

By: Klick

H.B. No. 2029

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and authority of 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 to read as follows:

Sec. 301.002. DEFINITIONS. In this chapter:

(1) "Advanced practice registered nurse" means a registered nurse licensed by the board to practice as an advanced practice registered nurse on the basis of completion of an advanced educational program. The term includes a nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist.

(2) [~~1~~] "Board" means the Texas Board of Nursing.

(3) [~~1-a~~] "Chief nursing officer" means the registered nurse who is administratively responsible for the nursing services at a facility.

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

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

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

(7) "Nonprescription drug" has the meaning assigned by

1 Section 551.003.

2 (8) "Nurse" means a person required to be licensed  
3 under this chapter to engage in professional or vocational nursing.

4 (9) "Nursing" means professional or vocational  
5 nursing.

6 (10) [~~(1-b)~~] "Patient safety committee" has the  
7 meaning assigned by Section 303.001.

8 (11) "Prescribe or order a drug or device" has the  
9 meaning assigned by Section 157.051.

10 (12) [~~(2)~~] "Professional nursing" means the  
11 performance of an act that requires substantial specialized  
12 judgment and skill, the proper performance of which is based on  
13 knowledge and application of the principles of biological,  
14 physical, and social science as acquired by a completed course in an  
15 approved school of professional nursing. The term does not include  
16 acts of medical diagnosis or the prescription of therapeutic or  
17 corrective measures, except as authorized for an advanced practice  
18 registered nurse. Professional nursing involves:

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

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

25 (C) the administration of a medication or  
26 treatment as ordered by a health care practitioner legally  
27 authorized to prescribe the medication or treatment [~~physician,~~

1 ~~podiatrist, or dentist~~];

2 (D) the supervision or teaching of nursing;

3 (E) the administration, supervision, and  
4 evaluation of nursing practices, policies, and procedures;

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

10 [~~(G)~~] the performance of an act by an advanced  
11 practice registered nurse ~~[delegated by a physician under Section  
12 157.0512, 157.054, 157.058, or 157.059]~~; and

13 (G) [~~(H)~~] the development of the nursing care  
14 plan.

15 [~~(3) "Nurse" means a person required to be licensed  
16 under this chapter to engage in professional or vocational nursing.~~

17 [~~(4) "Nursing" means professional or vocational  
18 nursing.~~]

19 (13) [~~(5)~~] "Vocational nursing" means a directed  
20 scope of nursing practice, including the performance of an act that  
21 requires specialized judgment and skill, the proper performance of  
22 which is based on knowledge and application of the principles of  
23 biological, physical, and social science as acquired by a completed  
24 course in an approved school of vocational nursing. The term does  
25 not include acts of medical diagnosis or the prescription of  
26 therapeutic or corrective measures. Vocational nursing involves:

27 (A) collecting data and performing focused

1 nursing assessments of the health status of an individual;

2 (B) participating in the planning of the nursing  
3 care needs of an individual;

4 (C) participating in the development and  
5 modification of the nursing care plan;

6 (D) participating in health teaching and  
7 counseling to promote, attain, and maintain the optimum health  
8 level of an individual;

9 (E) assisting in the evaluation of an  
10 individual's response to a nursing intervention and the  
11 identification of an individual's needs; and

12 (F) engaging in other acts that require education  
13 and training, as prescribed by board rules and policies,  
14 commensurate with the nurse's experience, continuing education,  
15 and demonstrated competency.

16 SECTION 1.002. Section 301.005(b), Occupations Code, is  
17 amended to read as follows:

18 (b) A reference in any other law to an "advanced nurse  
19 practitioner," ~~[or]~~ "advanced practice nurse," or "advanced  
20 practice registered nurse" means an advanced practice registered  
21 nurse.

22 SECTION 1.003. 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) Advanced practice

1 registered nursing includes:

2 (1) ordering, performing, and interpreting diagnostic  
3 tests;

4 (2) formulating primary and differential medical  
5 diagnoses and advanced assessments;

6 (3) treating actual and potential health problems;

7 (4) prescribing therapeutic and corrective measures,  
8 including nutrition and diagnostic support services, home health  
9 care, hospice care, physical therapy, and occupational therapy, and  
10 delegating and assigning the performance of therapeutic and  
11 corrective measures to assistive personnel;

12 (5) to the extent authorized by the board under  
13 Section 301.358, prescribing, ordering, procuring, administering,  
14 and dispensing drugs and devices, including blood and blood  
15 products, controlled substances listed in Schedules II, III, IV,  
16 and V, dangerous drugs, and nonprescription drugs;

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

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

21 (8) performing other acts that require education and  
22 training consistent with professional standards and that are  
23 commensurate with the advanced practice registered nurse's  
24 education, licensure, and demonstrated competencies and  
25 experience. [In this section, "advanced practice registered nurse"

26 means a registered nurse licensed by the board to practice as an  
27 advanced practice registered nurse on the basis of completion of an

1 ~~advanced educational program. The term includes a nurse~~  
2 ~~practitioner, nurse midwife, nurse anesthetist, and clinical nurse~~  
3 ~~specialist. The term is synonymous with "advanced nurse~~  
4 ~~practitioner" and "advanced practice nurse."~~

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 authorized  
12 ~~[delegated]~~ by the board ~~[a physician]~~ under Section 301.358  
13 ~~[157.0512 or 157.054]~~;

14 (B) a system for approving an advanced practice  
15 registered nurse to prescribe or order a drug or device as  
16 authorized ~~[delegated]~~ by the board ~~[a physician]~~ under Section  
17 301.358 ~~[157.0512 or 157.054]~~ 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 (c) At a minimum, the rules adopted under Subsection (b)(2)

1 must:

2 (1) require completion of pharmacology and related  
3 pathophysiology education for initial approval; and

4 (2) require continuing education in clinical  
5 pharmacology and related pathophysiology in addition to any  
6 continuing education otherwise required under Section 301.303.

