

BILL ANALYSIS

Senate Research Center
89R21662 BEE-D

S.B. 3055
By: Middleton; Blanco
State Affairs
4/30/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Rural Texas faces significant challenges in healthcare access. As of 2025, 85 percent of Texas counties are designated as health professional shortage areas, meaning that there are fewer than one primary care physician for every 3,500 residents in the county. This trend of limited access to primary care for rural Texas has continued to worsen over time. Texas has implemented several programs aimed at incentivizing physicians to move to and serve rural Texans, but these measures have not significantly improved healthcare access in rural Texas.

S.B. 3055 aims to expand rural healthcare access by incentivizing certain advanced practice registered nurses (APRNs), nurse practitioners, certified nurse midwives, and clinical nurse specialists, to move to and serve rural Texas by authorizing rural practicing APRNs to practice independently of a delegation or prescriptive authority agreement with a physician. These highly trained and experienced APRNs would help bridge a gap in healthcare access in rural Texas. APRNs are not physicians, and S.B. 3055 does not give them the authority to practice medicine. S.B. 3055 authorizes APRNs to practice within their scope to meet rural Texans' need for healthcare access.

As proposed, S.B. 3055 amends current law relating to the licensing and regulation of advanced practice registered nurses and the number of advanced practice registered nurses and physician assistants with whom a physician may enter into a prescriptive authority agreement.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Nursing is modified in SECTION 2.003 (Section 301.152, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 2.005 (Section 301.357, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 4.008 (Section 161.0052, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Pharmacy is modified in SECTION 4.011 (Section 481.074, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. SHORT TITLE

SECTION 1.001. Authorizes this Act to be cited as the Healthcare Expanded and Accessed Locally for Texans (HEAL Texans) Act.

ARTICLE 2. REGULATION OF ADVANCED PRACTICE REGISTERED NURSES

SECTION 2.001. Amends Section 301.002, Occupations Code, to define "advanced practice registered nurse," "controlled substance," "dangerous drug," "device," "nonprescription drug," and "prescribe or order a drug or device" and redefine "professional nursing."

SECTION 2.002. Amends Section 301.005(b), Occupations Code, to provide that a reference in any other law to an "advanced nurse practitioner," "advanced practice nurse," or "advanced practice registered nurse" means an advanced practice registered nurse and to make a nonsubstantive change.

SECTION 2.003. Amends Sections 301.152(a) and (b), Occupations Code, as follows:

(a) Redefines "advanced practice registered nurse."

(b) Requires the Texas Board of Nursing (BON) to adopt rules to accomplish certain tasks, including establishing certain programs and systems, including any specialized education or training, including pharmacology, that an advanced practice registered nurse is required to have to prescribe or order a drug or device as delegated by a physician under Section 157.0512 (Prescriptive Authority Agreement) or 157.054 (Prescribing at Facility-Based Practice Sites) or authorized by BON under Section 301.358. Makes a conforming change.

SECTION 2.004. Amends Section 301.303(b), Occupations Code, to prohibit BON, except as provided by a rule adopted under Section 301.357(h) for an advanced practice registered nurse authorized by BON to practice under that section, from requiring participation in more than a total of 20 hours of continuing education in a two-year licensing period. Makes a nonsubstantive change.

SECTION 2.005. Amends Subchapter H, Chapter 301, Occupations Code, by adding Sections 301.357, 301.358, and 301.359, as follows:

Sec. 301.357. INDEPENDENT PRACTICE BY CERTAIN ADVANCED PRACTICE REGISTERED NURSES. (a) Requires BON to authorize the practice under this section of an advanced practice registered nurse who applies for authorization under this section in the manner prescribed by BON and who meets certain requirements.

(b) Requires an applicant described by Subsection (a), to be eligible for authorization to practice under this section, to meet certain requirements.

(c) Provides that the scope of practice of an advanced practice registered nurse authorized to practice under this section includes certain tasks.

(d) Requires an advanced practice registered nurse authorized to practice under this section, subject to Subsection (e), to practice as a licensed independent practitioner in accordance with standards established and recognized by BON to protect the public health and safety.

(e) Provides that an advanced practice registered nurse authorized to practice under this section is authorized to practice as a licensed independent practitioner only in a county with a population of less than 68,750.

(f) Provides that an advanced practice registered nurse authorized to practice under this section is accountable to patients, the nursing profession, and BON for certain actions.

