

By: Klick

H.B. No. 4071

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the licensing and regulation of advanced practice  
3 registered nurses.

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

5 ARTICLE 1. REGULATION OF ADVANCED PRACTICE REGISTERED NURSES

6 SECTION 1.001. Section 301.002, Occupations Code, is  
7 amended to read as follows:

8 Sec. 301.002. DEFINITIONS. In this chapter:

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

14 (2) [~~1~~] "Board" means the Texas Board of Nursing.

15 (3) [~~1-a~~] "Chief nursing officer" means the  
16 registered nurse who is administratively responsible for the  
17 nursing services at a facility.

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

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

22 (6) "Device" has the meaning assigned by Section  
23 551.003, and includes durable medical equipment.

24 (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 performed by an advanced practice  
18 registered nurse authorized to practice by the board under Section  
19 301.357. Professional nursing involves:

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

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

26 (C) the administration of a medication or  
27 treatment as ordered by a health care practitioner legally

1 authorized to prescribe the medication or treatment [~~physician,~~  
2 ~~podiatrist, or dentist~~];

3 (D) the supervision or teaching of nursing;

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

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

11 (G) the performance by an advanced practice  
12 registered nurse of an act delegated by a physician under Section  
13 157.0512, 157.054, 157.058, or 157.059; [~~and~~]

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

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

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

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

22 (13) [~~(5)~~] "Vocational nursing" means a directed  
23 scope of nursing practice, including the performance of an act that  
24 requires specialized judgment and skill, the proper performance of  
25 which is based on knowledge and application of the principles of  
26 biological, physical, and social science as acquired by a completed  
27 course in an approved school of vocational nursing. The term does

1 not include acts of medical diagnosis or the prescription of  
2 therapeutic or corrective measures. Vocational nursing involves:

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

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

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

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

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

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

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

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

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

27 (b) The board shall adopt rules to:

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

3           (2) establish:

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

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

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

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

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

24           (b) Except as provided by a rule adopted under Section  
25 301.357(g) for an advanced practice registered nurse authorized by  
26 the board to practice under that section, the [The] board may not  
27 require participation in more than a total of 20 hours of continuing

1 education in a two-year licensing period.

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

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

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

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

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

16 (3) treating actual and potential health problems;

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

22 (5) to the extent authorized by the board under  
23 Section 301.358, prescribing, ordering, procuring, administering,  
24 and dispensing drugs and devices, including blood and blood  
25 products, controlled substances listed in Schedules II, III, IV,  
26 and V, dangerous drugs, and nonprescription drugs;

27 (6) providing referrals to health care agencies,

1 health care providers, and community resources;

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

3 and

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

9 (c) Subject to Subsection (d), an advanced practice  
10 registered nurse authorized to practice under this section shall  
11 practice as a licensed independent practitioner in accordance with  
12 standards established and recognized by the board to protect the  
13 public health and safety.

14 (d) An advanced practice registered nurse authorized to  
15 practice under this section may practice as a licensed independent  
16 practitioner only:

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

20 (2) if practicing in:

21 (A) a rural county as defined by Section [487.301](#),  
22 Government Code; or

23 (B) a practice serving a medically underserved  
24 population as defined by Section [157.051](#).

25 (e) An advanced practice registered nurse authorized to  
26 practice under this section is accountable to patients, the nursing  
27 profession, and the board for:

- 1 (1) complying with the requirements of this chapter;
- 2 (2) providing quality advanced nursing care;
- 3 (3) recognizing the nurse's limits of knowledge;
- 4 (4) planning for the management of situations beyond  
5 the nurse's expertise; and
- 6 (5) consulting with or referring patients to other  
7 health care providers as appropriate.

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

11 (g) The board by rule shall establish:

- 12 (1) the application process for authorization to  
13 practice under this section; and
- 14 (2) guidelines for continuing education for advanced  
15 practice registered nurses authorized to practice under this  
16 section.

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

23 ARTICLE 2. CONFORMING AMENDMENTS

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

26 (1) "Advanced practice nurse" has the meaning assigned  
27 to "advanced practice registered nurse" by Section 301.002



1 ~~[301.152]~~, Occupations Code.

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

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

8 (1) a licensed physician who is:

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

11 (B) certified in psychiatry by:

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

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

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

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

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

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

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

1            (7) [~~(6)~~] a chemical dependency counselor, as defined  
2 by Section 504.001, Occupations Code.

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

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

6            (1) either:

7                    (A) both:

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

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

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

22            (2) [~~(3)~~] appropriate office space and equipment for  
23 the 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            (3) [~~(4)~~] professional liability insurance covering  
27 services provided by the advanced practice registered nurse or the

1 physician assistant.

