



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. (a) 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 III, IV, and V, dangerous drugs, and
25 nonprescription drugs.

26 (b) The board may authorize an advanced practice registered
27 nurse, with a prescription authorization number issued as required
28 under Section 301.357(b), to prescribe and order controlled
29 substances listed in Schedule II only:

30 (1) in a hospital facility-based practice in
31 accordance with policies approved by the hospital's medical staff

1 or a committee of the hospital's medical staff as provided by the
2 hospital bylaws to ensure patient safety, and as part of the care
3 provided to a patient who:

4 (A) has been admitted to the hospital and is
5 expected to remain in the hospital for a period of 24 hours or more;
6 or

7 (B) is receiving services in the emergency
8 department of the hospital; or

9 (2) as part of the plan of care for the treatment of a
10 person who has executed a written certification of a terminal
11 illness, has elected to receive hospice care, and is receiving
12 hospice treatment from a qualified hospice provider.

13 SECTION _____. The heading to Subchapter B, Chapter 157,
14 Occupations Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

30 (B) is not currently prohibited by the [~~Texas~~
31 ~~Board of Nursing or the~~] Texas Physician Assistant Board[~~, as~~

1 ~~applicable,~~] from executing a prescriptive authority agreement;
2 and

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

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

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

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

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

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

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

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

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

29 (7) state the general process for communication and
30 the sharing of information between the physician and the [~~advanced~~
31 ~~practice registered nurse or~~] physician assistant to whom the

1 physician has delegated prescriptive authority related to the care
2 and treatment of patients;

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

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

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

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

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

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

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

24 (1) include:

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

28 (B) discussion of patient care improvement; and

29 (2) be documented and occur:

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

31 (i) at least monthly until the third

1 anniversary of the date the agreement is executed; and

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

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

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

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

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

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

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

30 (l) In the event that a party to a prescriptive authority
31 agreement is notified that the individual has become the subject of

1 an investigation by the board[~~, the Texas Board of Nursing,~~] or the
2 Texas Physician Assistant Board, the individual shall immediately
3 notify the other party to the prescriptive authority agreement.

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

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

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

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

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

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

30 (2) by which each board shall immediately notify the
31 other board [~~boards~~] when a license holder of the board becomes the

1 subject of an investigation involving the delegation and
2 supervision of prescriptive authority, as well as the final
3 disposition of any such investigation; and

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

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

15 (c) The board shall maintain and make available to the
16 public a searchable online list of physicians [~~advanced practice~~
17 ~~registered nurses,~~] and physician assistants who have entered into
18 a prescriptive authority agreement authorized under Section
19 157.0512 and identify the physician [~~advanced practice registered~~
20 ~~nurse, or physician assistant~~] with whom each [~~physician, advanced~~
21 ~~practice registered nurse, and~~] physician assistant has entered
22 into a prescriptive authority agreement.

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

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

31 (a) One or more physicians licensed by the board may

1 delegate, to one or more physician assistants [~~or advanced practice~~
2 ~~registered nurses~~] acting under adequate physician supervision
3 whose practice is facility-based at a hospital or licensed
4 long-term care facility, the administration or provision of a drug
5 and the prescribing or ordering of a drug or device if each of the
6 delegating physicians is:

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

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

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

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

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

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

28 (1) the delegation must be made under a physician's
29 order, standing medical order, standing delegation order, or
30 another order or protocol developed in accordance with policies
31 approved by the facility's medical staff or a committee of the

1 facility's medical staff as provided by the facility bylaws;

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

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

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

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

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

24 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other
25 order shall be defined in a manner that promotes the exercise of
26 professional judgment by the [~~advanced practice registered nurse~~
27 ~~and~~] physician assistant commensurate with the education and
28 experience of that person. Under this section, an order or
29 protocol used by a reasonable and prudent physician exercising
30 sound medical judgment:

31 (1) is not required to describe the exact steps that

1 ~~[an advanced practice registered nurse or]~~ a physician assistant
2 must take with respect to each specific condition, disease, or
3 symptom; and

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

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

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

12 (1) the patient's name and address;

13 (2) the drug to be dispensed;

14 (3) directions to the patient regarding the taking of
15 the drug and the dosage;

16 (4) the intended use of the drug, if appropriate;

17 (5) the name, address, and telephone number of the
18 physician;

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

22 (7) the date; and

23 (8) the number of refills permitted.