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

(h) Requires BON by rule to establish:

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

(2) a requirement that an advanced practice registered nurse authorized to practice under this section complete at least 48 hours of continuing

education, including 10 hours of continuing education in pharmacology, every two years; and

(3) systems to authorize an advanced practice registered nurse to prescribe or order a drug or device under Section 301.358 when BON receives evidence of the completion of any education or training required by BON rule and concurrently renew for an advanced practice registered nurse an authorization issued under this section or Section 301.358 and a license issued under rules adopted under Section 301.152 (Rules Regarding Specialized Training) or renewed under Section 301.301 (License Renewal).

Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSE. Authorizes BON to authorize an advanced practice registered nurse authorized to practice by BON under Section 301.357 to prescribe and order drugs and devices, including controlled substances listed in Schedules III, IV, and V, dangerous drugs, and nonprescription drugs.

Sec. 301.359. REPORT TO BOARD. (a) Requires an advanced practice registered nurse authorized to practice by BON under Section 301.357, not later than January 15 of each year, to submit to BON a report that includes for the preceding calendar year certain information.

(b) Requires an advanced practice registered nurse authorized to practice by BON under Section 301.357 to notify BON if the advanced practice registered nurse practices as an independent practitioner at a location other than the practice setting identified in the report submitted to BON under Subsection (a) for the previous calendar year.

(c) Requires BON to annually aggregate, anonymize, and publish on BON's Internet website the information submitted by each advanced practice registered nurse under Subsection (a).

ARTICLE 3. DELEGATION AND PRESCRIPTIVE AUTHORITY AGREEMENTS

SECTION 3.001. Amends Section 157.0512(c), Occupations Code, as follows:

(c) Prohibits the combined number of advanced practice registered nurses and physician assistants with whom a physician is authorized to enter into a prescriptive authority agreement, except as provided by Subsection (d) (relating to certain prescriptive authority agreements to which Subsection (c) does not apply), from exceeding nine, rather than seven, advanced practice registered nurses and physician assistants or the full-time equivalent of seven advanced practice registered nurses and physician assistants.

SECTION 3.002. Amends Chapter 157, Occupations Code, by adding Subchapter D, as follows:

SUBCHAPTER D. DELEGATION AGREEMENTS WITH ADVANCED PRACTICE REGISTERED NURSES

Sec. 157.151. NONDISCLOSURE AGREEMENTS. Prohibits a delegation agreement, including a prescriptive authority agreement, between a physician and an advanced practice registered nurse from including or being the subject of a nondisclosure agreement.

Sec. 157.152. REPORTING BY PHYSICIAN; REPORT TO BOARD. (a) Requires a physician who enters into a delegation agreement with an advanced practice registered nurse, including a prescriptive authority agreement under Section 157.0512, not later than January 15 of each year, to submit to the Texas Medical Board (TMB) a report that includes for the preceding calendar year certain information.

- (b) Requires TMB to annually aggregate, anonymize, and publish on TMB's Internet website the information submitted by each physician under Subsection (a).

Sec. 157.153. COMPLAINT REGARDING ADVANCED PRACTICE REGISTERED NURSE UNDER DELEGATION AGREEMENT. (a) Requires TMB to disaggregate from information TMB maintains regarding complaints against a physician any information regarding a complaint against an advanced practice registered nurse practicing under a delegation agreement with the physician.

- (b) Requires TMB to separately maintain information regarding complaints against an advanced practice registered nurse practicing under a delegation agreement with the physician. Requires that the information maintained under this subsection include the specialization of the advanced practice registered nurse who is the subject of the complaint and the disposition of the complaint, including any disciplinary action taken.

ARTICLE 4. CONFORMING AMENDMENTS

SECTION 4.001. Amends Section 38.151(1), Education Code, to redefine "advanced practice nurse."

SECTION 4.002. Amends Section 38.211(a), Education Code, as follows:

- (a) Authorizes a physician, a person who has been delegated prescriptive authority under Chapter 157 (Authority of Physician to Delegate Certain Medical Acts), Occupations Code, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, to prescribe epinephrine auto-injectors or medication for respiratory distress in the name of a school district, open-enrollment charter school, or private school. Makes a nonsubstantive change.

SECTION 4.003. Amends Section 38.225(a), Education Code, to make conforming and nonsubstantive changes.

