

1-1 By: Oliverson, et al. (Senate Sponsor - Perry) H.B. No. 278
1-2 (In the Senate - Received from the House April 15, 2019;
1-3 April 16, 2019, read first time and referred to Committee on Health
1-4 & Human Services; April 24, 2019, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; April 24, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Kolkhorst	X		
1-9	Perry	X		
1-10	Buckingham	X		
1-11	Campbell	X		
1-12	Flores	X		
1-13	Johnson	X		
1-14	Miles	X		
1-15	Powell	X		
1-16	Seliger	X		

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

1-19 relating to the frequency and location of certain meetings required
1-20 by a prescriptive authority agreement.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 157.0512(e) and (f), Occupations Code,
1-23 are amended to read as follows:

1-24 (e) A prescriptive authority agreement must, at a minimum:

1-25 (1) be in writing and signed and dated by the parties
1-26 to the agreement;

1-27 (2) state the name, address, and all professional
1-28 license numbers of the parties to the agreement;

1-29 (3) state the nature of the practice, practice
1-30 locations, or practice settings;

1-31 (4) identify the types or categories of drugs or
1-32 devices that may be prescribed or the types or categories of drugs
1-33 or devices that may not be prescribed;

1-34 (5) provide a general plan for addressing consultation
1-35 and referral;

1-36 (6) provide a plan for addressing patient emergencies;

1-37 (7) state the general process for communication and
1-38 the sharing of information between the physician and the advanced
1-39 practice registered nurse or physician assistant to whom the
1-40 physician has delegated prescriptive authority related to the care
1-41 and treatment of patients;

1-42 (8) if alternate physician supervision is to be
1-43 utilized, designate one or more alternate physicians who may:

1-44 (A) provide appropriate supervision on a
1-45 temporary basis in accordance with the requirements established by
1-46 the prescriptive authority agreement and the requirements of this
1-47 subchapter; and

1-48 (B) participate in the prescriptive authority
1-49 quality assurance and improvement plan meetings required under this
1-50 section; and

1-51 (9) describe a prescriptive authority quality
1-52 assurance and improvement plan and specify methods for documenting
1-53 the implementation of the plan that include the following:

1-54 (A) chart review, with the number of charts to be
1-55 reviewed determined by the physician and advanced practice
1-56 registered nurse or physician assistant; and

1-57 (B) ~~[if the agreement is between a physician and~~
1-58 ~~an advanced practice registered nurse,] periodic [face-to-face]~~
1-59 meetings between the advanced practice registered nurse or
1-60 physician assistant and the physician [at a location determined by
1-61 the physician and the advanced practice registered nurse, and

2-1 ~~[(C) if the agreement is between a physician and~~
2-2 ~~a physician assistant, periodic meetings between the physician~~
2-3 ~~assistant and the physician].~~

2-4 (f) The periodic ~~[face-to-face]~~ meetings described by
2-5 Subsection (e)(9)(B) must:

2-6 (1) include:
2-7 (A) the sharing of information relating to
2-8 patient treatment and care, needed changes in patient care plans,
2-9 and issues relating to referrals; and

2-10 (B) discussion of patient care improvement;
2-11 ~~[and]~~

2-12 (2) be documented; and

2-13 (3) take place at least once a month in a manner
2-14 determined by the physician and the advanced practice registered
2-15 nurse or physician assistant ~~[occur].~~

2-16 ~~[(A) except as provided by Paragraph (B):~~

2-17 ~~[(i) at least monthly until the third~~
2-18 ~~anniversary of the date the agreement is executed; and~~

2-19 ~~[(ii) at least quarterly after the third~~
2-20 ~~anniversary of the date the agreement is executed, with monthly~~
2-21 ~~meetings held between the quarterly meetings by means of a remote~~
2-22 ~~electronic communications system, including videoconferencing~~
2-23 ~~technology or the Internet; or~~

2-24 ~~[(B) if during the seven years preceding the date~~
2-25 ~~the agreement is executed the advanced practice registered nurse~~
2-26 ~~for at least five years was in a practice that included the exercise~~
2-27 ~~of prescriptive authority with required physician supervision:~~

2-28 ~~[(i) at least monthly until the first~~
2-29 ~~anniversary of the date the agreement is executed; and~~

2-30 ~~[(ii) at least quarterly after the first~~
2-31 ~~anniversary of the date the agreement is executed, with monthly~~
2-32 ~~meetings held between the quarterly meetings by means of a remote~~
2-33 ~~electronic communications system, including videoconferencing~~
2-34 ~~technology or the Internet].~~

2-35 SECTION 2. Section 157.0512(f-1), Occupations Code, is
2-36 repealed.

2-37 SECTION 3. Section 157.0512, Occupations Code, as amended
2-38 by this Act, applies only to a prescriptive authority agreement
2-39 entered into on or after the effective date of this Act. An
2-40 agreement entered into before the effective date of this Act is
2-41 governed by the law in effect on the date the agreement was entered
2-42 into, and the former law is continued in effect for that purpose.

2-43 SECTION 4. This Act takes effect September 1, 2019.

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