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

26 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED
27 ACT. Unless the physician has reason to believe the physician
28 assistant ~~[or advanced practice registered nurse]~~ lacked the
29 competency to perform the act, a physician is not liable for an act
30 of a physician assistant ~~[or advanced practice registered nurse]~~
31 solely because the physician signed a standing medical order, a

1 standing delegation order, or another order or protocol, or entered
2 into a prescriptive authority agreement, authorizing the physician
3 assistant [~~or advanced practice registered nurse~~] to administer,
4 provide, prescribe, or order a drug or device.

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

7 (1) "Advanced practice nurse" has the meaning assigned
8 to "advanced practice registered nurse" by Section 301.357
9 [~~301.152~~], Occupations Code.

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

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

14 (1) a licensed physician who is:

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

17 (B) certified in psychiatry by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (39) "Practitioner" means:

30 (A) a physician, dentist, veterinarian,
31 podiatrist, scientific investigator, advanced practice registered

1 nurse, or other person licensed, registered, or otherwise permitted
2 to distribute, dispense, analyze, conduct research with respect to,
3 or administer a controlled substance in the course of professional
4 practice or research in this state;

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

10 (C) a person practicing in and licensed by
11 another state as a physician, dentist, veterinarian, advanced
12 practice registered nurse, or podiatrist, having a current Federal
13 Drug Enforcement Administration registration number, who may
14 legally prescribe Schedule II, III, IV, or V controlled substances
15 in that state; or

16 (D) a [~~an advanced practice registered nurse or~~]
17 physician assistant to whom a physician has delegated the authority
18 to prescribe or order a drug or device under Section 157.0511,
19 157.0512, or 157.054, Occupations Code.

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

22 (a) Only a practitioner defined by Section 481.002(39)(A)
23 and an agent designated in writing by the practitioner in
24 accordance with rules adopted by the board may communicate a
25 prescription by telephone. A pharmacy that receives a
26 telephonically communicated prescription shall promptly write the
27 prescription and file and retain the prescription in the manner
28 required by this subchapter. A practitioner who designates an
29 agent to communicate prescriptions shall maintain the written
30 designation of the agent in the practitioner's usual place of
31 business and shall make the designation available for inspection by

1 investigators for the Texas Medical Board, the State Board of
2 Dental Examiners, the State Board of Veterinary Medical Examiners,
3 the Texas Board of Nursing, the board, and the department. A
4 practitioner who designates a different agent shall designate that
5 agent in writing and maintain the designation in the same manner in
6 which the practitioner initially designated an agent under this
7 section.

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

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

17 SECTION _____. Section 481.076(c), Health and Safety Code,
18 is amended to read as follows:

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

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

31 (4) "Designated agent" means:

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

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

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

13 (12) "Practitioner" means:

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

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

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

25 (D) a ~~[an advanced practice registered nurse or]~~
26 physician assistant to whom a physician has delegated the authority
27 to prescribe or order a drug or device under Section 157.0511,
28 157.0512, or 157.054, Occupations Code.

29 (13) "Prescription" means an order from a
30 practitioner, or an agent of the practitioner designated in writing
31 as authorized to communicate prescriptions, or an order made in

1 accordance with Subchapter B, Chapter 157, Occupations Code, or
2 Section 203.353, Occupations Code, to a pharmacist for a dangerous
3 drug to be dispensed that states:

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

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

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

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

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

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

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

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

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

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

29 SECTION _____. Section 483.042(a), Health and Safety Code,
30 is amended to read as follows:

31 (a) A person commits an offense if the person delivers or

1 offers to deliver a dangerous drug:

2 (1) unless:

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

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

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

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

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

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

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

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

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

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

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

30 (2) unless:

31 (A) the dangerous drug is delivered or offered

1 for delivery by:

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

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

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

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

13 (ii) the date the drug is delivered;

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

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

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

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

27 (1) an advanced practice registered nurse; and

28 (2) a [~~or~~] physician assistant acting under adequate
29 physician supervision and to whom a physician has delegated the
30 authority to prescribe and order drugs and devices under Chapter
31 157, Occupations Code[, ~~may order and prescribe durable medical~~

1 ~~equipment and supplies under the medical assistance program].~~

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

4 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
5 REGISTERED NURSES. (a) A health maintenance organization may not
6 refuse a request by a physician participating in the health
7 maintenance organization delivery network and a physician
8 assistant [~~or advanced practice nurse~~] who is authorized by the
9 physician to provide care under Subchapter B, Chapter 157,
10 Occupations Code, or an advanced practice registered nurse who is
11 authorized to provide care under Section 301.357, Occupations Code,
12 to identify a physician assistant or advanced practice registered
13 nurse as a provider in the network.