7 (d) The signature of an advanced practice registered nurse  
8 attesting to the provision of a legally authorized service by the  
9 advanced practice registered nurse satisfies any documentation  
10 requirement for that service established by a state agency.

11 (e) An advanced practice registered nurse shall practice as  
12 a licensed independent practitioner in accordance with standards  
13 established and recognized by the board to protect the public  
14 health and safety.

15 (f) An advanced practice registered nurse is accountable to  
16 patients, the nursing profession, and the board for:

17 (1) complying with the requirements of this chapter;  
18 (2) providing quality advanced nursing care;  
19 (3) recognizing the nurse's limits of knowledge;  
20 (4) planning for the management of situations beyond  
21 the nurse's expertise; and

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

24 (g) This section does not limit or modify the scope of  
25 practice of a registered nurse who is not an advanced practice  
26 registered nurse.

27 (h) Notwithstanding any other law, an advanced practice

1 registered nurse performing an act described by Subsection (a) is  
2 not considered to be practicing medicine without a license.

3 SECTION 1.004. Section 301.354(a), Occupations Code, is  
4 amended to read as follows:

5 (a) In this section, "nurse first assistant" means a  
6 registered nurse who:

7 (1) has completed a nurse first assistant educational  
8 program approved or recognized by an organization recognized by the  
9 board; and

10 (2) ~~is~~ either:

11 (A) is certified in perioperative nursing by an  
12 organization recognized by the board; or

13 (B) is ~~[recognized by the board as]~~ an advanced  
14 practice registered nurse ~~[and]~~ qualified by education, training,  
15 or experience to perform the tasks involved in perioperative  
16 nursing.

17 SECTION 1.005. 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 to prescribe and order drugs and  
22 devices, including controlled substances listed in Schedules III,  
23 IV, and V, dangerous drugs, and nonprescription drugs.

24 (b) Except as provided by Subsection (c), the board may  
25 authorize an advanced practice registered nurse to prescribe and  
26 order controlled substances listed in Schedule II only:

27 (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 (c) The board may authorize a certified registered nurse  
15 anesthetist practicing in an ambulatory surgical center to order  
16 drugs and devices necessary for the nurse anesthetist to administer  
17 an anesthetic or anesthesia-related service.

18 ARTICLE 2. CONFORMING AMENDMENTS REGARDING DELEGATION

19 SECTION 2.001. The heading to Subchapter B, Chapter 157,  
20 Occupations Code, is amended to read as follows:

21 SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE REGISTERED NURSES~~  
22 ~~AND~~] PHYSICIAN ASSISTANTS

23 SECTION 2.002. Sections 157.051(11) and (14), Occupations  
24 Code, are amended to read as follows:

25 (11) "Practice serving a medically underserved  
26 population" means:

27 (A) a practice in a health professional shortage

1 area;

2 (B) a clinic designated as a rural health clinic  
3 under 42 U.S.C. Section 1395x(aa);

4 (C) a public health clinic or a family planning  
5 clinic under contract with the Health and Human Services Commission  
6 or the Department of State Health Services;

7 (D) a clinic designated as a federally qualified  
8 health center under 42 U.S.C. Section 1396d(1)(2)(B);

9 (E) a county, state, or federal correctional  
10 facility;

11 (F) a practice:

12 (i) that either:

13 (a) is located in an area in which the  
14 Department of State Health Services determines there is an  
15 insufficient number of physicians providing services to eligible  
16 clients of federally, state, or locally funded health care  
17 programs; or

18 (b) is a practice that the Department  
19 of State Health Services determines serves a disproportionate  
20 number of clients eligible to participate in federally, state, or  
21 locally funded health care programs; and

22 (ii) for which the Department of State  
23 Health Services publishes notice of the department's determination  
24 in the Texas Register and provides an opportunity for public  
25 comment in the manner provided for a proposed rule under Chapter  
26 [2001](#), Government Code; or

27 (G) a practice at which a physician was

1 delegating prescriptive authority to an advanced practice  
2 registered nurse, as defined by Section 301.002, or physician  
3 assistant on or before March 1, 2013, based on the practice  
4 qualifying as a site serving a medically underserved population.

5 (14) "Prescriptive authority agreement" means an  
6 agreement entered into by a physician and a ~~[an advanced practice~~  
7 ~~registered nurse or]~~ physician assistant through which the  
8 physician delegates to the ~~[advanced practice registered nurse or]~~  
9 physician assistant the act of prescribing or ordering a drug or  
10 device.

11 SECTION 2.003. Section 157.0511(b-2), Occupations Code, is  
12 amended to read as follows:

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

20 SECTION 2.004. Sections 157.0512(a), (b), (c), (e), (f),  
21 (g), (i), (j), (l), (m), (n), and (o), Occupations Code, are amended  
22 to read as follows:

23 (a) A physician may delegate to a ~~[an advanced practice~~  
24 ~~registered nurse or]~~ physician assistant, acting under adequate  
25 physician supervision, the act of prescribing or ordering a drug or  
26 device as authorized through a prescriptive authority agreement  
27 between the physician and the ~~[advanced practice registered nurse~~

1 ~~or~~] physician assistant [~~, as applicable~~].