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

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

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

27 SECTION 2.005. Section 481.002(39), Health and Safety Code,

1 is amended to read as follows:

2 (39) "Practitioner" means:

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

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

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

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

26 SECTION 2.006. Section [481.074](#)(d), Health and Safety Code,  
27 is amended to read as follows:

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

8           SECTION 2.007. Section 481.076(c), Health and Safety Code,  
9 is amended to read as follows:

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

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

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

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

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

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

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

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

7           (6) an oral and maxillofacial surgeon;

8           (7) a physician assistant or advanced practice  
9 registered nurse to whom a physician has delegated the authority to  
10 prescribe or order a drug or an advanced practice registered nurse  
11 authorized to prescribe and order drugs and devices under Section  
12 301.358, Occupations Code;

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

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

15           (10) an academic pharmacist; and

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

20           SECTION 2.009. Sections 483.001(4), (12), and (13), Health  
21 and Safety Code, are amended to read as follows:

22           (4) "Designated agent" means:

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

26                   (B) a licensed nurse, physician assistant, or  
27 pharmacist employed in a health care facility to whom the

1 practitioner communicates a prescription drug order; or

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

6 (12) "Practitioner" means:

7 (A) a person licensed by:

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

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

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

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

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

25 (E) an advanced practice registered nurse  
26 authorized to prescribe and order drugs and devices under Section  
27 301.358, Occupations Code.

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

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

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

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

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

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

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

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

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

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

26           (f) A practitioner may designate a person who is a licensed  
27 vocational nurse or has an education equivalent to or greater than



1 that required for a licensed vocational nurse to communicate  
2 prescriptions of an advanced practice registered nurse or physician  
3 assistant authorized by the practitioner to sign prescription drug  
4 orders under Subchapter B, Chapter 157, Occupations Code, or of an  
5 advanced practice registered nurse authorized to prescribe and  
6 order drugs and devices under Section 301.358, Occupations Code.

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

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

11 (1) unless:

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

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

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

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

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

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

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

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

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

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

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

13 (2) unless:

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

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

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

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

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

- 1 (ii) the date the drug is delivered;
- 2 (iii) the name of the patient and, if the
- 3 drug is prescribed for an animal, a statement of the species of the
- 4 animal; and
- 5 (iv) the name of the drug, the strength of
- 6 the drug, and directions for the use of the drug.

7 SECTION 2.012. Section 32.024(gg), Human Resources Code, is

8 amended to read as follows:

9 (gg) Notwithstanding any other law, including Sections

10 843.312 and 1301.052, Insurance Code, the commission shall ensure

11 that advanced practice registered nurses and physician assistants

12 may be selected by and assigned to recipients of medical assistance

13 as the primary care providers of those recipients regardless of

14 whether, if applicable, the physician supervising the advanced

15 practice registered nurse is included in any directory of providers

16 of medical assistance maintained by the commission. This

17 subsection may not be construed as authorizing the commission to

18 supervise or control the practice of medicine as prohibited by

19 Subtitle B, Title 3, Occupations Code. The commission must require

20 that advanced practice registered nurses and physician assistants

21 be treated in the same manner as primary care physicians with regard

22 to:

- 23 (1) selection and assignment as primary care
- 24 providers; and
- 25 (2) inclusion as primary care providers in any
- 26 directory of providers of medical assistance maintained by the
- 27 commission.

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

3 Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED  
4 NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL  
5 EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in  
6 addition to other health care practitioners authorized by federal  
7 law, the following persons may order and prescribe durable medical  
8 equipment and supplies under the medical assistance program:

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

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

18 SECTION 2.014. Section 843.312, Insurance Code, is amended  
19 to read as follows:

20 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
21 REGISTERED NURSES. (a) A health maintenance organization may not  
22 refuse a request by a physician participating in the health  
23 maintenance organization delivery network and a physician  
24 assistant or advanced practice registered nurse who is authorized  
25 by the physician to provide care under Subchapter B, Chapter 157,  
26 Occupations Code, or an advanced practice registered nurse  
27 authorized to prescribe and order drugs and devices under Section

1 301.358, Occupations Code, to identify a physician assistant or  
2 advanced practice registered nurse as a provider in the network.

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

9 SECTION 2.015. Section 1301.001(1-a), Insurance Code, is  
10 amended to read as follows:

11 (1-a) "Health care provider" means a practitioner,  
12 institutional provider, or other person or organization that  
13 furnishes health care services and that is licensed or otherwise  
14 authorized to practice in this state. The term includes a  
15 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered  
16 nurse authorized to practice under Section 301.357, Occupations  
17 Code. The term does not include a physician.

18 SECTION 2.016. Section 1452.051(1), Insurance Code, is  
19 amended to read as follows:

20 (1) "Advanced practice nurse" has the meaning assigned  
21 to "advanced practice registered nurse" by Section 301.002  
22 [~~301.152~~], Occupations Code.

