

By: Blanco

S.B. No. 1700

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. SHORT TITLE

SECTION 1.001. This Act may be cited as the Healthcare Expanded and Accessed Locally for Texans (HEAL Texans) Act.

ARTICLE 2. ADVANCED PRACTICE REGISTERED NURSES

SECTION 2.001. 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.

1           (6) "Device" has the meaning assigned by Section  
2 551.003, and includes durable medical equipment.

3           (7) "Nonprescription drug" has the meaning assigned by  
4 Section 551.003.

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

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

9           (10) [~~(1-b)~~] "Patient safety committee" has the  
10 meaning assigned by Section 303.001.

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

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

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

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

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

5 (D) the supervision or teaching of nursing;

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

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

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

16 (G) [~~(H)~~] the development of the nursing care  
17 plan[~~-~~

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

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

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

1 course in an approved school of vocational nursing. The term does  
2 not include acts of medical diagnosis or the prescription of  
3 therapeutic or corrective measures. Vocational nursing involves:

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

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

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

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

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

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

20 SECTION 2.002. Section 301.005(b), Occupations Code, is  
21 amended to read as follows:

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

26 SECTION 2.003. Section 301.152, Occupations Code, is  
27 transferred to Subchapter H, Chapter 301, Occupations Code,

1 redesignated as Section 301.357, Occupations Code, and amended to  
2 read as follows:

3       Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED  
4 NURSES [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) Advanced  
5 practice registered nursing includes:

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

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

10           (3) treating actual and potential health problems;

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

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

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

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

24 and

25           (8) performing other acts that require education and  
26 training consistent with professional standards and that are  
27 commensurate with the advanced practice registered nurse's

1 education, licensure, and demonstrated competencies and  
2 experience. [~~In this section, "advanced practice registered nurse"~~  
3 ~~means a registered nurse licensed by the board to practice as an~~  
4 ~~advanced practice registered nurse on the basis of completion of an~~  
5 ~~advanced educational program. The term includes a nurse~~  
6 ~~practitioner, nurse midwife, nurse anesthetist, and clinical nurse~~  
7 ~~specialist. The term is synonymous with "advanced nurse~~  
8 ~~practitioner" and "advanced practice nurse."~~]

9 (b) The board shall adopt rules to:

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

12 (2) establish:

13 (A) any specialized education or training,  
14 including pharmacology, that an advanced practice registered nurse  
15 must have to prescribe or order a drug or device as authorized  
16 [~~delegated~~] by the board [~~a physician~~] under Section 301.358  
17 [~~157.0512 or 157.054~~];

18 (B) a system for approving an advanced practice  
19 registered nurse to prescribe or order a drug or device as  
20 authorized [~~delegated~~] by the board [~~a physician~~] under Section  
21 301.358 [~~157.0512 or 157.054~~] on the receipt of evidence of  
22 completing the specialized education and training requirement  
23 under Paragraph (A); and

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

27 (3) concurrently renew any license or approval granted

1 to an advanced practice registered nurse under this subsection and  
2 a license renewed by the advanced practice registered nurse under  
3 Section 301.301.

4 (c) At a minimum, the rules adopted under Subsection (b)(2)  
5 must:

6 (1) require completion of pharmacology and related  
7 pathophysiology education for initial approval; and

8 (2) require continuing education in clinical  
9 pharmacology and related pathophysiology in addition to any  
10 continuing education otherwise required under Section 301.303.

11 (d) The signature of an advanced practice registered nurse  
12 attesting to the provision of a legally authorized service by the  
13 advanced practice registered nurse satisfies any documentation  
14 requirement for that service established by a state agency.

15 (e) An advanced practice registered nurse shall practice as  
16 a licensed independent practitioner in accordance with standards  
17 established and recognized by the board to protect the public  
18 health and safety.

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

21 (1) complying with the requirements of this chapter;

22 (2) providing quality advanced nursing care;

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

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

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

1        (g) This section does not limit or modify the scope of  
2 practice of a registered nurse who is not an advanced practice  
3 registered nurse.

4        (h) Notwithstanding any other law, an advanced practice  
5 registered nurse performing an act described by Subsection (a) is  
6 not considered to be practicing medicine without a license.

7        SECTION 2.004. Section 301.354(a), Occupations Code, is  
8 amended to read as follows:

9        (a) In this section, "nurse first assistant" means a  
10 registered nurse who:

11            (1) has completed a nurse first assistant educational  
12 program approved or recognized by an organization recognized by the  
13 board; and

14            (2) ~~is~~ either:

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

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

21        SECTION 2.005. Subchapter H, Chapter 301, Occupations Code,  
22 is amended by adding Section 301.358 to read as follows:

23        Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF  
24 ADVANCED PRACTICE REGISTERED NURSE. The board may authorize an  
25 advanced practice registered nurse to prescribe and order drugs and  
26 devices, including controlled substances listed in Schedules II,  
27 III, IV, and V, dangerous drugs, and nonprescription drugs.