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

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

9 [(2)] the [~~advanced practice registered nurse or~~]  
10 physician assistant:

11 (A) holds an active license to practice in this  
12 state as a [~~an advanced practice registered nurse or~~] physician  
13 assistant [~~, as applicable,~~] and is in good standing in this state;  
14 and

15 (B) is not currently prohibited by the [~~Texas~~  
16 ~~Board of Nursing or the~~] Texas Physician Assistant Board [~~, as~~  
17 ~~applicable,~~] from executing a prescriptive authority agreement;  
18 and

19 (2) [(3)] before executing the prescriptive authority  
20 agreement, the physician and the [~~advanced practice registered~~  
21 ~~nurse or~~] physician assistant disclose to the other prospective  
22 party to the agreement any prior disciplinary action by the board [~~,~~  
23 ~~the Texas Board of Nursing,~~] or the Texas Physician Assistant  
24 Board [~~, as applicable~~].

25 (c) Except as provided by Subsection (d), the [~~combined~~]  
26 number of [~~advanced practice registered nurses and~~] physician  
27 assistants with whom a physician may enter into a prescriptive

1 authority agreement may not exceed seven [~~advanced practice~~  
2 ~~registered nurses and~~] physician assistants or the full-time  
3 equivalent of seven [~~advanced practice registered nurses and~~]  
4 physician assistants.

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

6 (1) be in writing and signed and dated by the parties  
7 to the agreement;

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

10 (3) state the nature of the practice, practice  
11 locations, or practice settings;

12 (4) identify the types or categories of drugs or  
13 devices that may be prescribed or the types or categories of drugs  
14 or devices that may not be prescribed;

15 (5) provide a general plan for addressing consultation  
16 and referral;

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

18 (7) state the general process for communication and  
19 the sharing of information between the physician and the [~~advanced~~  
20 ~~practice registered nurse or~~] physician assistant to whom the  
21 physician has delegated prescriptive authority related to the care  
22 and treatment of patients;

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

25 (A) provide appropriate supervision on a  
26 temporary basis in accordance with the requirements established by  
27 the prescriptive authority agreement and the requirements of this

1 subchapter; and

2 (B) participate in the prescriptive authority  
3 quality assurance and improvement plan meetings required under this  
4 section; and

5 (9) describe a prescriptive authority quality  
6 assurance and improvement plan and specify methods for documenting  
7 the implementation of the plan that include the following:

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

11 (B) periodic meetings between the [~~advanced~~  
12 ~~practice registered nurse or~~] physician assistant and the  
13 physician.

14 (f) The periodic meetings described by Subsection (e)(9)(B)  
15 must:

16 (1) include:

17 (A) the sharing of information relating to  
18 patient treatment and care, needed changes in patient care plans,  
19 and issues relating to referrals; and

20 (B) discussion of patient care improvement;

21 (2) be documented; and

22 (3) take place at least once a month in a manner  
23 determined by the physician and the [~~advanced practice registered~~  
24 ~~nurse or~~] physician assistant.

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

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

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

9 (l) In the event that a party to a prescriptive authority  
10 agreement is notified that the individual has become the subject of  
11 an investigation by the board[~~, the Texas Board of Nursing,~~] or the  
12 Texas Physician Assistant Board, the individual shall immediately  
13 notify the other party to the prescriptive authority agreement.

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

20 (n) The prescriptive authority agreement should promote the  
21 exercise of professional judgment by the [~~advanced practice~~  
22 ~~registered nurse or~~] physician assistant commensurate with the  
23 [~~advanced practice registered nurse's or~~] physician assistant's  
24 education and experience and the relationship between the [~~advanced~~  
25 ~~practice registered nurse or~~] physician assistant and the  
26 physician.

27 (o) This section shall be liberally construed to allow the

1 use of prescriptive authority agreements to safely and effectively  
2 utilize the skills and services of [~~advanced practice registered~~  
3 ~~nurses and~~] physician assistants.

4 SECTION 2.005. Section 157.0513, Occupations Code, is  
5 amended to read as follows:

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

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

13 (2) by which each board shall immediately notify the  
14 other board [~~boards~~] when a license holder of the board becomes the  
15 subject of an investigation involving the delegation and  
16 supervision of prescriptive authority, as well as the final  
17 disposition of any such investigation;

18 (3) by which each board shall maintain and share a list  
19 of the board's license holders who have been subject to a final  
20 adverse disciplinary action for an act involving the delegation and  
21 supervision of prescriptive authority; and

22 (4) to ensure that each [~~advanced practice registered~~  
23 ~~nurse or~~] physician assistant who has entered into a prescriptive  
24 authority agreement authorizing the prescribing of opioids is  
25 required to complete not less than two hours of continuing  
26 education annually regarding safe and effective pain management  
27 related to the prescription of opioids and other controlled



1 substances, including education regarding:

2 (A) reasonable standards of care;

3 (B) the identification of drug-seeking behavior  
4 in patients; and

5 (C) effectively communicating with patients  
6 regarding the prescription of an opioid or other controlled  
7 substance.

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

1 authority agreement.

2 SECTION 2.006. Sections 157.054(a), (a-1), (b), and (c),  
3 Occupations Code, are amended to read as follows:

4 (a) One or more physicians licensed by the board may  
5 delegate, to one or more physician assistants [~~or advanced practice~~  
6 ~~registered nurses~~] acting under adequate physician supervision  
7 whose practice is facility-based at a hospital or licensed  
8 long-term care facility, the administration or provision of a drug  
9 and the prescribing or ordering of a drug or device if each of the  
10 delegating physicians is:

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

14 (2) the chair of the facility's credentialing  
15 committee;

16 (3) a department chair of a facility department in  
17 which the physician assistant [~~or advanced practice registered~~  
18 ~~nurse~~] practices; or

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

24 (a-1) The limit [~~limits~~] on the number of [~~advanced practice~~  
25 ~~registered nurses or~~] physician assistants to whom a physician may  
26 delegate under Section 157.0512 does [~~do~~] not apply to a physician  
27 under Subsection (a) whose practice is facility-based under this

1 section, provided that the physician is not delegating in a  
2 freestanding clinic, center, or practice of the facility.