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

26 (a-1) A ~~treating doctor may delegate to a physician~~  
27 ~~assistant who is licensed to practice in this state under Chapter~~

1 ~~204, Occupations Code, or an advanced practice registered nurse who~~  
2 ~~is licensed to practice in this state under Chapter 301,~~  
3 ~~Occupations Code, the authority to complete and sign a]~~ work status  
4 report regarding an injured employee's ability to return to work  
5 may be completed and signed by:

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

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

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

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

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

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

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

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

1                    [~~(A)~~ a] registered nurse [~~under Chapter 301,~~  
2                    [~~(B)~~ recognized as an advanced nurse  
3 ~~practitioner by the Texas Board of Nursing, and~~  
4                    [~~(C)~~] certified by the American College of  
5 Nurse-Midwives.

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

8                    (14) "Designated agent" means:

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

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

14                    (ii) for whom the practitioner assumes  
15 legal responsibility;

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

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

23                    (34) "Practitioner" means:

24                    (A) a person licensed or registered to prescribe,  
25 distribute, administer, or dispense a prescription drug or device  
26 in the course of professional practice in this state, including a  
27 physician, dentist, podiatrist, advanced practice registered nurse

1 authorized to prescribe and order drugs and devices under Section  
2 301.358, or veterinarian but excluding a person licensed under this  
3 subtitle;

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

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

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

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

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



1 devices under Section 301.358.

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

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

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

8 (2) "Reimbursement [~~,"reimbursement~~] for cost" means  
9 an additional charge, separate from that imposed for the  
10 physician's or advanced practice registered nurse's professional  
11 services, that includes the cost of the drug product and all other  
12 actual costs to the physician or advanced practice registered nurse  
13 incidental to providing the dispensing service. The term does not  
14 include a separate fee imposed for the act of dispensing the drug  
15 itself.

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

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

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

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

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

10 (d) A physician or advanced practice registered nurse who  
11 dispenses dangerous drugs under Subsection (c) shall:

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

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

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

1 SECTION 2.023. Sections 605.002(14) and (18), Occupations  
2 Code, are amended to read as follows:

3 (14) "Orthotics" means the science and practice of  
4 measuring, designing, fabricating, assembling, fitting, adjusting,  
5 or servicing an orthosis under an order from a licensed physician,  
6 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered  
7 nurse authorized to prescribe and order drugs and devices under  
8 Section 301.358, or an advanced practice registered nurse or  
9 physician assistant acting under the delegation and supervision of  
10 a licensed physician as provided by Subchapter B, Chapter 157, and  
11 rules adopted by the Texas Medical Board, for the correction or  
12 alleviation of a neuromuscular or musculoskeletal dysfunction,  
13 disease, injury, or deformity.

14 (18) "Prosthetics" means the science and practice of  
15 measuring, designing, fabricating, assembling, fitting, adjusting,  
16 or servicing a prosthesis under an order from a licensed physician,  
17 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered  
18 nurse authorized to prescribe and order drugs and devices under  
19 Section 301.358, or an advanced practice registered nurse or  
20 physician assistant acting under the delegation and supervision of  
21 a licensed physician as provided by Subchapter B, Chapter 157, and  
22 rules adopted by the Texas Medical Board.

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

25 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A  
26 person licensed to practice orthotics or prosthetics who measures,  
27 designs, fabricates, fits, assembles, adjusts, or services an

1 orthosis or a prosthesis under an order from a licensed physician,  
2 chiropractor, [~~or~~] podiatrist, or advanced practice registered  
3 nurse authorized to prescribe and order drugs and devices under  
4 Section 301.358, or an advanced practice registered nurse or  
5 physician assistant acting under the delegation and supervision of  
6 a licensed physician as provided by Subchapter B, Chapter 157, and  
7 rules adopted by the Texas Medical Board, for a specific patient is  
8 exempt from licensing as a device manufacturer under Subchapter L,  
9 Chapter 431, Health and Safety Code. A person licensed to practice  
10 orthotics or prosthetics who fabricates or assembles an orthosis or  
11 a prosthesis without an order from a licensed physician,  
12 chiropractor, [~~or~~] podiatrist, or advanced practice registered  
13 nurse authorized to prescribe and order drugs and devices under  
14 Section 301.358, or an advanced practice registered nurse or  
15 physician assistant acting under the delegation and supervision of  
16 a licensed physician as provided by Subchapter B, Chapter 157, and  
17 rules adopted by the Texas Medical Board, for a specific patient is  
18 required to be licensed as a device manufacturer under Subchapter  
19 L, Chapter 431, Health and Safety Code.

20 ARTICLE 3. REPEALER

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

23 ARTICLE 4. TRANSITIONS AND EFFECTIVE DATE

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

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