1 ARTICLE 3. CONFORMING AMENDMENTS REGARDING DELEGATION

2 SECTION 3.001. The heading to Subchapter B, Chapter 157,  
3 Occupations Code, is amended to read as follows:

4 SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE REGISTERED NURSES~~  
5 ~~AND~~] PHYSICIAN ASSISTANTS

6 SECTION 3.002. Sections 157.051(11) and (14), Occupations  
7 Code, are amended to read as follows:

8 (11) "Practice serving a medically underserved  
9 population" means:

10 (A) a practice in a health professional shortage  
11 area;

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

14 (C) a public health clinic or a family planning  
15 clinic under contract with the Health and Human Services Commission  
16 or the Department of State Health Services;

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

19 (E) a county, state, or federal correctional  
20 facility;

21 (F) a practice:

22 (i) that either:

23 (a) is located in an area in which the  
24 Department of State Health Services determines there is an  
25 insufficient number of physicians providing services to eligible  
26 clients of federally, state, or locally funded health care  
27 programs; or

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

5 (ii) for which the Department of State  
6 Health Services publishes notice of the department's determination  
7 in the Texas Register and provides an opportunity for public  
8 comment in the manner provided for a proposed rule under Chapter  
9 2001, Government Code; or

10 (G) a practice at which a physician was  
11 delegating prescriptive authority to an advanced practice  
12 registered nurse, as defined by Section 301.002, or physician  
13 assistant on or before March 1, 2013, based on the practice  
14 qualifying as a site serving a medically underserved population.

15 (14) "Prescriptive authority agreement" means an  
16 agreement entered into by a physician and a ~~[an advanced practice~~  
17 ~~registered nurse or]~~ physician assistant through which the  
18 physician delegates to the ~~[advanced practice registered nurse or]~~  
19 physician assistant the act of prescribing or ordering a drug or  
20 device.

21 SECTION 3.003. Section 157.0511(b-2), Occupations Code, is  
22 amended to read as follows:

23 (b-2) The board shall adopt rules that require a physician  
24 who delegates the prescribing or ordering of a drug or device to  
25 register with the board the name and license number of the physician  
26 assistant ~~[or advanced practice registered nurse]~~ to whom a  
27 delegation is made. The board may develop and use an electronic

1 online delegation registration process for registration under this  
2 subsection.

3 SECTION 3.004. Sections 157.0512(a), (b), (c), (e), (f),  
4 (g), (i), (j), (l), (m), (n), and (o), Occupations Code, are amended  
5 to read as follows:

6 (a) A physician may delegate to a a [~~an advanced practice~~  
7 ~~registered nurse or~~] physician assistant, acting under adequate  
8 physician supervision, the act of prescribing or ordering a drug or  
9 device as authorized through a prescriptive authority agreement  
10 between the physician and the [~~advanced practice registered nurse~~  
11 ~~or~~] physician assistant[~~, as applicable~~].

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

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

19 [~~(2)~~] the [~~advanced practice registered nurse or~~]  
20 physician assistant:

21 (A) holds an active license to practice in this  
22 state as a a [~~an advanced practice registered nurse or~~] physician  
23 assistant[~~, as applicable,~~] and is in good standing in this state;  
24 and

25 (B) is not currently prohibited by the [~~Texas~~  
26 ~~Board of Nursing or the~~] Texas Physician Assistant Board[~~, as~~  
27 ~~applicable,~~] from executing a prescriptive authority agreement;

1 and

2           (2) [~~(3)~~] before executing the prescriptive authority  
3 agreement, the physician and the [~~advanced practice registered~~  
4 ~~nurse or~~] physician assistant disclose to the other prospective  
5 party to the agreement any prior disciplinary action by the board[~~7~~  
6 ~~the Texas Board of Nursing,~~] or the Texas Physician Assistant  
7 Board[~~7~~ ~~as applicable~~].

8           (c) Except as provided by Subsection (d), the [~~combined~~  
9 number of [~~advanced practice registered nurses and~~] physician  
10 assistants with whom a physician may enter into a prescriptive  
11 authority agreement may not exceed seven [~~advanced practice~~  
12 ~~registered nurses and~~] physician assistants or the full-time  
13 equivalent of seven [~~advanced practice registered nurses and~~]  
14 physician assistants.