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

5 (1) the delegation must be made under a physician's  
6 order, standing medical order, standing delegation order, or  
7 another order or protocol developed in accordance with policies  
8 approved by the facility's medical staff or a committee of the  
9 facility's medical staff as provided by the facility bylaws;

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

14 (3) the delegation may not permit the prescribing or  
15 ordering of a drug or device for the care or treatment of the  
16 patients of any other physician without the prior consent of that  
17 physician; and

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

23 (c) Physician supervision of the prescribing or ordering of  
24 a drug or device must conform to what a reasonable, prudent  
25 physician would find consistent with sound medical judgment but may  
26 vary with the education and experience of the particular [~~advanced~~  
27 ~~practice registered nurse or~~] physician assistant. A physician

1 shall provide continuous supervision, but the constant physical  
2 presence of the physician is not required.

3 SECTION 2.007. Section 157.055, Occupations Code, is  
4 amended to read as follows:

5 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other  
6 order shall be defined in a manner that promotes the exercise of  
7 professional judgment by the [~~advanced practice registered nurse~~  
8 ~~and~~] physician assistant commensurate with the education and  
9 experience of that person. Under this section, an order or  
10 protocol used by a reasonable and prudent physician exercising  
11 sound medical judgment:

12 (1) is not required to describe the exact steps that  
13 [~~an advanced practice registered nurse or~~] a physician assistant  
14 must take with respect to each specific condition, disease, or  
15 symptom; and

16 (2) may state the types or categories of medications  
17 that may be prescribed or the types or categories of medications  
18 that may not be prescribed.

19 SECTION 2.008. Section 157.056, Occupations Code, is  
20 amended to read as follows:

21 Sec. 157.056. PRESCRIPTION INFORMATION. The following  
22 information must be provided on each prescription subject to this  
23 subchapter:

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

25 (2) the drug to be dispensed;

26 (3) directions to the patient regarding the taking of  
27 the drug and the dosage;

- 1 (4) the intended use of the drug, if appropriate;
- 2 (5) the name, address, and telephone number of the  
3 physician;
- 4 (6) the name, address, telephone number, and  
5 identification number of the [~~registered nurse or~~] physician  
6 assistant completing or signing the prescription drug order;
- 7 (7) the date; and
- 8 (8) the number of refills permitted.

9 SECTION 2.009. Sections [157.059](#)(b), (e), (f), (g), (h), and  
10 (i), Occupations Code, are amended to read as follows:

11 (b) A physician may delegate to a physician assistant  
12 offering obstetrical services and certified by the board as  
13 specializing in obstetrics [~~or an advanced practice registered~~  
14 ~~nurse recognized by the Texas Board of Nursing as a nurse midwife~~]  
15 the act of administering or providing controlled substances to the  
16 physician assistant's [~~or nurse midwife's~~] clients during  
17 intrapartum and immediate postpartum care.

18 (e) The physician's orders, medical orders, standing  
19 delegation orders, prescriptive authority agreements, or protocols  
20 must require the reporting of or monitoring of each client's  
21 progress, including complications of pregnancy and delivery and the  
22 administration and provision of controlled substances by the [~~nurse~~  
23 ~~midwife or~~] physician assistant to the clients of the [~~nurse~~  
24 ~~midwife or~~] physician assistant.

25 (f) The authority of a physician to delegate under this  
26 section is limited to:

- 27 (1) seven [~~nurse midwives or~~] physician assistants or

1 their full-time equivalents; and

2 (2) the designated facility at which the [~~nurse~~  
3 ~~midwife or~~] physician assistant provides care.

4 (g) The controlled substance must be supplied in a suitable  
5 container that is labeled in compliance with the applicable drug  
6 laws and must include:

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

8 (2) the drug to be provided;

9 (3) the name, address, and telephone number of the  
10 physician;

11 (4) the name, address, and telephone number of the  
12 [~~nurse midwife or~~] physician assistant; and

13 (5) the date.

14 (h) This section does not authorize a physician or [~~r~~]  
15 physician assistant[~~, or nurse midwife~~] to operate a retail  
16 pharmacy as defined under Subtitle J.

17 (i) This section authorizes a physician to delegate the act  
18 of administering or providing a controlled substance to a [~~nurse~~  
19 ~~midwife or~~] physician assistant but does not require physician  
20 delegation of[~~+~~

21 [~~(1) further acts to a nurse midwife, or~~

22 [~~(2)~~] the administration of medications by a physician  
23 assistant [~~or registered nurse~~] other than as provided by this  
24 section.

25 SECTION 2.010. Section 157.060, Occupations Code, is  
26 amended to read as follows:

27 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED

1 ACT. Unless the physician has reason to believe the physician  
2 assistant [~~or advanced practice registered nurse~~] lacked the  
3 competency to perform the act, a physician is not liable for an act  
4 of a physician assistant [~~or advanced practice registered nurse~~]  
5 solely because the physician signed a standing medical order, a  
6 standing delegation order, or another order or protocol, or entered  
7 into a prescriptive authority agreement, authorizing the physician  
8 assistant [~~or advanced practice registered nurse~~] to administer,  
9 provide, prescribe, or order a drug or device.

