

By: Rodríguez

S.B. No. 2438

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain advanced practice registered nurses.

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

ARTICLE 1. ADVANCED PRACTICE REGISTERED NURSES

SECTION 1.001. Section 301.002, Occupations Code, is amended by amending Subdivision (2) and adding Subdivisions (6), (7), (8), (9), and (10) to read as follows:

(2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures, except as performed by an advanced practice registered nurse authorized to practice by the board under Section 301.357.

Professional nursing involves:

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

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

1 (C) the administration of a medication or
2 treatment as ordered by a health care practitioner legally
3 authorized to prescribe the medication or treatment [~~physician,~~
4 ~~pediatrist, or dentist~~];

5 (D) the supervision or teaching of nursing;

6 (E) the administration, supervision, and
7 evaluation of nursing practices, policies, and procedures;

8 (F) the requesting, receiving, signing for, and
9 distribution of prescription drug samples to patients at practices
10 at which an advanced practice registered nurse is authorized to
11 sign prescription drug orders as provided by Subchapter B, Chapter
12 157;

13 (G) the performance of an act delegated by a
14 physician under Section 157.0512, 157.054, 157.058, or 157.059;
15 [~~and~~]

16 (H) the development of the nursing care plan; and

17 (I) the performance of an act by an advanced
18 practice registered nurse authorized to practice by the board under
19 Section 301.357.

20 (6) "Controlled substance" has the meaning assigned by
21 Section 481.002, Health and Safety Code.

22 (7) "Dangerous drug" has the meaning assigned by
23 Section 483.001, Health and Safety Code.

24 (8) "Device" has the meaning assigned by Section
25 551.003, and includes durable medical equipment.

26 (9) "Nonprescription drug" has the meaning assigned by
27 Section 551.003.

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

3 SECTION 1.002. Section 301.152(b), Occupations Code, is
4 amended to read as follows:

5 (b) The board shall adopt rules to:

6 (1) license a registered nurse as an advanced practice
7 registered nurse;

8 (2) establish:

9 (A) any specialized education or training,
10 including pharmacology, that an advanced practice registered nurse
11 must have to prescribe or order a drug or device as delegated by a
12 physician under Section 157.0512 or 157.054 or authorized by the
13 board under Section 301.358;

14 (B) a system for approving an advanced practice
15 registered nurse to prescribe or order a drug or device as delegated
16 by a physician under Section 157.0512 or 157.054 or authorized by
17 the board under Section 301.358 on the receipt of evidence of
18 completing the specialized education and training requirement
19 under Paragraph (A); and

20 (C) a system for issuing a prescription
21 authorization number to an advanced practice registered nurse
22 approved under Paragraph (B); and

23 (3) concurrently renew any license or approval granted
24 to an advanced practice registered nurse under this subsection and
25 a license renewed by the advanced practice registered nurse under
26 Section 301.301.

27 SECTION 1.003. Subchapter H, Chapter 301, Occupations Code,

1 is amended by adding Sections 301.357 and 301.358 to read as
2 follows:

3 Sec. 301.357. INDEPENDENT PRACTICE BY CERTAIN ADVANCED
4 PRACTICE REGISTERED NURSES. (a) The board shall authorize the
5 practice under this section of an advanced practice registered
6 nurse who:

7 (1) is a nurse practitioner, nurse midwife, or
8 clinical nurse specialist;

9 (2) has practiced for at least 1,000 hours under the
10 delegation of a physician under Chapter 157; and

11 (3) applies for authorization under this section in
12 the manner prescribed by the board.

13 (b) The scope of practice of an advanced practice registered
14 nurse authorized to practice under this section includes:

15 (1) ordering, performing, and interpreting diagnostic
16 tests;

17 (2) formulating primary and differential medical
18 diagnoses and advanced assessments;

19 (3) treating actual and potential health problems;

20 (4) prescribing therapeutic and corrective measures,
21 including nutrition and diagnostic support services, home health
22 care, hospice care, physical therapy, and occupational therapy, and
23 delegating and assigning the performance of therapeutic and
24 corrective measures to assistive personnel;

25 (5) to the extent authorized by the board under
26 Section 301.358, prescribing, ordering, procuring, administering,
27 and dispensing drugs and devices, including blood and blood

products, controlled substances listed in Schedules II, III, IV, and V, dangerous drugs, and nonprescription drugs;

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

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

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

(c) An advanced practice registered nurse authorized to practice by the board under this section shall practice as a licensed independent practitioner in accordance with standards established and recognized by the board to protect the public health and safety.