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

16               (1) be in writing and signed and dated by the parties  
17 to the agreement;

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

20               (3) state the nature of the practice, practice  
21 locations, or practice settings;

22               (4) identify the types or categories of drugs or  
23 devices that may be prescribed or the types or categories of drugs  
24 or devices that may not be prescribed;

25               (5) provide a general plan for addressing consultation  
26 and referral;

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

1           (7) state the general process for communication and  
2 the sharing of information between the physician and the [~~advanced~~  
3 ~~practice registered nurse or~~] physician assistant to whom the  
4 physician has delegated prescriptive authority related to the care  
5 and treatment of patients;

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

8                   (A) provide appropriate supervision on a  
9 temporary basis in accordance with the requirements established by  
10 the prescriptive authority agreement and the requirements of this  
11 subchapter; and

12                   (B) participate in the prescriptive authority  
13 quality assurance and improvement plan meetings required under this  
14 section; and

15           (9) describe a prescriptive authority quality  
16 assurance and improvement plan and specify methods for documenting  
17 the implementation of the plan that include the following:

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

21                   (B) periodic meetings between the [~~advanced~~  
22 ~~practice registered nurse or~~] physician assistant and the  
23 physician.

24           (f) The periodic meetings described by Subsection (e)(9)(B)  
25 must:

26                   (1) include:

27                           (A) the sharing of information relating to

1 patient treatment and care, needed changes in patient care plans,  
2 and issues relating to referrals; and

3 (B) discussion of patient care improvement;

4 (2) be documented; and

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

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

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

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

19 (l) In the event that a party to a prescriptive authority  
20 agreement is notified that the individual has become the subject of  
21 an investigation by the board~~[, the Texas Board of Nursing,]~~ or the  
22 Texas Physician Assistant Board, the individual shall immediately  
23 notify the other party to the prescriptive authority agreement.

24 (m) The prescriptive authority agreement and any amendments  
25 must be reviewed at least annually, dated, and signed by the parties  
26 to the agreement. The prescriptive authority agreement and any  
27 amendments must be made available to the board~~[, the Texas Board of~~

1 ~~Nursing,~~] or the Texas Physician Assistant Board not later than the  
2 third business day after the date of receipt of request, if any.

3 (n) The prescriptive authority agreement should promote the  
4 exercise of professional judgment by the [~~advanced practice~~  
5 ~~registered nurse or~~] physician assistant commensurate with the  
6 [~~advanced practice registered nurse's or~~] physician assistant's  
7 education and experience and the relationship between the [~~advanced~~  
8 ~~practice registered nurse or~~] physician assistant and the  
9 physician.

10 (o) This section shall be liberally construed to allow the  
11 use of prescriptive authority agreements to safely and effectively  
12 utilize the skills and services of [~~advanced practice registered~~  
13 ~~nurses and~~] physician assistants.

14 SECTION 3.005. Section [157.0513](#), Occupations Code, is  
15 amended to read as follows:

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

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

23 (2) by which each board shall immediately notify the  
24 other board [~~boards~~] when a license holder of the board becomes the  
25 subject of an investigation involving the delegation and  
26 supervision of prescriptive authority, as well as the final  
27 disposition of any such investigation;

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

5           (4) to ensure that each [~~advanced practice registered~~  
6 ~~nurse or~~] physician assistant who has entered into a prescriptive  
7 authority agreement authorizing the prescribing of opioids is  
8 required to complete not less than two hours of continuing  
9 education annually regarding safe and effective pain management  
10 related to the prescription of opioids and other controlled  
11 substances, including education regarding:

12                   (A) reasonable standards of care;

13                   (B) the identification of drug-seeking behavior  
14 in patients; and

15                   (C) effectively communicating with patients  
16 regarding the prescription of an opioid or other controlled  
17 substance.

18           (b) If the board [~~, the Texas Board of Nursing,~~] or the Texas  
19 Physician Assistant Board receives a notice under Subsection  
20 (a)(2), the board that received notice may open an investigation  
21 against a license holder of the board who is a party to a  
22 prescriptive authority agreement with the license holder who is  
23 under investigation by the board that provided notice under  
24 Subsection (a)(2).

25           (c) The board shall maintain and make available to the  
26 public a searchable online list of physicians [~~, advanced practice~~  
27 ~~registered nurses,~~] and physician assistants who have entered into



1 a prescriptive authority agreement authorized under Section  
2 157.0512 and identify the physician~~[, advanced practice registered~~  
3 ~~nurse, or physician assistant]~~ with whom each ~~[physician, advanced~~  
4 ~~practice registered nurse, and]~~ physician assistant has entered  
5 into a prescriptive authority agreement.

6 (d) The board shall collaborate with the ~~[Texas Board of~~  
7 ~~Nursing and the]~~ Texas Physician Assistant Board to maintain and  
8 make available to the public a list of physicians~~[, advanced~~  
9 ~~practice registered nurses,]~~ and physician assistants who are  
10 prohibited from entering into or practicing under a prescriptive  
11 authority agreement.

