

By: Price

H.B. No. 2807

A BILL TO BE ENTITLED

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

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

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

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

22 (e) Subsection (d) applies only to an advanced practice
23 nurse practicing in a county:

24 (1) in which there are no practicing physicians; and

1 (2) that:

2 (A) has been designated as a medically
3 underserved area under state or federal law; or

4 (B) contains a medically underserved population.

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

7 Sec. 62.1551. INCLUSION OF CERTAIN HEALTH CARE PROVIDERS IN
8 PROVIDER NETWORKS. (a) Notwithstanding any other law, including
9 Sections 843.312 and 1301.052, Insurance Code, the executive
10 commissioner shall adopt rules to require a managed care
11 organization or other entity to ensure that advanced practice
12 registered nurses and physician assistants are available as primary
13 care providers in the organization's or entity's provider network.
14 The rules must require advanced practice registered nurses and
15 physician assistants to be treated in the same manner as primary
16 care physicians with regard to:

17 (1) selection and assignment as primary care
18 providers;

19 (2) inclusion as primary care providers in the
20 provider network; and

21 (3) inclusion as primary care providers in any
22 provider network directory maintained by the organization or
23 entity.

24 (b) For purposes of Subsection (a) and subject to Subsection
25 (c), an advanced practice nurse, including an advanced practice
26 nurse certified as a psychiatric/mental health advanced practice
27 nurse, may be included as a primary care provider in a managed care

1 organization's or entity's provider network regardless of whether
2 the physician delegating to or supervising the advanced practice
3 nurse under Subchapter B, Chapter 157, Occupations Code, is in the
4 provider network. If a managed care organization or other entity
5 includes an advanced practice nurse as a primary care provider
6 under this subsection, the physician delegating to or supervising
7 the advanced practice nurse is part of the provider network for
8 purposes of supervision.

9 (c) Subsection (b) applies only to an advanced practice
10 nurse practicing in a county:

11 (1) in which there are no practicing physicians; and

12 (2) that:

13 (A) has been designated as a medically
14 underserved area under state or federal law; or

15 (B) contains a medically underserved population.

16 (d) This section may not be construed as authorizing a
17 managed care organization or other entity to supervise or control
18 the practice of medicine as prohibited by Subtitle B, Title 3,
19 Occupations Code.

20 SECTION 3. Section 32.024, Human Resources Code, is amended
21 by amending Subsection (gg) and adding Subsection (gg-1) to read as
22 follows:

23 (gg) Subject to Subsection (gg-1) and notwithstanding
24 ~~[Notwithstanding]~~ any other law, including Sections 843.312 and
25 1301.052, Insurance Code, the commission shall ensure that advanced
26 practice registered nurses, including advanced practice registered
27 nurses certified as psychiatric/mental health advanced practice

1 nurses, and physician assistants may be selected by and assigned to
2 recipients of medical assistance as the primary care providers of
3 those recipients regardless of whether the physician delegating to
4 or supervising the advanced practice registered nurse under
5 Subchapter B, Chapter 157, Occupations Code, is included in any
6 directory of providers of medical assistance maintained by the
7 commission. If an advanced practice registered nurse is included
8 as a primary care provider under this subsection, the physician
9 delegating to or supervising the advanced practice registered nurse
10 is included in the directory for purposes of supervision. This
11 subsection may not be construed as authorizing the commission to
12 supervise or control the practice of medicine as prohibited by
13 Subtitle B, Title 3, Occupations Code. The commission must require
14 that advanced practice registered nurses and physician assistants
15 be treated in the same manner as primary care physicians with regard
16 to:

17 (1) selection and assignment as primary care
18 providers; and

19 (2) inclusion as primary care providers in any
20 directory of providers of medical assistance maintained by the
21 commission.

22 (gg-1) Subsection (gg) applies only to an advanced practice
23 nurse practicing in a county:

24 (1) in which there are no practicing physicians; and

25 (2) that:

26 (A) has been designated as a medically
27 underserved area under state or federal law; or

1 (B) contains a medically underserved population.

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

4 Sec. 843.3125. CONTRACTS WITH ADVANCED PRACTICE NURSES.

5 (a) This section applies only to an advanced practice nurse
6 practicing in a county:

7 (1) in which there are no practicing physicians; and

8 (2) that:

9 (A) has been designated as a medically
10 underserved area under state and federal law; or

11 (B) contains a medically underserved population.

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

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

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

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

1 Sec. 1301.0525. DESIGNATION OF ADVANCED PRACTICE NURSES AS
2 PREFERRED PROVIDERS. (a) This section applies only to an advanced
3 practice nurse practicing in a county:

4 (1) in which there are no practicing physicians; and

5 (2) that:

6 (A) has been designated as a medically
7 underserved area under state and federal law; or

8 (B) contains a medically underserved population.

9 (b) An insurer offering a preferred provider benefit plan
10 may designate an advanced practice nurse as a preferred provider
11 regardless of whether the physician delegating to or supervising
12 the advanced practice nurse under Subchapter B, Chapter 157,
13 Occupations Code, is a preferred provider.

14 (c) If an insurer designates an advanced practice nurse as a
15 preferred provider under Subsection (b), the physician delegating
16 to or supervising the advanced practice nurse is a preferred
17 provider for purposes of supervision.

18 (d) This section may not be construed as authorizing an
19 insurer to supervise or control the practice of medicine as
20 prohibited by Subtitle B, Title 3, Occupations Code.

21 SECTION 6. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 7. This Act takes effect September 1, 2017.