particular [~~advanced~~

1 ~~practice registered nurse or~~] physician assistant. A physician  
2 shall provide continuous supervision, but the constant physical  
3 presence of the physician is not required.

4 SECTION \_\_\_\_\_. Section 157.055; Occupations Code, is amended  
5 to read as follows:

6 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other  
7 order shall be defined in a manner that promotes the exercise of  
8 professional judgment by the [~~advanced practice registered nurse~~  
9 ~~and~~] physician assistant commensurate with the education and  
10 experience of that person. Under this section, an order or  
11 protocol used by a reasonable and prudent physician exercising  
12 sound medical judgment:

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

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

20 SECTION \_\_\_\_\_. Section 157.056, Occupations Code, is amended  
21 to read as follows:

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

- 25 (1) the patient's name and address;
- 26 (2) the drug to be dispensed;
- 27 (3) directions to the patient regarding the taking of  
28 the drug and the dosage;
- 29 (4) the intended use of the drug, if appropriate;
- 30 (5) the name, address, and telephone number of the  
31 physician;

1 (6) the name, address, telephone number, and  
2 identification number of the [~~registered nurse or~~] physician  
3 assistant completing or signing the prescription drug order;

4 (7) the date; and

5 (8) the number of refills permitted.

6 SECTION \_\_\_\_\_. Section 157.060, Occupations Code, is amended  
7 to read as follows:

8 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED  
9 ACT. Unless the physician has reason to believe the physician  
10 assistant [~~or advanced practice registered nurse~~] lacked the  
11 competency to perform the act, a physician is not liable for an act  
12 of a physician assistant [~~or advanced practice registered nurse~~]  
13 solely because the physician signed a standing medical order, a  
14 standing delegation order, or another order or protocol, or entered  
15 into a prescriptive authority agreement, authorizing the physician  
16 assistant [~~or advanced practice registered nurse~~] to administer,  
17 provide, prescribe, or order a drug or device.

18 SECTION \_\_\_\_\_. Section 38.151(1), Education Code, is amended  
19 to read as follows:

20 (1) "Advanced practice nurse" has the meaning assigned  
21 to "advanced practice registered nurse" by Section 301.357  
22 [~~301.152~~], Occupations Code.

23 SECTION \_\_\_\_\_. Section 61.601, Education Code, is amended to  
24 read as follows:

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

27 (1) a licensed physician who is:

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

30 (B) certified in psychiatry by:

31 (i) the American Board of Psychiatry and

1 Neurology; or

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

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

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

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

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

14 SECTION \_\_\_\_\_. Section 671.001(b), Government Code, is  
15 amended to read as follows:

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

17 (1) a licensed advanced practice registered nurse as  
18 defined by Section 301.357 [~~301.152~~], Occupations Code, or a  
19 licensed physician assistant as described by Chapter 204,  
20 Occupations Code, who is employed by the state or whose services are  
21 acquired by contract, who will be located at a state office complex;

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

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



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

4           SECTION \_\_\_\_\_. Section 47.011(a), Health and Safety Code, is  
5 amended to read as follows:

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

9           SECTION \_\_\_\_\_. Section 481.002(39), Health and Safety Code,  
10 is amended to read as follows:

11           (39) "Practitioner" means:

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

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

23           (C) a person practicing in and licensed by  
24 another state as a physician, dentist, veterinarian, advanced  
25 practice registered nurse, or podiatrist, having a current Federal  
26 Drug Enforcement Administration registration number, who may  
27 legally prescribe Schedule II, III, IV, or V controlled substances  
28 in that state; or

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

1 157.0512, or 157.054, Occupations Code.

2 SECTION \_\_\_\_\_. Section 481.073(a), Health and Safety Code,  
3 is amended to read as follows:

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

21 SECTION \_\_\_\_\_. Section 481.074(d), Health and Safety Code,  
22 is amended to read as follows:

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

30 SECTION \_\_\_\_\_. Section 481.076(c), Health and Safety Code,  
31 is amended to read as follows:

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

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

13 (4) "Designated agent" means:

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

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

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

26 (12) "Practitioner" means:

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

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

4 (C) a person licensed in Canada or Mexico in a  
5 health field in which, under the laws of this state, a licensee may  
6 legally prescribe dangerous drugs; or

7 (D) a [~~an advanced practice registered nurse or~~]  
8 physician assistant to whom a physician has delegated the authority  
9 to prescribe or order a drug or device under Section 157.0511,  
10 157.0512, or 157.054, Occupations Code.

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

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

18 (B) the name and address of the patient;

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

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

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

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

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

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

1 ~~registered nurse,~~] or physician assistant.

2 SECTION \_\_\_\_\_. Section 483.022(f), Health and Safety Code,  
3 is amended to read as follows:

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

11 SECTION \_\_\_\_\_. Section 483.042(a), Health and Safety Code,  
12 is amended to read as follows:

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

15 (1) unless:

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

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

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

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

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

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

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

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

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

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

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

12 (2) unless:

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

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

17 (ii) a [~~registered nurse or~~] physician  
18 assistant in the course of practice in accordance with Subchapter  
19 B, Chapter 157, Occupations Code; and

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

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

26 (ii) the date the drug is delivered;

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

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

1 SECTION \_\_\_\_\_. Section 32.03141, Human Resources Code, is  
2 amended to read as follows:

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

- 9 (1) an advanced practice registered nurse; and  
10 (2) a [or] physician assistant acting under adequate  
11 physician supervision and to whom a physician has delegated the  
12 authority to prescribe and order drugs and devices under Chapter  
13 157, Occupations Code~~[, may order and prescribe durable medical~~  
14 ~~equipment and supplies under the medical assistance program].~~

15 SECTION \_\_\_\_\_. Section 843.312, Insurance Code, is amended  
16 to read as follows:

17 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
18 REGISTERED NURSES. (a) A health maintenance organization may not  
19 refuse a request by a physician participating in the health  
20 maintenance organization delivery network and a physician  
21 assistant ~~[or advanced practice nurse]~~ who is authorized by the  
22 physician to provide care under Subchapter B, Chapter 157,  
23 Occupations Code, or an advanced practice registered nurse who is  
24 authorized to provide care under Section 301.357, Occupations Code,  
25 to identify a physician assistant or advanced practice registered  
26 nurse as a provider in the network.