12 SECTION 3.006. Sections 157.054(a), (a-1), (b), and (c),  
13 Occupations Code, are amended to read as follows:

14 (a) One or more physicians licensed by the board may  
15 delegate, to one or more physician assistants ~~[or advanced practice~~  
16 ~~registered nurses]~~ acting under adequate physician supervision  
17 whose practice is facility-based at a hospital or licensed  
18 long-term care facility, the administration or provision of a drug  
19 and the prescribing or ordering of a drug or device if each of the  
20 delegating physicians is:

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

24 (2) the chair of the facility's credentialing  
25 committee;

26 (3) a department chair of a facility department in  
27 which the physician assistant ~~[or advanced practice registered~~

1 ~~nurse~~] practices; or

2           (4) a physician who consents to the request of the  
3 medical director or chief of medical staff to delegate the  
4 prescribing or ordering of a drug or device at the facility in which  
5 the physician assistant [~~or advanced practice registered nurse~~]  
6 practices.

7           (a-1) The limit [~~limits~~] on the number of [~~advanced practice~~  
8 ~~registered nurses or~~] physician assistants to whom a physician may  
9 delegate under Section [157.0512](#) does [~~do~~] not apply to a physician  
10 under Subsection (a) whose practice is facility-based under this  
11 section, provided that the physician is not delegating in a  
12 freestanding clinic, center, or practice of the facility.

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

15           (1) the delegation must be made under a physician's  
16 order, standing medical order, standing delegation order, or  
17 another order or protocol developed in accordance with policies  
18 approved by the facility's medical staff or a committee of the  
19 facility's medical staff as provided by the facility bylaws;

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

24           (3) the delegation may not permit the prescribing or  
25 ordering of a drug or device for the care or treatment of the  
26 patients of any other physician without the prior consent of that  
27 physician; and

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

6           (c) Physician supervision of the prescribing or ordering of  
7 a drug or device must conform to what a reasonable, prudent  
8 physician would find consistent with sound medical judgment but may  
9 vary with the education and experience of the particular [~~advanced~~  
10 ~~practice registered nurse or~~] physician assistant. A physician  
11 shall provide continuous supervision, but the constant physical  
12 presence of the physician is not required.

13           SECTION 3.007. Section [157.055](#), Occupations Code, is  
14 amended to read as follows:

15           Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other  
16 order shall be defined in a manner that promotes the exercise of  
17 professional judgment by the [~~advanced practice registered nurse~~  
18 ~~and~~] physician assistant commensurate with the education and  
19 experience of that person. Under this section, an order or  
20 protocol used by a reasonable and prudent physician exercising  
21 sound medical judgment:

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

26           (2) may state the types or categories of medications  
27 that may be prescribed or the types or categories of medications

1 that may not be prescribed.

2 SECTION 3.008. Section 157.056, Occupations Code, is  
3 amended to read as follows:

4 Sec. 157.056. PRESCRIPTION INFORMATION. The following  
5 information must be provided on each prescription subject to this  
6 subchapter:

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

8 (2) the drug to be dispensed;

9 (3) directions to the patient regarding the taking of  
10 the drug and the dosage;

11 (4) the intended use of the drug, if appropriate;

12 (5) the name, address, and telephone number of the  
13 physician;

14 (6) the name, address, telephone number, and  
15 identification number of the ~~[registered nurse or]~~ physician  
16 assistant completing or signing the prescription drug order;

17 (7) the date; and

18 (8) the number of refills permitted.

19 SECTION 3.009. Sections 157.059(b), (e), (f), (g), (h), and  
20 (i), Occupations Code, are amended to read as follows:

21 (b) A physician may delegate to a physician assistant  
22 offering obstetrical services and certified by the board as  
23 specializing in obstetrics ~~[or an advanced practice registered~~  
24 ~~nurse recognized by the Texas Board of Nursing as a nurse midwife]~~  
25 the act of administering or providing controlled substances to the  
26 physician assistant's ~~[or nurse midwife's]~~ clients during  
27 intrapartum and immediate postpartum care.

1 (e) The physician's orders, medical orders, standing  
2 delegation orders, prescriptive authority agreements, or protocols  
3 must require the reporting of or monitoring of each client's  
4 progress, including complications of pregnancy and delivery and the  
5 administration and provision of controlled substances by the [~~nurse~~  
6 ~~midwife or~~] physician assistant to the clients of the [~~nurse~~  
7 ~~midwife or~~] physician assistant.

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

10 (1) seven [~~nurse midwives or~~] physician assistants or  
11 their full-time equivalents; and

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

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

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

18 (2) the drug to be provided;

19 (3) the name, address, and telephone number of the  
20 physician;

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

23 (5) the date.

24 (h) This section does not authorize a physician or [~~7~~]  
25 physician assistant [~~7 or nurse midwife~~] to operate a retail  
26 pharmacy as defined under Subtitle J.