10 ARTICLE 3. GENERAL CONFORMING AMENDMENTS

11 SECTION 3.001. Section [38.151](#)(1), Education Code, is  
12 amended to read as follows:

13 (1) "Advanced practice nurse" has the meaning assigned  
14 to "advanced practice registered nurse" by Section [301.002](#)  
15 [~~[301.152](#)~~], Occupations Code.

16 SECTION 3.002. Section [61.601](#), Education Code, as amended  
17 by Chapters 891 (H.B. 3083) and 1101 (H.B. 3808), Acts of the 85th  
18 Legislature, Regular Session, 2017, is reenacted and amended to  
19 read as follows:

20 Sec. 61.601. DEFINITION. In this subchapter, "mental  
21 health professional" means:

22 (1) a licensed physician who is:

23 (A) a graduate of an accredited psychiatric  
24 residency training program; or

25 (B) certified in psychiatry by:

26 (i) the American Board of Psychiatry and  
27 Neurology; or

1 (ii) the American Osteopathic Board of  
2 Neurology and Psychiatry;

3 (2) a psychologist, as defined by Section [501.002](#),  
4 Occupations Code;

5 (3) a licensed professional counselor, as defined by  
6 Section [503.002](#), Occupations Code;

7 (4) an advanced practice registered nurse, as defined  
8 by Section [301.002](#) [~~301.152~~], Occupations Code, who holds a  
9 nationally recognized board certification in psychiatric or mental  
10 health nursing;

11 (5) a licensed clinical social worker, as defined by  
12 Section [505.002](#), Occupations Code; [~~and~~]

13 (6) a licensed marriage and family therapist, as  
14 defined by Section [502.002](#), Occupations Code; and

15 (7) [~~6~~] a chemical dependency counselor, as defined  
16 by Section [504.001](#), Occupations Code.

17 SECTION 3.003. Section [263.001](#)(a)(1), Family Code, is  
18 amended to read as follows:

19 (1) "Advanced practice nurse" has the meaning assigned  
20 to "advanced practice registered nurse" by Section [301.002](#)  
21 [~~157.051~~], Occupations Code.

22 SECTION 3.004. Section [266.001](#)(1), Family Code, is amended  
23 to read as follows:

24 (1) "Advanced practice nurse" has the meaning assigned  
25 to "advanced practice registered nurse" by Section [301.002](#)  
26 [~~157.051~~], Occupations Code.

27 SECTION 3.005. Section [531.0217](#)(k), Government Code, is



1 amended to read as follows:

2 (k) This section does not affect any requirement relating  
3 to:

4 (1) a rural health clinic; or

5 (2) physician delegation of the authority to carry out  
6 or sign prescription drug orders to a ~~[an advanced practice nurse~~  
7 ~~or]~~ physician assistant.

8 SECTION 3.006. Section 671.001(b), Government Code, is  
9 amended to read as follows:

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

11 (1) a licensed advanced practice registered nurse as  
12 defined by Section 301.002 [~~301.152~~], Occupations Code, or a  
13 licensed physician assistant as described by Chapter 204,  
14 Occupations Code, who is employed by the state or whose services are  
15 acquired by contract, who will be located at a state office complex;

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

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

26 (4) professional liability insurance covering  
27 services provided by the advanced practice registered nurse or the

1 physician assistant.

2 SECTION 3.007. Section 47.001(3), Health and Safety Code,  
3 is amended to read as follows:

4 (3) "Health care provider" means:

5 (A) [~~a registered nurse recognized as~~] an  
6 advanced practice registered nurse as defined by Section 301.002,  
7 Occupations Code; [the Texas Board of Nursing] or

8 (B) a physician assistant licensed by the Texas  
9 Physician Assistant Board.

10 SECTION 3.008. Section 47.011(a), Health and Safety Code,  
11 is amended to read as follows:

12 (a) In this section, "midwife" has the meaning assigned by  
13 Section 203.002, Occupations Code, and includes a nurse midwife  
14 [~~described by Section 301.152, Occupations Code~~].

15 SECTION 3.009. Sections 161.0052(b) and (c), Health and  
16 Safety Code, are amended to read as follows:

17 (b) The executive commissioner by rule shall require a  
18 hospital to inform each elderly person admitted to the hospital for  
19 a period of 24 hours or more that the pneumococcal and influenza  
20 vaccines are available. If the elderly person requests a vaccine,  
21 and if a physician, [~~or~~] an advanced nurse practitioner, or a  
22 physician assistant on behalf of a physician, determines that the  
23 vaccine is in the person's best interest, the hospital must make the  
24 vaccination available to the person before the person is discharged  
25 from the hospital.

26 (c) The executive commissioner by rule shall require an end  
27 stage renal disease facility to offer, to the extent possible as

1 determined by the facility, the opportunity to receive the  
2 pneumococcal and influenza vaccines to each elderly person who  
3 receives ongoing care at the facility if a physician, ~~[or]~~ an  
4 advanced nurse practitioner, or a physician assistant on behalf of  
5 a physician, determines that the vaccine is in the person's best  
6 interest. If the facility decides it is not feasible to offer the  
7 vaccine, the facility must provide the person with information on  
8 other options for obtaining the vaccine.

9 SECTION 3.010. Section 241.003(1), Health and Safety Code,  
10 is amended to read as follows:

11 (1) "Advanced practice nurse" has the meaning assigned  
12 to "advanced practice registered nurse" by Section 301.002,  
13 Occupations Code ~~[means a registered nurse recognized as an~~  
14 ~~advanced practice nurse by the Texas Board of Nursing]~~.

