88R13845 BEE-F

By:  Klick H.B. No. 4071

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of advanced practice registered nurses.

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

ARTICLE 1. REGULATION OF 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 Section 551.003.

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

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

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

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

(12) [~~(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;

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

(D)  the supervision or teaching of nursing;

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

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

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

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

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

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

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

(13) [~~(5)~~]  "Vocational nursing" means a directed scope of nursing practice, including the performance of an act that requires 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 vocational nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures. Vocational nursing involves:

(A)  collecting data and performing focused nursing assessments of the health status of an individual;

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

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

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

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

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

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

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

SECTION 1.003.  Section 301.152(b), Occupations Code, is amended to read as follows:

(b)  The board shall adopt rules to:

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

(2)  establish:

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

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

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

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

SECTION 1.004.  Section 301.303(b), Occupations Code, is amended to read as follows:

(b)  Except as provided by a rule adopted under Section 301.357(g) for an advanced practice registered nurse authorized by the board to practice under that section, the [~~The~~] board may not require participation in more than a total of 20 hours of continuing education in a two-year licensing period.

SECTION 1.005.  Subchapter H, Chapter 301, Occupations Code, is amended by adding Sections 301.357 and 301.358 to read as follows:

Sec. 301.357.  INDEPENDENT PRACTICE BY CERTAIN ADVANCED PRACTICE REGISTERED NURSES. (a) The board shall authorize the practice under this section of an advanced practice registered nurse who applies for authorization under this section in the manner prescribed by the board.

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

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

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

(3)  treating actual and potential health problems;

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

(5)  to the extent authorized by the board under Section 301.358, prescribing, ordering, procuring, administering, 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)  Subject to Subsection (d), an advanced practice registered nurse authorized to practice 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 under this section may practice as a licensed independent practitioner only:

(1)  if the advanced practice registered nurse holds a nationally recognized board certification in psychiatric or mental health nursing; or

(2)  if practicing in:

(A)  a rural county as defined by Section 487.301, Government Code; or

(B)  a practice serving a medically underserved population as defined by Section 157.051.

(e)  An advanced practice registered nurse authorized to practice 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.

(f)  This section does not limit or modify the scope of practice of a nurse who is not authorized to practice under this section.

(g)  The board by rule shall establish:

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

(2)  guidelines for continuing education for advanced practice registered nurses authorized to practice under this section.

Sec. 301.358.  PRESCRIBING AND ORDERING AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSE.  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 II, III, IV, and V, dangerous drugs, and nonprescription drugs.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.001.  Section 38.151(1), Education Code, is amended to read as follows:

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

SECTION 2.002.  Section 61.601, Education Code, as amended by Chapters 891 (H.B. 3083) and 1101 (H.B. 3808), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

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

(1)  a licensed physician who is:

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

(B)  certified in psychiatry by:

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

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

(2)  a psychologist, as defined by Section 501.002, Occupations Code;

(3)  a licensed professional counselor, as defined by Section 503.002, Occupations Code;

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

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

(6)  a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code; and

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

SECTION 2.003.  Section 671.001(b), Government Code, is amended to read as follows:

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

(1)  either:

(A)  both:

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

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

(B)  an advanced practice registered nurse authorized to practice under Section 301.357, Occupations Code;

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

(3) [~~(4)~~]  professional liability insurance covering services provided by the advanced practice registered nurse or the physician assistant.

SECTION 2.004.  Sections 161.0052(b) and (c), Health and Safety Code, are amended to read as follows:

(b)  The executive commissioner by rule shall require a hospital to inform each elderly person admitted to the hospital for a period of 24 hours or more that the pneumococcal and influenza vaccines are available.  If the elderly person requests a vaccine, and if a physician, or an advanced nurse practitioner or physician assistant on behalf of a physician, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, determines that the vaccine is in the person's best interest, the hospital must make the vaccination available to the person before the person is discharged from the hospital.

(c)  The executive commissioner by rule shall require an end stage renal disease facility to offer, to the extent possible as determined by the facility, the opportunity to receive the pneumococcal and influenza vaccines to each elderly person who receives ongoing care at the facility if a physician, or an advanced nurse practitioner or physician assistant on behalf of a physician, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, determines that the vaccine is in the person's best interest.  If the facility decides it is not feasible to offer the vaccine, the facility must provide the person with information on other options for obtaining the vaccine.

SECTION 2.005.  Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39)  "Practitioner" means:

(A)  a physician, dentist, veterinarian, podiatrist, scientific investigator, advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

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

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

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

SECTION 2.006.  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 2.007.  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 2.008.  Section 481.0767(b), Health and Safety Code, is amended to read as follows:

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

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

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

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

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

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

(6)  an oral and maxillofacial surgeon;

(7)  a physician assistant or advanced practice registered nurse to whom a physician has delegated the authority to prescribe or order a drug or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code;

(8)  a pharmacist working at a chain pharmacy;

(9)  a pharmacist working at an independent pharmacy;

(10)  an academic pharmacist; and

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

SECTION 2.009.  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 pharmacist employed in a health care facility to whom the practitioner communicates a prescription drug order; or

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

(12)  "Practitioner" means:

(A)  a person licensed by:

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

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

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

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

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

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

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

(A)  the date of the order's issue;

(B)  the name and address of the patient;

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

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

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

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

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

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

SECTION 2.010.  Section 483.022(f), Health and Safety Code, is amended to read as follows:

(f)  A practitioner may designate a person who is a licensed vocational nurse or has an education equivalent to or greater than that required for a licensed vocational nurse to communicate prescriptions of an advanced practice registered nurse or physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, Occupations Code, or of an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code.