27 (i) This section authorizes a physician to delegate the act

1 of administering or providing a controlled substance to a [~~nurse~~  
2 ~~midwife or~~] physician assistant but does not require physician  
3 delegation of[+

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

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

8 SECTION 3.010. Section 157.060, Occupations Code, is  
9 amended to read as follows:

10 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED  
11 ACT. Unless the physician has reason to believe the physician  
12 assistant [~~or advanced practice registered nurse~~] lacked the  
13 competency to perform the act, a physician is not liable for an act  
14 of a physician assistant [~~or advanced practice registered nurse~~]  
15 solely because the physician signed a standing medical order, a  
16 standing delegation order, or another order or protocol, or entered  
17 into a prescriptive authority agreement, authorizing the physician  
18 assistant [~~or advanced practice registered nurse~~] to administer,  
19 provide, prescribe, or order a drug or device.

20 ARTICLE 4. GENERAL CONFORMING AMENDMENTS

21 SECTION 4.001. Section 38.151(1), Education Code, is  
22 amended to read as follows:

23 (1) "Advanced practice nurse" has the meaning assigned  
24 to "advanced practice registered nurse" by Section 301.002  
25 [~~301.152~~], Occupations Code.

26 SECTION 4.002. Section 61.601, Education Code, as amended  
27 by Chapters 891 (H.B. 3083) and 1101 (H.B. 3808), Acts of the 85th

1 Legislature, Regular Session, 2017, is reenacted and amended to  
2 read as follows:

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

5           (1) a licensed physician who is:

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

8                   (B) certified in psychiatry by:

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

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

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

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

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

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

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

25           (7) [~~(6)~~] a chemical dependency counselor, as defined  
26 by Section 504.001, Occupations Code.

27           SECTION 4.003. Section 263.001(a)(1), Family Code, is

1 amended to read as follows:

2 (1) "Advanced practice nurse" has the meaning assigned  
3 to "advanced practice registered nurse" by Section 301.002  
4 [157.051], Occupations Code.

5 SECTION 4.004. Section 266.001(1), Family Code, is amended  
6 to read as follows:

7 (1) "Advanced practice nurse" has the meaning assigned  
8 to "advanced practice registered nurse" by Section 301.002  
9 [157.051], Occupations Code.

10 SECTION 4.005. Section 531.0217(k), Government Code, is  
11 amended to read as follows:

12 (k) This section does not affect any requirement relating  
13 to:

- 14 (1) a rural health clinic; or  
15 (2) physician delegation of the authority to carry out  
16 or sign prescription drug orders to a ~~[an advanced practice nurse~~  
17 ~~or]~~ physician assistant.

18 SECTION 4.006. Section 671.001(b), Government Code, is  
19 amended to read as follows:

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

- 21 (1) a licensed advanced practice registered nurse as  
22 defined by Section 301.002 ~~[301.152]~~, Occupations Code, or a  
23 licensed physician assistant as described by Chapter 204,  
24 Occupations Code, who is employed by the state or whose services are  
25 acquired by contract, who will be located at a state office complex;  
26 (2) if applicable, a licensed physician, who is  
27 employed by a state governmental entity for purposes other than the



1 pilot program or whose services are acquired by contract, who will  
2 delegate to and supervise the [~~advanced practice registered nurse~~  
3 ~~or~~] physician assistant under a prescriptive authority agreement  
4 under Chapter 157, Occupations Code;

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

9 (4) professional liability insurance covering  
10 services provided by the advanced practice registered nurse or the  
11 physician assistant.

12 SECTION 4.007. Section 47.001(3), Health and Safety Code,  
13 is amended to read as follows:

14 (3) "Health care provider" means:

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

18 (B) a physician assistant licensed by the Texas  
19 Physician Assistant Board.

20 SECTION 4.008. Section 47.011(a), Health and Safety Code,  
21 is amended to read as follows:

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

25 SECTION 4.009. Sections 161.0052(b) and (c), Health and  
26 Safety Code, are amended to read as follows:

27 (b) The executive commissioner by rule shall require a

1 hospital to inform each elderly person admitted to the hospital for  
2 a period of 24 hours or more that the pneumococcal and influenza  
3 vaccines are available. If the elderly person requests a vaccine,  
4 and if a physician, ~~[or]~~ an advanced nurse practitioner, or a  
5 physician assistant on behalf of a physician, determines that the  
6 vaccine is in the person's best interest, the hospital must make the  
7 vaccination available to the person before the person is discharged  
8 from the hospital.