15 SECTION 3.011. Section 481.002(39), Health and Safety Code,  
16 is amended to read as follows:

17 (39) "Practitioner" means:

18 (A) a physician, dentist, veterinarian,  
19 podiatrist, scientific investigator, advanced practice registered  
20 nurse, or other person licensed, registered, or otherwise permitted  
21 to distribute, dispense, analyze, conduct research with respect to,  
22 or administer a controlled substance in the course of professional  
23 practice or research in this state;

24 (B) a pharmacy, hospital, or other institution  
25 licensed, registered, or otherwise permitted to distribute,  
26 dispense, conduct research with respect to, or administer a  
27 controlled substance in the course of professional practice or

1 research in this state;

2 (C) a person practicing in and licensed by  
3 another state as a physician, dentist, veterinarian, advanced  
4 practice registered nurse, or podiatrist, having a current Federal  
5 Drug Enforcement Administration registration number, who may  
6 legally prescribe Schedule II, III, IV, or V controlled substances  
7 in that state; or

8 (D) a [~~an advanced practice registered nurse or~~]  
9 physician assistant to whom a physician has delegated the authority  
10 to prescribe or order a drug or device under Section [157.0511](#),  
11 [157.0512](#), or [157.054](#), Occupations Code.

12 SECTION 3.012. Section [481.074](#)(d), Health and Safety Code,  
13 is amended to read as follows:

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

21 SECTION 3.013. Section [481.076](#)(c), Health and Safety Code,  
22 is amended to read as follows:

23 (c) The board by rule shall design and implement a system  
24 for submission of information to the board by electronic or other  
25 means and for retrieval of information submitted to the board under  
26 this section and Sections [481.074](#) and [481.075](#). The board shall use  
27 automated information security techniques and devices to preclude

1 improper access to the information. The board shall submit the  
2 system design to the director, ~~and~~ the Texas Medical Board, and  
3 the Texas Board of Nursing for review and comment a reasonable time  
4 before implementation of the system and shall comply with the  
5 comments of those agencies unless it is unreasonable to do so.

6 SECTION 3.014. Section 481.0767(b), Health and Safety Code,  
7 is amended to read as follows:

8 (b) The board shall appoint the following members to the  
9 advisory committee:

10 (1) a physician licensed in this state who practices  
11 in pain management;

12 (2) a physician licensed in this state who practices  
13 in family medicine;

14 (3) a physician licensed in this state who performs  
15 surgery;

16 (4) a physician licensed in this state who practices  
17 in emergency medicine at a hospital;

18 (5) a physician licensed in this state who practices  
19 in psychiatry;

20 (6) an oral and maxillofacial surgeon;

21 (7) a physician assistant ~~[or advanced practice~~  
22 ~~registered nurse]~~ to whom a physician has delegated the authority  
23 to prescribe or order a drug or an advanced practice registered  
24 nurse;

25 (8) a pharmacist working at a chain pharmacy;

26 (9) a pharmacist working at an independent pharmacy;

27 (10) an academic pharmacist; and

1           (11) two representatives of the health information  
2 technology industry, at least one of whom is a representative of a  
3 company whose primary line of business is electronic medical  
4 records.

5           SECTION 3.015. Sections 483.001(4), (12), and (13), Health  
6 and Safety Code, are amended to read as follows:

7           (4) "Designated agent" means:

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

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

14                   (C) a [~~registered nurse or~~] physician assistant  
15 authorized by a practitioner to carry out a prescription drug order  
16 for dangerous drugs under Subchapter B, Chapter 157, Occupations  
17 Code.

18           (12) "Practitioner" means:

19                   (A) a person licensed by:

20                           (i) the Texas Medical Board, State Board of  
21 Dental Examiners, Texas Optometry Board, or State Board of  
22 Veterinary Medical Examiners to prescribe and administer dangerous  
23 drugs; or

24                           (ii) the Texas Department of Licensing and  
25 Regulation, with respect to podiatry, to prescribe and administer  
26 dangerous drugs;

27                   (B) a person licensed by another state in a

1 health field in which, under the laws of this state, a licensee may  
2 legally prescribe dangerous drugs;

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

6 (D) a ~~[an advanced practice registered nurse or]~~  
7 physician assistant to whom a physician has delegated the authority  
8 to prescribe or order a drug or device under Section 157.0511,  
9 157.0512, or 157.054, Occupations Code; or

10 (E) an advanced practice registered nurse  
11 authorized to prescribe and order drugs and devices under Section  
12 301.358, Occupations Code.

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

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

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

21 (C) if the drug is prescribed for an animal, the  
22 species of the animal;

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

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

25 (F) the intended use of the drug unless the  
26 practitioner determines the furnishing of this information is not  
27 in the best interest of the patient;

1 (G) the name, address, and telephone number of  
2 the practitioner at the practitioner's usual place of business,  
3 legibly printed or stamped; and

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

8 SECTION 3.016. Section 483.022(f), Health and Safety Code,  
9 is amended to read as follows:

10 (f) A practitioner may designate a person who is a licensed  
11 vocational nurse or has an education equivalent to or greater than  
12 that required for a licensed vocational nurse to communicate  
13 prescriptions of a a [~~an advanced practice nurse or~~] physician  
14 assistant authorized by the practitioner to sign prescription drug  
15 orders under Subchapter B, Chapter 157, Occupations Code, or of an  
16 advanced practice registered nurse.