SECTION 2.011.  Section 483.042(a), Health and Safety Code, is amended to read as follows:

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

(1)  unless:

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

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

(ii)  a prescription signed by an advanced practice [~~a~~] registered nurse or physician assistant in accordance with Subchapter B, Chapter 157, Occupations Code; or

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

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

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

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

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

(iv)  the name of the practitioner who prescribed the drug and, if applicable, the name of the advanced practice registered nurse or physician assistant who signed the prescription;

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

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

(2)  unless:

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

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

(ii)  an advanced practice [~~a~~] registered nurse or physician assistant in the course of practice in accordance with Subchapter B, Chapter 157, Occupations Code; and

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

(i)  the name and address of the practitioner who prescribed the drug, and if applicable, the name and address of the advanced practice registered nurse or physician assistant;

(ii)  the date the drug is delivered;

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

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

SECTION 2.012.  Section 32.024(gg), Human Resources Code, is amended to read as follows:

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

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

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

SECTION 2.013.  Section 32.03141, Human Resources Code, is amended to read as follows:

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 2.014.  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, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, 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 2.015.  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 2.016.  Section 1452.051(1), Insurance Code, is amended to read as follows:

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

SECTION 2.017.  Section 408.025, Labor Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

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

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

(2)  an advanced practice registered nurse licensed to practice in this state under Chapter 301, Occupations Code, who has been delegated the authority by a treating doctor; or

(3)  an advanced practice registered nurse authorized to practice under Section 301.357, Occupations Code.

(a-2)  The delegating treating doctor is responsible for the acts of a [~~the~~] physician assistant [~~or advanced practice registered nurse~~] under Subsection (a-1)(1) or an advanced practice registered nurse under Subsection (a-1)(2) [~~this subsection~~].

SECTION 2.018.  Section 157.051(1), Occupations Code, is amended to read as follows:

(1)  "Advanced practice registered nurse" has the meaning assigned [~~to that term~~] by Section 301.002 [~~301.152~~]. [~~The term includes an advanced nurse practitioner and advanced practice nurse.~~]

SECTION 2.019.  Section 203.002(2), Occupations Code, is amended to read as follows:

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

[~~(A)  a~~] registered nurse [~~under Chapter 301;~~

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

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

SECTION 2.020.  Sections 551.003(14) and (34), Occupations Code, are amended to read as follows:

(14)  "Designated agent" means:

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

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

(ii)  for whom the practitioner assumes legal responsibility;

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

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

(34)  "Practitioner" means:

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

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

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

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

SECTION 2.021.  Section 563.051(e), Occupations Code, is amended to read as follows:

(e)  A practitioner may designate a licensed vocational nurse or a person having education equivalent to or greater than that required for a licensed vocational nurse to communicate the prescriptions of an advanced practice registered nurse or physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, or of an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358.

SECTION 2.022.  Section 563.053, Occupations Code, is amended to read as follows:

Sec. 563.053.  DISPENSING OF DANGEROUS DRUGS IN CERTAIN RURAL AREAS. (a) In this section:

(1)  "Advanced practice registered nurse" has the meaning assigned by Section 301.002.

(2)  "Reimbursement [~~, "reimbursement~~] for cost" means an additional charge, separate from that imposed for the 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 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 2.023.  Sections 605.002(14) and (18), Occupations Code, are 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 rules adopted by the Texas Medical Board, for the correction or alleviation of a neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

(18)  "Prosthetics" means the science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a prosthesis 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 rules adopted by the Texas Medical Board.

SECTION 2.024.  Section 605.2515, Occupations Code, is amended to read as follows:

Sec. 605.2515.  ADDITIONAL LICENSE: DEVICE MANUFACTURER. A person licensed to practice orthotics or prosthetics who measures, designs, fabricates, fits, assembles, adjusts, or services an orthosis or a prosthesis 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 rules adopted by the Texas Medical Board, for a specific patient is exempt from licensing as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code. A person licensed to practice orthotics or prosthetics who fabricates or assembles an orthosis or a prosthesis without 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 rules adopted by the Texas Medical Board, for a specific patient is required to be licensed as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code.

ARTICLE 3. REPEALER

SECTION 3.001.  Section 301.152(a), Occupations Code, is repealed.

ARTICLE 4. TRANSITIONS AND EFFECTIVE DATE

SECTION 4.001.  Not later than February 1, 2024, the Texas Board of Nursing shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 4.002.  This Act takes effect September 1, 2023.