9 (c) The executive commissioner by rule shall require an end  
10 stage renal disease facility to offer, to the extent possible as  
11 determined by the facility, the opportunity to receive the  
12 pneumococcal and influenza vaccines to each elderly person who  
13 receives ongoing care at the facility if a physician, ~~[or]~~ an  
14 advanced nurse practitioner, or a physician assistant on behalf of  
15 a physician, determines that the vaccine is in the person's best  
16 interest. If the facility decides it is not feasible to offer the  
17 vaccine, the facility must provide the person with information on  
18 other options for obtaining the vaccine.

19 SECTION 4.010. Section 241.003(1), Health and Safety Code,  
20 is amended to read as follows:

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

25 SECTION 4.011. Section 481.002(39), Health and Safety Code,  
26 is amended to read as follows:

27 (39) "Practitioner" means:

1 (A) a physician, dentist, veterinarian,  
2 podiatrist, scientific investigator, advanced practice registered  
3 nurse, or other person licensed, registered, or otherwise permitted  
4 to distribute, dispense, analyze, conduct research with respect to,  
5 or administer a controlled substance in the course of professional  
6 practice or research in this state;

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

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

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

22 SECTION 4.012. Section [481.074](#)(d), Health and Safety Code,  
23 is amended to read as follows:

24 (d) Except as specified in Subsections (e) and (f), the  
25 board, by rule and in consultation with the Texas Medical Board and  
26 the Texas Board of Nursing, shall establish the period after the  
27 date on which the prescription is issued that a person may fill a

1 prescription for a controlled substance listed in Schedule II. A  
2 person may not refill a prescription for a substance listed in  
3 Schedule II.

4 SECTION 4.013. Section 481.076(c), Health and Safety Code,  
5 is amended to read as follows:

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

16 SECTION 4.014. Section 481.0767(b), Health and Safety Code,  
17 is amended to read as follows:

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

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

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

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

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

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

3 (6) an oral and maxillofacial surgeon;

4 (7) a physician assistant [~~or advanced practice~~  
5 ~~registered nurse~~] to whom a physician has delegated the authority  
6 to prescribe or order a drug or an advanced practice registered  
7 nurse;

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

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

10 (10) an academic pharmacist; and

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

15 SECTION 4.015. Sections 483.001(4), (12), and (13), Health  
16 and Safety Code, are amended to read as follows:

17 (4) "Designated agent" means:

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

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

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

1 (12) "Practitioner" means:

2 (A) a person licensed by:

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

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

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

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

16 (D) a ~~[an advanced practice registered nurse or]~~  
17 physician assistant to whom a physician has delegated the authority  
18 to prescribe or order a drug or device under Section [157.0511](#),  
19 [157.0512](#), or [157.054](#), Occupations Code; or

20 (E) an advanced practice registered nurse  
21 authorized to prescribe and order drugs and devices under Section  
22 301.358, Occupations Code.

23 (13) "Prescription" means an order from a  
24 practitioner, or an agent of the practitioner designated in writing  
25 as authorized to communicate prescriptions, or an order made in  
26 accordance with Subchapter B, Chapter [157](#), Occupations Code, or  
27 Section [203.353](#), Occupations Code, to a pharmacist for a dangerous

1 drug to be dispensed that states:

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

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

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

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

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

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

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

14 (H) the name, address, and telephone number of  
15 the licensed midwife[~~, registered nurse,~~] or physician assistant,  
16 legibly printed or stamped, if signed by a licensed midwife[~~,  
17 registered nurse,~~] or physician assistant.

18 SECTION 4.016. Section 483.022(f), Health and Safety Code,  
19 is amended to read as follows:

20 (f) A practitioner may designate a person who is a licensed  
21 vocational nurse or has an education equivalent to or greater than  
22 that required for a licensed vocational nurse to communicate  
23 prescriptions of a [~~an advanced practice nurse or~~] physician  
24 assistant authorized by the practitioner to sign prescription drug  
25 orders under Subchapter B, Chapter 157, Occupations Code, or of an  
26 advanced practice registered nurse.

27 SECTION 4.017. Section 483.042(a), Health and Safety Code,

1 is amended to read as follows:

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

4 (1) unless:

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

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

9 (ii) a prescription signed by a ~~registered~~  
10 ~~nurse or~~ physician assistant in accordance with Subchapter B,  
11 Chapter 157, Occupations Code; or

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

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

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

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

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

24 (iv) the name of the practitioner who  
25 prescribed the drug and, if applicable, the name of the ~~registered~~  
26 ~~nurse or~~ physician assistant who signed the prescription;

27 (v) the name of the patient and, if the drug



1 is prescribed for an animal, a statement of the species of the  
2 animal; and

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

5 (2) unless:

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

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

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

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

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

19 (ii) the date the drug is delivered;