SECTION 4.004. Amends Section 61.601, Education Code, to redefine "mental health professional."

SECTION 4.005. Amends Section 1101.100(1), Estates Code, to redefine "advanced practice registered nurse."

SECTION 4.006. Amends Section 671.001(b), Government Code, as follows:

- (b) Requires that the licensed advanced practice nurse or licensed physician assistant pilot program provide for the following:

- (1) either:

- (A) both:

- (i) a licensed advanced practice registered nurse as defined by Section 301.002 (Definitions), rather than Section 301.152 (Rules Regarding Specialized Training), Occupations Code, or a licensed physician assistant as described by Chapter 204 (Physician Assistants), Occupations Code, who is employed by the state or whose services are acquired by contract, who will be located at a state office complex; and

- (ii) makes a nonsubstantive change to this subparagraph; or

(B) an advanced practice registered nurse authorized to practice under Section 301.357; and

(2)-(3) redesignates existing Subdivisions (3) and (4) as Subdivisions (2) and (3) and makes no further changes.

Makes nonsubstantive changes to this subsection.

SECTION 4.007. Amends Section 47.011(a), Health and Safety Code, to redefine "midwife."

SECTION 4.008. Amends Sections 161.0052(b) and (c), Health and Safety Code, as follows:

(b) Requires a hospital, if an elderly person requests a vaccine, and if a physician, or an advanced practice registered nurse, rather than an advanced nurse practitioner, or physician assistant on behalf of a physician, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, determines that the vaccine is in the person's best interest, to make the vaccination available to the person before the person is discharged from the hospital.

(c) Requires the executive commissioner of the Health and Human Services Commission (HHSC) by rule to require an end stage renal disease facility to offer, to the extent possible as determined by the facility, the opportunity to receive the pneumococcal and influenza vaccines to each elderly person who receives ongoing care at the facility if a physician, or an advanced practice registered nurse, rather than an advanced nurse practitioner, or physician assistant on behalf of a physician, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, determines that the vaccine is in the person's best interest.

SECTION 4.009. Amends Section 401.504(d), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 4.010. Amends Section 481.002(39), Health and Safety Code to redefine "practitioner."

SECTION 4.011. Amends Section 481.074(d), Health and Safety Code, as follows:

(d) Requires the Texas State Board of Pharmacy (TSBP), except as specified in certain provisions, by rule and in consultation with TMB and BON, to establish the period after the date on which the prescription is issued that a person may fill a prescription for a controlled substance listed in Schedule II.

SECTION 4.012. Amends Section 481.076(c), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 4.013. Amends Section 481.0767(b), Health and Safety Code, to make a conforming change.

SECTION 4.014. Amends Sections 483.001(4), (12), and (13), Health and Safety Code, to redefine "designated agent," "practitioner," and "prescription."

SECTION 4.015. Amends Section 483.022(f), Health and Safety Code, to make conforming changes.

SECTION 4.016. Amends Section 483.042(a), Health and Safety Code, as follows:

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

(1) unless:

(A) the dangerous drug is delivered or offered by delivery by a pharmacist under certain provisions, including a prescription issued by a practitioner described by certain provisions of the Health and Safety Code, including Section 483.001(12)(E) or a prescription signed by an advanced practice registered nurse or physician assistant in accordance with Subchapter B (Delegation to Advanced Practice Registered Nurses and Physician Assistants), Chapter 157, Occupations Code; and

(B) makes a conforming change to this paragraph; or

(2) makes conforming and nonsubstantive changes to this subdivision.

Makes nonsubstantive changes to this subsection.

SECTION 4.017. Amends Section 773.0145(k), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 4.018. Amends Section 32.024(gg), Human Resources Code, as follows:

(gg) Requires HHSC, notwithstanding any other law, including Sections 843.312 (Physician Assistants and Advanced Practice Nurses) and 1301.052 (Designation of Advanced Practice Nurse or Physician Assistant as Preferred Provider), Insurance Code, to ensure that advanced practice registered nurses and physician assistants may be selected by and assigned to recipients of medical assistance as the primary care providers of those recipients regardless of whether, if applicable, the physician supervising the advanced practice registered nurse is included in any directory of providers of medical assistance maintained by HHSC.