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

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

22 (1-a) "Health care provider" means a practitioner,
23 institutional provider, or other person or organization that
24 furnishes health care services and that is licensed or otherwise
25 authorized to practice in this state. The term includes a
26 pharmacist, [~~and~~] a pharmacy, and an advanced practice registered
27 nurse. The term does not include a physician.

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

30 Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED
31 NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer

1 offering a preferred provider benefit plan may not refuse a request
2 made by a physician participating as a preferred provider under the
3 plan and an advanced practice registered nurse or physician
4 assistant to have the advanced practice registered nurse or
5 physician assistant included as a preferred provider under the plan
6 if:

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

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

16 SECTION _____. Section 1451.001(2), Insurance Code, is
17 amended to read as follows:

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

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

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

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

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

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

9 (1) "Advanced practice nurse" has the meaning assigned
10 to "advanced practice registered nurse" by Section 301.357
11 [~~301.152~~], Occupations Code.

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

14 Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY
15 AGREEMENTS. The physician assistant board shall in conjunction
16 with the Texas Medical Board [~~and the Texas Board of Nursing~~]
17 perform the functions and duties relating to prescriptive authority
18 agreements assigned to the physician assistant board in Sections
19 157.0512 and 157.0513.

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

22 (14) "Designated agent" means:

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

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

28 (ii) for whom the practitioner assumes
29 legal responsibility;

30 (B) a licensed nurse, physician assistant, or
31 pharmacist employed in a health care facility to whom a

1 practitioner communicates a prescription drug order; or

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

7 (34) "Practitioner" means:

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

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

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

25 (D) a [~~an advanced practice registered nurse or~~]
26 physician assistant to whom a physician has delegated the authority
27 to prescribe or order a drug or device under Section 157.0511,
28 157.0512, or 157.054.

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

31 (e) A practitioner may designate a licensed vocational

1 nurse or a person having education equivalent to or greater than
2 that required for a licensed vocational nurse to communicate the
3 prescriptions of a [~~an advanced practice nurse or~~] physician
4 assistant authorized by the practitioner to sign prescription drug
5 orders under Subchapter B, Chapter 157, or of an advanced practice
6 registered nurse.

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

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

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

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

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

1 practice registered nurse's patients; and

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

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

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

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

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

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

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

1 musculoskeletal dysfunction, disease, injury, or deformity.

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

4 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A
5 person licensed to practice orthotics or prosthetics who measures,
6 designs, fabricates, fits, assembles, adjusts, or services an
7 orthosis or a prosthesis under an order from a licensed physician,
8 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice
9 registered nurse, or from a physician assistant acting under the
10 delegation and supervision of a licensed physician as provided by
11 Subchapter B, Chapter 157, and rules adopted by the Texas Medical
12 Board, for a specific patient is exempt from licensing as a device
13 manufacturer under Subchapter L, Chapter 431, Health and Safety
14 Code. A person licensed to practice orthotics or prosthetics who
15 fabricates or assembles an orthosis or a prosthesis without an
16 order from a licensed physician, chiropractor, [~~or~~] podiatrist, or
17 [~~an~~] advanced practice registered nurse, or from a physician
18 assistant acting under the delegation and supervision of a licensed
19 physician as provided by Subchapter B, Chapter 157, and rules
20 adopted by the Texas Medical Board, for a specific patient is
21 required to be licensed as a device manufacturer under Subchapter
22 L, Chapter 431, Health and Safety Code.

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

27 SECTION _____. Notwithstanding any changes in law made by
28 this Act, an advanced practice registered nurse who has been
29 delegated the authority to prescribe and order drugs and medical
30 devices by a physician's protocol or order under Section 157.0511,
31 157.0512, or 157.054, Occupations Code, may continue to exercise

1 that authority until February 1, 2018.