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

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

25 SECTION 4.018. Section 32.024(gg), Human Resources Code, is  
26 amended to read as follows:

27 (gg) Notwithstanding any other law, including Sections

1 843.312 and 1301.052, Insurance Code, the commission shall ensure  
2 that advanced practice registered nurses and physician assistants  
3 may be selected by and assigned to recipients of medical assistance  
4 as the primary care providers of those recipients [~~regardless of~~  
5 ~~whether the physician supervising the advanced practice registered~~  
6 ~~nurse is included in any directory of providers of medical~~  
7 ~~assistance maintained by the commission~~]. This subsection may not  
8 be construed as authorizing the commission to supervise or control  
9 the practice of medicine as prohibited by Subtitle B, Title 3,  
10 Occupations Code. The commission must require that advanced  
11 practice registered nurses and physician assistants be treated in  
12 the same manner as primary care physicians with regard to:

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

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

18 SECTION 4.019. Section 32.03141, Human Resources Code, is  
19 amended to read as follows:

20 Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED  
21 NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL  
22 EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in  
23 addition to other health care practitioners authorized by federal  
24 law, the following persons may order and prescribe durable medical  
25 equipment and supplies under the medical assistance program:

26 (1) an advanced practice registered nurse; and  
27 (2) a [or] physician assistant acting under adequate

1 physician supervision and to whom a physician has delegated the  
2 authority to prescribe and order drugs and devices under Chapter  
3 157, Occupations Code~~[, may order and prescribe durable medical~~  
4 ~~equipment and supplies under the medical assistance program]~~.

5 SECTION 4.020. Section 843.312, Insurance Code, is amended  
6 to read as follows:

7 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
8 REGISTERED NURSES. (a) A health maintenance organization may not  
9 refuse a request by a physician participating in the health  
10 maintenance organization delivery network and a physician  
11 assistant ~~[or advanced practice nurse]~~ who is authorized by the  
12 physician to provide care under Subchapter B, Chapter 157,  
13 Occupations Code, or an advanced practice registered nurse, as  
14 defined by Section 301.002, Occupations Code, to identify a  
15 physician assistant or advanced practice registered nurse as a  
16 provider in the network.

17 (b) A health maintenance organization may refuse a request  
18 under Subsection (a) if the physician assistant or advanced  
19 practice registered nurse does not meet the quality of care  
20 standards previously established by the health maintenance  
21 organization for participation in the network by physician  
22 assistants and advanced practice registered nurses.

23 SECTION 4.021. Section 1301.001(1-a), Insurance Code, is  
24 amended to read as follows:

25 (1-a) "Health care provider" means a practitioner,  
26 institutional provider, or other person or organization that  
27 furnishes health care services and that is licensed or otherwise

1 authorized to practice in this state. The term includes a  
2 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered  
3 nurse. The term does not include a physician.

4 SECTION 4.022. Section 1301.052, Insurance Code, is amended  
5 to read as follows:

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

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

17 (2) the advanced practice registered nurse or  
18 physician assistant meets the quality of care standards previously  
19 established by the insurer for participation in the plan by  
20 advanced practice registered nurses and physician assistants.

21 SECTION 4.023. Section 1451.001(2), Insurance Code, is  
22 amended to read as follows:

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

27 SECTION 4.024. Section 1451.104(c), Insurance Code, is

1 amended to read as follows:

2 (c) Notwithstanding Subsection (a), a health insurance  
3 policy may provide for a different amount of payment or  
4 reimbursement for scheduled services or procedures performed by an  
5 advanced practice registered nurse, nurse first assistant,  
6 licensed surgical assistant, or physician assistant if the  
7 methodology used to compute the amount is the same as the  
8 methodology used to compute the amount of payment or reimbursement  
9 when the services or procedures are provided by a physician.

10 SECTION 4.025. Section 1451.106, Insurance Code, is amended  
11 to read as follows:

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

16 SECTION 4.026. Section 1452.051(1), Insurance Code, is  
17 amended to read as follows:

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

21 SECTION 4.027. Section 408.025, Labor Code, is amended by  
22 amending Subsection (a-1) and adding Subsection (a-2) to read as  
23 follows:

24 (a-1) A [~~treating doctor may delegate to a physician~~  
25 ~~assistant who is licensed to practice in this state under Chapter~~  
26 ~~204, Occupations Code, or an advanced practice registered nurse who~~  
27 ~~is licensed to practice in this state under Chapter 301,~~

1 ~~Occupations Code, the authority to complete and sign a~~ work status  
2 report regarding an injured employee's ability to return to work  
3 may be completed and signed by:

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

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

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

12 SECTION 4.028. Section 203.002(2), Occupations Code, is  
13 amended to read as follows:

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

16 ~~[(A) a]~~ registered nurse as defined by Section  
17 301.002 who is ~~[under Chapter 301,~~

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

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

22 SECTION 4.029. Section 204.1025, Occupations Code, is  
23 amended to read as follows:

24 Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY  
25 AGREEMENTS. The physician assistant board shall in conjunction  
26 with the Texas Medical Board ~~[and the Texas Board of Nursing]~~  
27 perform the functions and duties relating to prescriptive authority

1 agreements assigned to the physician assistant board in Sections  
2 [157.0512](#) and [157.0513](#).