17 SECTION 3.017. Section 483.042(a), Health and Safety Code,  
18 is amended to read as follows:

19 (a) A person commits an offense if the person delivers or  
20 offers to deliver a dangerous drug:

21 (1) unless:

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

24 (i) a prescription issued by a practitioner  
25 described by Section 483.001(12)(A), ~~[or]~~ (B), or (E);

26 (ii) a prescription signed by a [~~registered~~  
27 ~~nurse or~~] physician assistant in accordance with Subchapter B,



1 Chapter 157, Occupations Code; or

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

4 (B) a label is attached to the immediate  
5 container in which the drug is delivered or offered to be delivered  
6 and the label contains the following information:

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

9 (ii) the date the prescription for the drug  
10 is dispensed;

11 (iii) the number of the prescription as  
12 filed in the prescription files of the pharmacy from which the  
13 prescription is dispensed;

14 (iv) the name of the practitioner who  
15 prescribed the drug and, if applicable, the name of the [~~registered~~  
16 ~~nurse or~~] physician assistant who signed the prescription;

17 (v) the name of the patient and, if the drug  
18 is prescribed for an animal, a statement of the species of the  
19 animal; and

20 (vi) directions for the use of the drug as  
21 contained in the prescription; or

22 (2) unless:

23 (A) the dangerous drug is delivered or offered  
24 for delivery by:

25 (i) a practitioner in the course of  
26 practice; or

27 (ii) a [~~registered nurse or~~] physician

1 assistant in the course of practice in accordance with Subchapter  
2 B, Chapter 157, Occupations Code; and

3 (B) a label is attached to the immediate  
4 container in which the drug is delivered or offered to be delivered  
5 and the label contains the following information:

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

9 (ii) the date the drug is delivered;

10 (iii) the name of the patient and, if the  
11 drug is prescribed for an animal, a statement of the species of the  
12 animal; and

13 (iv) the name of the drug, the strength of  
14 the drug, and directions for the use of the drug.

15 SECTION 3.018. Section 32.024(gg), Human Resources Code, is  
16 amended to read as follows:

17 (gg) Notwithstanding any other law, including Sections  
18 843.312 and 1301.052, Insurance Code, the commission shall ensure  
19 that advanced practice registered nurses and physician assistants  
20 may be selected by and assigned to recipients of medical assistance  
21 as the primary care providers of those recipients ~~[regardless of  
22 whether the physician supervising the advanced practice registered  
23 nurse is included in any directory of providers of medical  
24 assistance maintained by the commission]~~. This subsection may not  
25 be construed as authorizing the commission to supervise or control  
26 the practice of medicine as prohibited by Subtitle B, Title 3,  
27 Occupations Code. The commission must require that advanced

1 practice registered nurses and physician assistants be treated in  
2 the same manner as primary care physicians with regard to:

3 (1) selection and assignment as primary care  
4 providers; and

5 (2) inclusion as primary care providers in any  
6 directory of providers of medical assistance maintained by the  
7 commission.

8 SECTION 3.019. Section 32.03141, Human Resources Code, is  
9 amended to read as follows:

10 Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED  
11 NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL  
12 EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in  
13 addition to other health care practitioners authorized by federal  
14 law, the following persons may order and prescribe durable medical  
15 equipment and supplies under the medical assistance program:

16 (1) an advanced practice registered nurse; and

17 (2) a [or] physician assistant acting under adequate  
18 physician supervision and to whom a physician has delegated the  
19 authority to prescribe and order drugs and devices under Chapter  
20 157, Occupations Code[~~, may order and prescribe durable medical~~  
21 equipment and supplies under the medical assistance program].

22 SECTION 3.020. Section 843.312, Insurance Code, is amended  
23 to read as follows:

24 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
25 REGISTERED NURSES. (a) A health maintenance organization may not  
26 refuse a request by a physician participating in the health  
27 maintenance organization delivery network and a physician

1 assistant [~~or advanced practice nurse~~] who is authorized by the  
2 physician to provide care under Subchapter B, Chapter 157,  
3 Occupations Code, or an advanced practice registered nurse, as  
4 defined by Section 301.002, Occupations Code, to identify a  
5 physician assistant or advanced practice registered nurse as a  
6 provider in the network.

7 (b) A health maintenance organization may refuse a request  
8 under Subsection (a) if the physician assistant or advanced  
9 practice registered nurse does not meet the quality of care  
10 standards previously established by the health maintenance  
11 organization for participation in the network by physician  
12 assistants and advanced practice registered nurses.

13 SECTION 3.021. Section 1301.001(1-a), Insurance Code, is  
14 amended to read as follows:

15 (1-a) "Health care provider" means a practitioner,  
16 institutional provider, or other person or organization that  
17 furnishes health care services and that is licensed or otherwise  
18 authorized to practice in this state. The term includes a  
19 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered  
20 nurse. The term does not include a physician.

21 SECTION 3.022. Section 1301.052, Insurance Code, is amended  
22 to read as follows:

23 Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED  
24 NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer  
25 offering a preferred provider benefit plan may not refuse a request  
26 made by a physician participating as a preferred provider under the  
27 plan and an advanced practice registered nurse or physician

1 assistant to have the advanced practice registered nurse or  
2 physician assistant included as a preferred provider under the plan  
3 if, as applicable:

4 (1) the [~~advanced practice nurse or~~] physician  
5 assistant is authorized by the physician to provide care under  
6 Subchapter B, Chapter 157, Occupations Code; and

7 (2) the advanced practice registered nurse or  
8 physician assistant meets the quality of care standards previously  
9 established by the insurer for participation in the plan by  
10 advanced practice registered nurses and physician assistants.

11 SECTION 3.023. Section 1451.001(2), Insurance Code, is  
12 amended to read as follows:

13 (2) "Advanced practice registered nurse" has the  
14 meaning assigned by Section 301.002, Occupations Code [~~means an~~  
15 ~~individual licensed by the Texas Board of Nursing as a registered~~  
16 ~~nurse and recognized by that board as an advanced practice nurse~~].