(d) An advanced practice registered nurse authorized to practice by the board under this section is accountable to patients, the nursing profession, and the board for:

(1) complying with the requirements of this chapter;

(2) providing quality advanced nursing care;

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

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

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

(e) This section does not limit or modify the scope of

practice of a nurse who is not authorized to practice by the board under this section.

(f) The board by rule shall:

(1) prescribe the application process for authorization to practice under this section; and

(2) establish guidelines for continuing education for advanced practice registered nurses authorized to practice under this section, including:

(A) a requirement that the advanced practice registered nurse complete not less than 48 hours of continuing education in each two-year period as a condition of license renewal; and

(B) a provision authorizing the advanced practice registered nurse to complete up to 24 hours of the continuing education required under Paragraph (A) through informal self-study or attendance at hospital lectures.

Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSE. (a) The board may authorize an advanced practice registered nurse authorized to practice by the board under Section 301.357 to prescribe and order drugs and devices, including controlled substances listed in Schedules III, IV, and V, dangerous drugs, and nonprescription drugs.

(b) The board may authorize an advanced practice registered nurse authorized to practice by the board under Section 301.357 to prescribe and order controlled substances listed in Schedule II only:

(1) in a hospital facility-based practice in

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

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

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

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

14 ARTICLE 2. CONFORMING AMENDMENTS

15 SECTION 2.001. Section 671.001(b), Government Code, is
16 amended to read as follows:

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

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

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

1 Chapter 157, Occupations Code;

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

6 (4) professional liability insurance covering
7 services provided by the advanced practice registered nurse or the
8 physician assistant.

9 SECTION 2.002. 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 authorized to prescribe and order drugs and devices under
15 Section 301.358, Occupations Code, or other person licensed,
16 registered, or otherwise permitted to distribute, dispense,
17 analyze, conduct research with respect to, or administer a
18 controlled substance in the course of professional practice or
19 research in this state;

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

25 (C) a person practicing in and licensed by
26 another state as a physician, dentist, veterinarian, advanced
27 practice registered nurse, or podiatrist, having a current Federal

1 Drug Enforcement Administration registration number, who may
2 legally prescribe Schedule II, III, IV, or V controlled substances
3 in that state; or

4 (D) an advanced practice registered nurse or
5 physician assistant to whom a physician has delegated the authority
6 to prescribe or order a drug or device under Section 157.0511,
7 157.0512, or 157.054, Occupations Code.

8 SECTION 2.003. Section 481.073(a), Health and Safety Code,
9 is amended to read as follows:

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

27 SECTION 2.004. Section 481.074(d), Health and Safety Code,

is amended to read as follows:

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

SECTION 2.005. Section 481.076(c), Health and Safety Code, is amended to read as follows:

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

SECTION 2.006. Sections 483.001(4), (12), and (13), Health and Safety Code, are amended to read as follows:

(4) "Designated agent" means:

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

(B) a licensed nurse, physician assistant, or

1 pharmacist employed in a health care facility to whom the
2 practitioner communicates a prescription drug order; or

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

7 (12) "Practitioner" means:

8 (A) a person licensed by:

9 (i) the Texas Medical Board, State Board of
10 Dental Examiners, ~~[Texas State Board of Podiatric Medical~~
11 ~~Examiners,~~ Texas Optometry Board, or State Board of Veterinary
12 Medical Examiners to prescribe and administer dangerous drugs; or

13 (ii) the Texas Department of Licensing and
14 Regulation, with respect to podiatry, to prescribe and administer
15 dangerous drugs;

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

19 (C) a person licensed in Canada or Mexico in a
20 health field in which, under the laws of this state, a licensee may
21 legally prescribe dangerous drugs; ~~[or]~~

22 (D) an advanced practice registered nurse or
23 physician assistant to whom a physician has delegated the authority
24 to prescribe or order a drug or device under Section 157.0511,
25 157.0512, or 157.054, Occupations Code; or

26 (E) an advanced practice registered nurse
27 authorized to prescribe and order drugs and devices under Section

1 301.358, Occupations Code.