3 SECTION 4.030. Sections [551.003](#)(14) and (34), Occupations  
4 Code, are amended to read as follows:

5 (14) "Designated agent" means:

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

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

11 (ii) for whom the practitioner assumes  
12 legal responsibility;

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

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

19 (34) "Practitioner" means:

20 (A) a person licensed or registered to prescribe,  
21 distribute, administer, or dispense a prescription drug or device  
22 in the course of professional practice in this state, including a  
23 physician, dentist, podiatrist, advanced practice registered nurse  
24 authorized to prescribe and order drugs and devices under Section  
25 301.358, or veterinarian but excluding a person licensed under this  
26 subtitle;

27 (B) a person licensed by another state, Canada,

1 or the United Mexican States in a health field in which, under the  
2 law of this state, a license holder in this state may legally  
3 prescribe a dangerous drug;

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

11 (D) a [~~an advanced practice registered nurse or~~]  
12 physician assistant to whom a physician has delegated the authority  
13 to prescribe or order a drug or device under Section 157.0511,  
14 157.0512, or 157.054.

15 SECTION 4.031. Section 563.051(e), Occupations Code, is  
16 amended to read as follows:

17 (e) A practitioner may designate a licensed vocational  
18 nurse or a person having education equivalent to or greater than  
19 that required for a licensed vocational nurse to communicate the  
20 prescriptions of a [~~an advanced practice nurse or~~] physician  
21 assistant authorized by the practitioner to sign prescription drug  
22 orders under Subchapter B, Chapter 157, or of an advanced practice  
23 registered nurse.

24 SECTION 4.032. Sections 605.002(14) and (18), Occupations  
25 Code, are amended to read as follows:

26 (14) "Orthotics" means the science and practice of  
27 measuring, designing, fabricating, assembling, fitting, adjusting,



1 or servicing an orthosis under an order from a licensed physician,  
2 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
3 registered nurse, or from a physician assistant acting under the  
4 delegation and supervision of a licensed physician as provided by  
5 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
6 Board, for the correction or alleviation of a neuromuscular or  
7 musculoskeletal dysfunction, disease, injury, or deformity.

8 (18) "Prosthetics" means the science and practice of  
9 measuring, designing, fabricating, assembling, fitting, adjusting,  
10 or servicing a prosthesis under an order from a licensed physician,  
11 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
12 registered nurse, or from a physician assistant acting under the  
13 delegation and supervision of a licensed physician as provided by  
14 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
15 Board.

16 SECTION 4.033. Section 605.2515, Occupations Code, is  
17 amended to read as follows:

18 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A  
19 person licensed to practice orthotics or prosthetics who measures,  
20 designs, fabricates, fits, assembles, adjusts, or services an  
21 orthosis or a prosthesis under an order from a licensed physician,  
22 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
23 registered nurse, or from a physician assistant acting under the  
24 delegation and supervision of a licensed physician as provided by  
25 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
26 Board, for a specific patient is exempt from licensing as a device  
27 manufacturer under Subchapter L, Chapter 431, Health and Safety

1 Code. A person licensed to practice orthotics or prosthetics who  
2 fabricates or assembles an orthosis or a prosthesis without an  
3 order from a licensed physician, chiropractor, ~~[or]~~ podiatrist, or  
4 ~~[an]~~ advanced practice registered nurse, or from a physician  
5 assistant acting under the delegation and supervision of a licensed  
6 physician as provided by Subchapter B, Chapter 157, and rules  
7 adopted by the Texas Medical Board, for a specific patient is  
8 required to be licensed as a device manufacturer under Subchapter  
9 L, Chapter 431, Health and Safety Code.

10 ARTICLE 5. REPEALER

11 SECTION 5.001. The following provisions are repealed:

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

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

14 (3) Sections 157.051(1), 157.058, and 301.168,

15 Occupations Code.

16 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

17 SECTION 6.001. Not later than February 1, 2024, the Texas  
18 Board of Nursing shall adopt the rules necessary to implement the  
19 changes in law made by this Act.

20 SECTION 6.002. Notwithstanding any changes in law made by  
21 this Act, an advanced practice registered nurse who has been  
22 delegated the authority to prescribe and order drugs and medical  
23 devices by a physician's protocol or order under Section 157.0511,  
24 157.0512, or 157.054, Occupations Code, may continue to exercise  
25 that authority until February 1, 2024.

26 SECTION 6.003. This Act takes effect September 1, 2023.