

1-1 By: Seliger S.B. No. 654
 1-2 (In the Senate - Filed January 30, 2017; February 14, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 May 3, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 2; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11			X	
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the participation of an advanced practice registered
 1-20 nurse as a primary care or network provider for certain
 1-21 governmental and other health benefit plans.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 533.005, Government Code, is amended by
 1-24 adding Subsection (d) to read as follows:

1-25 (d) For purposes of Subsection (a)(13), an advanced
 1-26 practice registered nurse may be included as a primary care
 1-27 provider in a managed care organization's provider network
 1-28 regardless of whether the physician supervising the advanced
 1-29 practice registered nurse is in the provider network. This
 1-30 subsection may not be construed as authorizing a managed care
 1-31 organization to supervise or control the practice of medicine as
 1-32 prohibited by Subtitle B, Title 3, Occupations Code.

1-33 SECTION 2. Section 62.1551, Health and Safety Code, is
 1-34 amended to read as follows:

1-35 Sec. 62.1551. INCLUSION OF CERTAIN HEALTH CARE PROVIDERS IN
 1-36 PROVIDER NETWORKS. (a) Notwithstanding any other law, including
 1-37 Sections 843.312 and 1301.052, Insurance Code, the executive
 1-38 commissioner shall adopt rules to require a managed care
 1-39 organization or other entity to ensure that advanced practice
 1-40 registered nurses and physician assistants are available as primary
 1-41 care providers in the organization's or entity's provider network.
 1-42 The rules must require advanced practice registered nurses and
 1-43 physician assistants to be treated in the same manner as primary
 1-44 care physicians with regard to:

1-45 (1) selection and assignment as primary care
 1-46 providers;

1-47 (2) inclusion as primary care providers in the
 1-48 provider network; and

1-49 (3) inclusion as primary care providers in any
 1-50 provider network directory maintained by the organization or
 1-51 entity.

1-52 (b) For purposes of Subsection (a), an advanced practice
 1-53 registered nurse may be included as a primary care provider in a
 1-54 managed care organization's or entity's provider network regardless
 1-55 of whether the physician supervising the advanced practice
 1-56 registered nurse is in the provider network.

1-57 (c) This section may not be construed as authorizing a
 1-58 managed care organization or other entity to supervise or control
 1-59 the practice of medicine as prohibited by Subtitle B, Title 3,
 1-60 Occupations Code.

1-61 SECTION 3. Section 32.024(gg), Human Resources Code, is

2-1 amended to read as follows:

2-2 (gg) Notwithstanding any other law, including Sections
 2-3 843.312 and 1301.052, Insurance Code, the commission shall ensure
 2-4 that advanced practice registered nurses and physician assistants
 2-5 may be selected by and assigned to recipients of medical assistance
 2-6 as the primary care providers of those recipients regardless of
 2-7 whether the physician supervising the advanced practice registered
 2-8 nurse is included in any directory of providers of medical
 2-9 assistance maintained by the commission. This subsection may not
 2-10 be construed as authorizing the commission to supervise or control
 2-11 the practice of medicine as prohibited by Subtitle B, Title 3,
 2-12 Occupations Code. The commission must require that advanced
 2-13 practice registered nurses and physician assistants be treated in
 2-14 the same manner as primary care physicians with regard to:

2-15 (1) selection and assignment as primary care
 2-16 providers; and

2-17 (2) inclusion as primary care providers in any
 2-18 directory of providers of medical assistance maintained by the
 2-19 commission.

2-20 SECTION 4. Subchapter I, Chapter 843, Insurance Code, is
 2-21 amended by adding Section 843.3125 to read as follows:

2-22 Sec. 843.3125. CONTRACTS WITH ADVANCED PRACTICE REGISTERED
 2-23 NURSES. (a) A health maintenance organization may contract
 2-24 directly with an advanced practice registered nurse to provide
 2-25 health care services on behalf of the health maintenance
 2-26 organization regardless of whether the physician supervising the
 2-27 advanced practice registered nurse provides health care services
 2-28 for the health maintenance organization.

2-29 (b) This section may not be construed as authorizing a
 2-30 health maintenance organization to supervise or control the
 2-31 practice of medicine as prohibited by Subtitle B, Title 3,
 2-32 Occupations Code.

2-33 SECTION 5. Subchapter B, Chapter 1301, Insurance Code, is
 2-34 amended by adding Section 1301.0525 to read as follows:

2-35 Sec. 1301.0525. DESIGNATION OF ADVANCED PRACTICE
 2-36 REGISTERED NURSES AS PREFERRED PROVIDERS. (a) An insurer offering
 2-37 a preferred provider benefit plan may designate an advanced
 2-38 practice registered nurse as a preferred provider regardless of
 2-39 whether the physician supervising the advanced practice registered
 2-40 nurse is a preferred provider.

2-41 (b) This section may not be construed as authorizing an
 2-42 insurer to supervise or control the practice of medicine as
 2-43 prohibited by Subtitle B, Title 3, Occupations Code.

2-44 SECTION 6. If before implementing any provision of this Act
 2-45 a state agency determines that a waiver or authorization from a
 2-46 federal agency is necessary for implementation of that provision,
 2-47 the agency affected by the provision shall request the waiver or
 2-48 authorization and may delay implementing that provision until the
 2-49 waiver or authorization is granted.

2-50 SECTION 7. This Act takes effect September 1, 2017.

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