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

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

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

10 (C) if the drug is prescribed for an animal, the
11 species of the animal;

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

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

14 (F) the intended use of the drug unless the
15 practitioner determines the furnishing of this information is not
16 in the best interest of the patient;

17 (G) the name, address, and telephone number of
18 the practitioner at the practitioner's usual place of business,
19 legibly printed or stamped; and

20 (H) the name, address, and telephone number of
21 the licensed midwife, advanced practice registered nurse, or
22 physician assistant, legibly printed or stamped, if signed by a
23 licensed midwife, advanced practice registered nurse, or physician
24 assistant.

25 SECTION 2.007. Section 483.042(a), Health and Safety Code,
26 is amended to read as follows:

27 (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 an advanced
8 practice [a] registered nurse or physician assistant in accordance
9 with Subchapter B, 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 advanced
24 practice registered nurse or physician assistant who signed the
25 prescription;

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

1 animal; and

2 (vi) directions for the use of the drug as
3 contained in the prescription; or

4 (2) unless:

5 (A) the dangerous drug is delivered or offered
6 for delivery by:

7 (i) a practitioner in the course of
8 practice; or

9 (ii) an advanced practice [a] registered
10 nurse or physician assistant in the course of practice in
11 accordance with Subchapter B, Chapter 157, Occupations Code; 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
16 practitioner who prescribed the drug, and if applicable, the name
17 and address of the advanced practice registered nurse or physician
18 assistant;

19 (ii) the date the drug is delivered;

20 (iii) the name of the patient and, if the
21 drug is prescribed for an animal, a statement of the species of the
22 animal; and

23 (iv) the name of the drug, the strength of
24 the drug, and directions for the use of the drug.

25 SECTION 2.008. Section 32.03141, Human Resources Code, is
26 amended to read as follows:

27 Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED

NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in addition to other health care practitioners authorized by federal law, the following persons may order and prescribe durable medical equipment and supplies under the medical assistance program:

(1) an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code; and

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

SECTION 2.009. Section 843.312, Insurance Code, is amended to read as follows:

Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE REGISTERED NURSES. (a) A health maintenance organization may not refuse a request by a physician participating in the health maintenance organization delivery network and a physician assistant or advanced practice registered nurse who is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, to identify a physician assistant or advanced practice registered nurse as a provider in the network.

(b) A health maintenance organization may refuse a request under Subsection (a) if the physician assistant or advanced practice registered nurse does not meet the quality of care

standards previously established by the health maintenance organization for participation in the network by physician assistants and advanced practice registered nurses.

SECTION 2.010. Section 1301.001(1-a), Insurance Code, is amended to read as follows:

(1-a) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term includes a pharmacist, ~~and~~ a pharmacy, and an advanced practice registered nurse authorized to practice under Section 301.357, Occupations Code. The term does not include a physician.

SECTION 2.011. Section 1301.052, Insurance Code, is amended to read as follows:

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

(1) the advanced practice registered nurse or physician assistant is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code; and

(2) the advanced practice registered nurse or physician assistant meets the quality of care standards previously

1 established by the insurer for participation in the plan by
2 advanced practice registered nurses and physician assistants.

3 SECTION 2.012. Section 1451.001(2), Insurance Code, is
4 amended to read as follows:

5 (2) "Advanced practice registered nurse" means an
6 individual licensed by the Texas Board of Nursing as a registered
7 nurse and licensed [~~recognized~~] by that board as an advanced
8 practice registered nurse.

9 SECTION 2.013. Section 1451.104(c), Insurance Code, is
10 amended to read as follows:

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

19 SECTION 2.014. Section 1451.106, Insurance Code, is amended
20 to read as follows:

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

25 SECTION 2.015. Section 1452.051(1), Insurance Code, is
26 amended to read as follows:

27 (1) "Advanced practice nurse" has the meaning assigned

1 to "advanced practice registered nurse" by Section 301.152,
2 Occupations Code.

3 SECTION 2.016. Section 301.303(b), Occupations Code, is
4 amended to read as follows:

5 (b) Except as provided by a rule adopted under Section
6 301.357(f), the ~~[The]~~ board may not require participation in more
7 than a total of 20 hours of continuing education in a two-year
8 licensing period.