17 SECTION 3.024. Section 1451.104(c), Insurance Code, is  
18 amended to read as follows:

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

27 SECTION 3.025. Section 1451.106, Insurance Code, is amended

1 to read as follows:

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

6           SECTION 3.026. Section 1452.051(1), Insurance Code, is  
7 amended to read as follows:

8                   (1) "Advanced practice nurse" has the meaning assigned  
9 to "advanced practice registered nurse" by Section 301.002  
10 [~~301.152~~], Occupations Code.

11           SECTION 3.027. Section 408.025, Labor Code, is amended by  
12 amending Subsection (a-1) and adding Subsection (a-2) to read as  
13 follows:

14           (a-1) A [~~treating doctor may delegate to a physician~~  
15 ~~assistant who is licensed to practice in this state under Chapter~~  
16 ~~204, Occupations Code, or an advanced practice registered nurse who~~  
17 ~~is licensed to practice in this state under Chapter 301,~~  
18 ~~Occupations Code, the authority to complete and sign a] work status  
19 report regarding an injured employee's ability to return to work  
20 may be completed and signed by:~~

21                   (1) a physician assistant licensed to practice in this  
22 state under Chapter 204, Occupations Code, who has been delegated  
23 the authority by a treating doctor; or

24                   (2) an advanced practice registered nurse, as defined  
25 by Section 301.002, Occupations Code.

26           (a-2) The delegating treating doctor is responsible for the  
27 acts of a [~~the~~] physician assistant [~~or advanced practice~~

1 ~~registered nurse~~] under Subsection (a-1) [~~this subsection~~].

2 SECTION 3.028. Section 203.002(2), Occupations Code, is  
3 amended to read as follows:

4 (2) "Certified nurse-midwife" means an advanced  
5 practice [~~a person who is~~

6 [~~(A) a~~] registered nurse as defined by Section  
7 301.002 who is [~~under Chapter 301,~~

8 [~~(B) recognized as an advanced nurse~~  
9 ~~practitioner by the Texas Board of Nursing; and~~

10 [~~(C)~~] certified by the American College of  
11 Nurse-Midwives.

12 SECTION 3.029. 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 3.030. 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

1 (ii) for whom the practitioner assumes  
2 legal responsibility;

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

6 (C) a [~~registered nurse or~~] physician assistant  
7 authorized by a practitioner to administer a prescription drug  
8 order for a dangerous drug under Subchapter B, Chapter 157.

9 (34) "Practitioner" means:

10 (A) a person licensed or registered to prescribe,  
11 distribute, administer, or dispense a prescription drug or device  
12 in the course of professional practice in this state, including a  
13 physician, dentist, podiatrist, advanced practice registered nurse  
14 authorized to prescribe and order drugs and devices under Section  
15 301.358, or veterinarian but excluding a person licensed under this  
16 subtitle;

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

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



1 (D) a [~~an advanced practice registered nurse or~~  
2 physician assistant to whom a physician has delegated the authority  
3 to prescribe or order a drug or device under Section 157.0511,  
4 157.0512, or 157.054.

5 SECTION 3.031. Section 563.051(e), Occupations Code, is  
6 amended to read as follows:

7 (e) A practitioner may designate a licensed vocational  
8 nurse or a person having education equivalent to or greater than  
9 that required for a licensed vocational nurse to communicate the  
10 prescriptions of a [~~an advanced practice nurse or~~] physician  
11 assistant authorized by the practitioner to sign prescription drug  
12 orders under Subchapter B, Chapter 157, or of an advanced practice  
13 registered nurse.

14 SECTION 3.032. Sections 605.002(14) and (18), Occupations  
15 Code, are amended to read as follows:

16 (14) "Orthotics" means the science and practice of  
17 measuring, designing, fabricating, assembling, fitting, adjusting,  
18 or servicing an orthosis under an order from a licensed physician,  
19 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
20 registered nurse, or from a physician assistant acting under the  
21 delegation and supervision of a licensed physician as provided by  
22 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
23 Board, for the correction or alleviation of a neuromuscular or  
24 musculoskeletal dysfunction, disease, injury, or deformity.

25 (18) "Prosthetics" means the science and practice of  
26 measuring, designing, fabricating, assembling, fitting, adjusting,  
27 or servicing a prosthesis under an order from a licensed physician,

1 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
2 registered nurse, or from a physician assistant acting under the  
3 delegation and supervision of a licensed physician as provided by  
4 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
5 Board.

6 SECTION 3.033. Section 605.2515, Occupations Code, is  
7 amended to read as follows:

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

27 ARTICLE 4. REPEALER

1 SECTION 4.001. The following provisions are repealed:

2 (1) Section 533.005(d), Government Code;

3 (2) Section 62.1551(b), Health and Safety Code; and

4 (3) Sections 157.051(1), 157.058, and 301.168,  
5 Occupations Code.

6 ARTICLE 5. TRANSITION AND EFFECTIVE DATE

7 SECTION 5.001. Not later than February 1, 2022, the Texas  
8 Board of Nursing shall adopt the rules necessary to implement the  
9 changes in law made by this Act.

10 SECTION 5.002. Notwithstanding any changes in law made by  
11 this Act, an advanced practice registered nurse who has been  
12 delegated the authority to prescribe and order drugs and medical  
13 devices by a physician's protocol or order under Section 157.0511,  
14 157.0512, or 157.054, Occupations Code, may continue to exercise  
15 that authority until February 1, 2022.

16 SECTION 5.003. This Act takes effect September 1, 2021.