SECTION 4.019. Amends Section 32.03141, Human Resources Code, as follows:

Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL EQUIPMENT AND SUPPLIES. Authorizes certain persons, to the extent allowed by federal law, in addition to other health care practitioners authorized by federal law, to order and prescribe durable medical equipment and supplies under the medical assistance program, including an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code. Makes nonsubstantive changes.

SECTION 4.020. Amends Section 43.067(b), Human Resources Code, to make confirming and nonsubstantive changes.

SECTION 4.021. Amends Section 843.312, Insurance Code, as follows:

Sec. 843.312. New heading: PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE REGISTERED NURSES. (a) Prohibits a health maintenance organization from refusing a request by a physician participating in the health maintenance organization delivery network and a physician assistant or advanced practice registered nurse who is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, to identify a physician assistant or advanced practice registered nurse as a provider in the network.

(b) Makes conforming changes to this subsection.

SECTION 4.022. Amends Section 1301.001(1-a), Insurance Code, to redefine "health care provider."

SECTION 4.023. Amends Section 1452.051(1), Insurance Code, to redefine "advanced practice nurse."

SECTION 4.024. Amends Section 408.025, Labor Code, by amending Subsection (a-1) and adding Subsection (a-2), as follows:

(a-1) Authorizes a work status report regarding an injured employee's ability to return to work to be completed and signed by:

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

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

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

Deletes existing text authorizing a treating doctor to delegate to a physician assistant who is licensed to practice in this state under Chapter 204, Occupations Code, or an advanced practice registered nurse who is licensed to practice in this state under Chapter 301, Occupations Code, the authority to complete and sign a work status report regarding an injured employee's ability to return to work.

(a-2) Creates this subsection from existing text. Provides that the delegating treating doctor is responsible for the acts of a physician assistant under Subsection (a-1)(1), rather than the physician assistant or advanced practice registered nurse, or an advanced practice registered nurse under Subsection (a-1)(2), rather than this subsection. Makes a nonsubstantive change.

SECTION 4.025. Amends Section 157.051(1), Occupations Code, to redefine "advanced practice registered nurse."

SECTION 4.026. Amends Section 203.002(2), Occupations Code, to redefine "certified nurse-midwife."

SECTION 4.027. Amends Sections 551.003(14) and (34), Occupations Code, to redefine "designated agent" and "practitioner."

SECTION 4.028. Amends Section 563.051(e), Occupations Code, as follows:

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

SECTION 4.029. Amends Section 563.053, Occupations Code, as follows:

Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN RURAL AREAS. (a) Defines "advanced practice registered nurse" and redefines "reimbursement for cost."

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

(b)-(d) Makes conforming changes to these subsections.

(e) Requires a physician who desires to dispense dangerous drugs under this section to notify both TSBP and TMB, rather than the Texas Board of Medical

Examiners, that the physician practices in a certain area. Requires an advanced practice registered nurse who desires to dispense dangerous drugs under this section to notify both TSBP and BON that the advanced practice registered nurse practices in a certain area. Makes conforming changes.

SECTION 4.030. Amends Sections 605.002(14) and (18), Occupations Code, to redefine "orthotics" and "prosthetics."

SECTION 4.031. Amends Section 605.2515, Occupations Code, to make conforming and nonsubstantive changes.

SECTION 4.032. Amends Section 1701.703(a), Occupations Code, to make conforming and nonsubstantive changes.

ARTICLE 5. LEGISLATION IMPACT STUDY

SECTION 5.001. (a) Requires BON to conduct a study of the effect this Act has had on access to primary health care in counties with a population of less than 68,750 as compared to counties with a population of 68,750 or greater, patient outcomes in counties with a population of less than 68,750, trends in the practice location of advanced practice registered nurses, and costs incurred by rural hospitals.

(b) Requires BON, not later than September 1, 2028, to submit to the governor, the lieutenant governor, and the speaker of the house of representatives:

- (1) the study conducted under Subsection (a) of this section;
- (2) the information published by TMB under Section 157.152(b), Occupations Code, as added by this Act and BON under Section 301.359(c), Occupations Code, as added by this Act; and
- (3) recommendations to the legislature to improve rural access to health care and patient outcomes.

SECTION 5.002. Provides that this Article expires December 31, 2029.

ARTICLE 6. TRANSITION AND EFFECTIVE DATE

SECTION 6.001. Requires BON, not later than February 1, 2026, to adopt the rules necessary to implement the changes in law made by this Act.

SECTION 6.002. Effective date: September 1, 2025.