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

1 assistants and advanced practice registered nurses.

2 SECTION \_\_\_\_\_. Section 1301.001(1-a), Insurance Code, is  
3 amended to read as follows:

4 (1-a) "Health care provider" means a practitioner,  
5 institutional provider, or other person or organization that  
6 furnishes health care services and that is licensed or otherwise  
7 authorized to practice in this state. The term includes a  
8 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered  
9 nurse. The term does not include a physician.

10 SECTION \_\_\_\_\_. Section 1301.052, Insurance Code, is amended  
11 to read as follows:

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

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

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

29 SECTION \_\_\_\_\_. Section 1451.001(2), Insurance Code, is  
30 amended to read as follows:

31 (2) "Advanced practice registered nurse" means an



1 individual licensed by the Texas Board of Nursing as a registered  
2 nurse and licensed [~~recognized~~] by that board as an advanced  
3 practice registered nurse.

4 SECTION \_\_\_\_\_. Section 1451.104(c), Insurance Code, is  
5 amended to read as follows:

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

14 SECTION \_\_\_\_\_. Section 1451.106, Insurance Code, is amended  
15 to read as follows:

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

20 SECTION \_\_\_\_\_. Section 1452.051(1), Insurance Code, is  
21 amended to read as follows:

22 (1) "Advanced practice nurse" has the meaning assigned  
23 to "advanced practice registered nurse" by Section 301.357  
24 [~~301.152~~], Occupations Code.

25 SECTION \_\_\_\_\_. Section 204.1025, Occupations Code, is  
26 amended to read as follows:

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

1 157.0512 and 157.0513.

2 SECTION \_\_\_\_\_. Sections 551.003(14) and (34), Occupations  
3 Code, are amended to read as follows:

4 (14) "Designated agent" means:

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

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

10 (ii) for whom the practitioner assumes  
11 legal responsibility;

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

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

20 (34) "Practitioner" means:

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

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

31 (C) a person practicing in another state and

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

7 (D) a [~~an advanced practice registered nurse or~~]  
8 physician assistant to whom a physician has delegated the authority  
9 to prescribe or order a drug or device under Section 157.0511,  
10 157.0512, or 157.054.

11 SECTION \_\_\_\_\_. Section 563.051(e), Occupations Code, is  
12 amended to read as follows:

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

20 SECTION \_\_\_\_\_. Section 563.053, Occupations Code, is amended  
21 to read as follows:

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

31 (b) This section applies to an area located in a county with

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

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

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

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

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

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

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

23 (e) A physician who desires to dispense dangerous drugs  
24 under this section shall notify both the board and the Texas Medical  
25 [State] Board [of Medical Examiners] that the physician practices  
26 in an area described by Subsection (b). An advanced practice  
27 registered nurse who desires to dispense dangerous drugs under this  
28 section shall notify both the board and the Texas Board of Nursing  
29 that the advanced practice registered nurse practices in an area  
30 described by Subsection (b). The physician or advanced practice  
31 registered nurse may continue to dispense dangerous drugs in the

1 area until the board determines, after notice and hearing, that the  
2 physician or advanced practice registered nurse no longer practices  
3 in an area described by Subsection (b).

4 SECTION \_\_\_\_\_. Section 605.002(14), Occupations Code, is  
5 amended to read as follows:

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

15 SECTION \_\_\_\_\_. Section 605.2515, Occupations Code, is  
16 amended to read as follows:

17 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A  
18 person licensed to practice orthotics or prosthetics who measures,  
19 designs, fabricates, fits, assembles, adjusts, or services an  
20 orthosis or a prosthesis under an order from a licensed physician,  
21 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
22 registered nurse, or from a physician assistant acting under the  
23 delegation and supervision of a licensed physician as provided by  
24 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
25 Board, for a specific patient is exempt from licensing as a device  
26 manufacturer under Subchapter L, Chapter 431, Health and Safety  
27 Code. A person licensed to practice orthotics or prosthetics who  
28 fabricates or assembles an orthosis or a prosthesis without an  
29 order from a licensed physician, chiropractor, [~~or~~] podiatrist, or  
30 [~~an~~] advanced practice registered nurse, or from a physician  
31 assistant acting under the delegation and supervision of a licensed

1 physician as provided by Subchapter B, Chapter 157, and rules  
2 adopted by the Texas Medical Board, for a specific patient is  
3 required to be licensed as a device manufacturer under Subchapter  
4 L, Chapter 431, Health and Safety Code.

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

9 SECTION \_\_\_\_\_. Notwithstanding any changes in law made by  
10 this Act, an advanced practice registered nurse who has been  
11 delegated the authority to prescribe and order drugs and medical  
12 devices by a physician's protocol or order under Section 157.0511,  
13 157.0512, or 157.054, Occupations Code, may continue to exercise  
14 that authority until February 1, 2018.