9 SECTION 2.017. Sections 551.003(14) and (34), Occupations
10 Code, are amended to read as follows:

11 (14) "Designated agent" means:

12 (A) an individual, including a licensed nurse,
13 physician assistant, or pharmacist:

14 (i) who is designated by a practitioner and
15 authorized to communicate a prescription drug order to a
16 pharmacist; and

17 (ii) for whom the practitioner assumes
18 legal responsibility;

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

22 (C) an advanced practice ~~[a]~~ registered nurse or
23 physician assistant authorized by a practitioner to administer a
24 prescription drug order for a dangerous drug under Subchapter B,
25 Chapter 157.

26 (34) "Practitioner" means:

27 (A) a person licensed or registered to prescribe,

1 distribute, administer, or dispense a prescription drug or device
2 in the course of professional practice in this state, including a
3 physician, dentist, podiatrist, advanced practice registered nurse
4 authorized to prescribe and order drugs and devices under Section
5 301.358, or veterinarian but excluding a person licensed under this
6 subtitle;

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

11 (C) a person practicing in another state and
12 licensed by another state as a physician, dentist, veterinarian,
13 advanced practice registered nurse, or podiatrist, who has a
14 current federal Drug Enforcement Administration registration
15 number and who may legally prescribe a Schedule II, III, IV, or V
16 controlled substance, as specified under Chapter 481, Health and
17 Safety Code, in that other state; or

18 (D) an advanced practice registered nurse or
19 physician assistant to whom a physician has delegated the authority
20 to prescribe or order a drug or device under Section 157.0511,
21 157.0512, or 157.054.

22 SECTION 2.018. Section 563.053, Occupations Code, is
23 amended to read as follows:

24 Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN
25 RURAL AREAS. (a) In this section, "reimbursement for cost" means
26 an additional charge, separate from that imposed for the
27 physician's or advanced practice registered nurse's professional

services, that includes the cost of the drug product and all other actual costs to the physician or advanced practice registered nurse incidental to providing the dispensing service. The term does not include a separate fee imposed for the act of dispensing the drug itself.

(a-1) This section applies to an advanced practice registered nurse only to the extent that the advanced practice registered nurse is authorized to prescribe and order drugs and devices under Section 301.358.

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

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

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

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

(d) A physician or advanced practice registered nurse who

dispenses dangerous drugs under Subsection (c) shall:

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

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

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

SECTION 2.019. Section 605.002(14), Occupations Code, is amended to read as follows:

(14) "Orthotics" means the science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a licensed physician, chiropractor, ~~[or]~~ podiatrist, or advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, or an advanced practice registered nurse or physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and

1 rules adopted by the Texas Medical Board, for the correction or
2 alleviation of a neuromuscular or musculoskeletal dysfunction,
3 disease, injury, or deformity.

4 SECTION 2.020. Section 605.2515, Occupations Code, is
5 amended to read as follows:

6 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A
7 person licensed to practice orthotics or prosthetics who measures,
8 designs, fabricates, fits, assembles, adjusts, or services an
9 orthosis or a prosthesis under an order from a licensed physician,
10 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered
11 nurse authorized to prescribe and order drugs and devices under
12 Section 301.358, or an advanced practice registered nurse or
13 physician assistant acting under the delegation and supervision of
14 a licensed physician as provided by Subchapter B, Chapter 157, and
15 rules adopted by the Texas Medical Board, for a specific patient is
16 exempt from licensing as a device manufacturer under Subchapter L,
17 Chapter 431, Health and Safety Code. A person licensed to practice
18 orthotics or prosthetics who fabricates or assembles an orthosis or
19 a prosthesis without an order from a licensed physician,
20 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered
21 nurse authorized to prescribe and order drugs and devices under
22 Section 301.358, or an advanced practice registered nurse or
23 physician assistant acting under the delegation and supervision of
24 a licensed physician as provided by Subchapter B, Chapter 157, and
25 rules adopted by the Texas Medical Board, for a specific patient is
26 required to be licensed as a device manufacturer under Subchapter
27 L, Chapter 431, Health and Safety Code.

ARTICLE 3. TRANSITION; CONFLICT WITH OTHER LEGISLATION; EFFECTIVE
DATE

SECTION 3.001. Not later than December 1, 2019, the Texas Board of Nursing shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 3.002. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 3.003. This Act takes effect September 1, 2019.