

Amend CSSB 2695 (senate committee report) by striking ARTICLE 3 of the bill (page 5, line 36, through page 6, line 13) and substituting the following:

ARTICLE 3. RURAL ADVANCED PRACTICE REGISTERED NURSE DELEGATION AND SUPERVISION PROGRAM

SECTION 3.001. Subchapter A, Chapter 157, Occupations Code, is amended by adding Section 157.008 to read as follows:

Sec. 157.008. RECORDS OF CERTAIN DELEGATION AND SUPERVISION AGREEMENTS. (a) The board shall maintain records of all delegation and supervision agreements entered into between a physician and an advanced practice registered nurse, including:

(1) the amount of any fee a physician charges an advanced practice registered nurse to enter into a delegation and supervision agreement; and

(2) the county in which the advanced practice registered nurse is practicing under a delegation and supervision agreement.

(b) The board shall adopt rules to implement this section.

SECTION 3.002. Section 157.0512(e), Occupations Code, is amended to read as follows:

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

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

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

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

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

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

(6) provide a plan for addressing patient emergencies;

(7) state the general process for communication and the sharing of information between the physician and the advanced practice registered nurse or physician assistant to whom the physician has delegated prescriptive authority related to the care

and treatment of patients;

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

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

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

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

(A) chart review, with:

(i) for a prescriptive authority agreement between a physician and an advanced practice registered nurse, the physician reviewing at least five percent of the advanced practice registered nurse's charts, including authority to review the charts electronically from a remote location; and

(ii) for a prescriptive authority agreement between a physician and a physician assistant, the number of charts to be reviewed determined by the physician and [advanced practice registered nurse or] physician assistant; and

(B) periodic meetings between the advanced practice registered nurse or physician assistant and the physician.

SECTION 3.003. Chapter 157, Occupations Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. RURAL ADVANCED PRACTICE REGISTERED NURSE

DELEGATION AND SUPERVISION PROGRAM

Sec. 157.151. DEFINITIONS. In this subchapter:

(1) "Advanced practice registered nurse" has the meaning assigned by Section 301.152.

(2) "College" means The Texas A&M University System Health Science Center College of Medicine.

(3) "Delegation and supervision agreement" includes a prescriptive authority agreement under Subchapter B.

Sec. 157.152. RURAL ADVANCED PRACTICE REGISTERED NURSE

DELEGATION AND SUPERVISION PROGRAM. (a) The Texas A&M University System Health Science Center College of Medicine shall establish and administer a program under which the college contracts with or otherwise retains a physician to enter into a delegation and supervision agreement with an advanced practice registered nurse practicing:

(1) in one of the following population foci:

- (A) adult-gerontology primary care;
- (B) family/individual across the lifespan;
- (C) pediatrics primary care;
- (D) psychiatric/mental health; or
- (E) women's health/gender-related; and

(2) in a county with a population of not more than 30,000.

(b) The college may remove from participation in the program established under this section a physician who does not satisfy the supervision requirements of Section 157.0512(e)(9)(A)(i).

(c) Except as provided by Section 157.154, a delegation and supervision agreement entered into under this subchapter is subject to Subchapters A and B, as applicable.

(d) In establishing and administering the program under this section, the college may collaborate with similar institutions, agencies, and programs affiliated with a medical and dental unit as defined by Section 61.003, Education Code.

Sec. 157.153. DELEGATION AND SUPERVISION AGREEMENT FEE PROHIBITED. A physician may not charge a fee to an advanced practice registered nurse to enter into a delegation and supervision agreement under the program established under Section 157.152.

Sec. 157.154. NUMBER OF DELEGATION AND SUPERVISION AGREEMENTS. Notwithstanding Section 157.0512(c), a physician may enter into delegation and supervision agreements under the program established under Section 157.152 with not more than 10 advanced practice registered nurses or the full-time equivalent of 10 advanced practice registered nurses.

Sec. 157.155. RECORDS. (a) The college shall:

(1) maintain records of the delegation and supervision

agreements entered into under the program established under Section 157.152; and

(2) collect data on:

(A) delegation and supervision interactions under the program; and

(B) the impact the program has on access to health care.

(b) The records maintained and data collected under Subsection (a):

(1) are confidential and privileged;

(2) are not subject to subpoena or discovery;

(3) are excepted from disclosure under Chapter 552, Government Code; and

(4) may not be introduced into evidence in any administrative, civil, or criminal proceeding against a patient, a patient's family member, a physician, or a health care provider.

(c) Notwithstanding Subsection (b), not later than September 1 of each even-numbered year, the college shall submit a report on the records maintained and data collected under this section to the governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature that:

(1) contains only aggregated and anonymized information;

(2) does not identify or include any information that could be used to identify a patient or the patient's family;

(3) does not identify or include any information that could be used to identify a physician or health care provider; and

(4) complies with all state and federal laws relating to the transmission of health information, including the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and rules adopted under that act.

Sec. 157.156. POLICIES. (a) The college shall adopt policies as necessary to implement this subchapter.

(b) A policy adopted under this section must prioritize delegation and supervision agreements with advanced practice registered nurses to practice in mental health and primary care in

locations designated as health professional shortage areas by the
Department of State Health Services.