

By: Manuel

H.B. No. 1756

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 (F) [~~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 [~~(G)~~] 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 nursing.~~

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

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

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

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

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

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

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

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

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

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

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

25 SECTION 2.003. Section 301.152, Occupations Code, is
26 transferred to Subchapter H, Chapter 301, Occupations Code,
27 redesignated as Section 301.357, Occupations Code, and amended to

1 read as follows:

2 Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED NURSES
3 [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) Advanced practice

4 registered nursing includes:

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

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

9 (3) treating actual and potential health problems;

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

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

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

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

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

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

8 (b) The board shall adopt rules to:

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

11 (2) establish:

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

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

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

26 (3) concurrently renew any license or approval granted
27 to an advanced practice registered nurse under this subsection and

1 a license renewed by the advanced practice registered nurse under
2 Section 301.301.

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

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

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

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

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

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

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

21 (2) providing quality advanced nursing care;

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

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

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

27 (g) This section does not limit or modify the scope of

1 practice of a registered nurse who is not an advanced practice
2 registered nurse.

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

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

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

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

13 (2) ~~is~~ either:

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

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

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

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

ARTICLE 3. CONFORMING AMENDMENTS REGARDING DELEGATION

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

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

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

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

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

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

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

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

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

(F) a practice:

(i) that either:

(a) is located in an area in which the Department of State Health Services determines there is an insufficient number of physicians providing services to eligible clients of federally, state, or locally funded health care 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 [38.211](#)(a), Education Code, is
27 amended to read as follows:

1 (a) A physician, a [~~or~~] person who has been delegated
2 prescriptive authority under Chapter 157, Occupations Code, or an
3 advanced practice registered nurse authorized to prescribe and
4 order drugs and devices under Section 301.358, Occupations Code,
5 may prescribe epinephrine auto-injectors or medication for
6 respiratory distress in the name of a school district,
7 open-enrollment charter school, or private school.

8 SECTION 4.003. Section 61.601, Education Code, is amended
9 to read as follows:

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

12 (1) a licensed physician who is:

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

15 (B) certified in psychiatry by:

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

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

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

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

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

1 (5) a licensed clinical social worker, as defined by
2 Section 505.002, Occupations Code;

3 (6) a licensed specialist in school psychology, as
4 defined by Section 501.002, Occupations Code;

5 (7) a chemical dependency counselor, as defined by
6 Section 504.001, Occupations Code; and

7 (8) a licensed marriage and family therapist, as
8 defined by Section 502.002, Occupations Code.

9 SECTION 4.004. Section 1101.100(1), Estates Code, is
10 amended to read as follows:

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

13 SECTION 4.005. Section 263.001(a)(1), Family Code, is
14 amended to read as follows:

15 (1) "Advanced practice nurse" has the meaning assigned
16 to "advanced practice registered nurse" by Section 301.002
17 [~~157.051~~], Occupations Code.

18 SECTION 4.006. Section 266.001(1), Family Code, is amended
19 to read as follows:

20 (1) "Advanced practice nurse" has the meaning assigned
21 to "advanced practice registered nurse" by Section 301.002
22 [~~157.051~~], Occupations Code.

23 SECTION 4.007. Section 548.0109, Government Code, as
24 effective April 1, 2025, is amended to read as follows:

25 Sec. 548.0109. EFFECT ON OTHER REQUIREMENTS. This
26 subchapter does not affect any requirement relating to:

27 (1) a rural health clinic; or

1 (2) physician delegation to a [~~an advanced practice~~
2 ~~nurse or~~] physician assistant of the authority to carry out or sign
3 prescription drug orders.

4 SECTION 4.008. Section 671.001(b), Government Code, is
5 amended to read as follows:

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

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

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

18 (3) appropriate office space and equipment for the
19 advanced practice registered nurse or physician assistant to
20 provide basic medical care to employees at the state office complex
21 where the nurse or physician assistant is located; and

22 (4) professional liability insurance covering
23 services provided by the advanced practice registered nurse or the
24 physician assistant.

25 SECTION 4.009. Section 47.001(3), Health and Safety Code,
26 is amended to read as follows:

27 (3) "Health care provider" means:

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

4 (B) a physician assistant licensed by the Texas
5 Physician Assistant Board.

6 SECTION 4.010. Section 47.011(a), Health and Safety Code,
7 is amended to read as follows:

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

11 SECTION 4.011. Sections 161.0052(b) and (c), Health and
12 Safety Code, are amended to read as follows:

13 (b) The executive commissioner by rule shall require a
14 hospital to inform each elderly person admitted to the hospital for
15 a period of 24 hours or more that the pneumococcal and influenza
16 vaccines are available. If the elderly person requests a vaccine,
17 and if a physician, [~~or~~] an advanced nurse practitioner, or a
18 physician assistant on behalf of a physician, determines that the
19 vaccine is in the person's best interest, the hospital must make the
20 vaccination available to the person before the person is discharged
21 from the hospital.

22 (c) The executive commissioner by rule shall require an end
23 stage renal disease facility to offer, to the extent possible as
24 determined by the facility, the opportunity to receive the
25 pneumococcal and influenza vaccines to each elderly person who
26 receives ongoing care at the facility if a physician, [~~or~~] an
27 advanced nurse practitioner, or a physician assistant on behalf of

1 a physician, determines that the vaccine is in the person's best
2 interest. If the facility decides it is not feasible to offer the
3 vaccine, the facility must provide the person with information on
4 other options for obtaining the vaccine.

5 SECTION 4.012. Section 241.003(1), Health and Safety Code,
6 is amended to read as follows:

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

11 SECTION 4.013. Section 481.002(39), Health and Safety Code,
12 is amended to read as follows:

13 (39) "Practitioner" means:

14 (A) a physician, dentist, veterinarian,
15 podiatrist, scientific investigator, advanced practice registered
16 nurse, or other person licensed, registered, or otherwise permitted
17 to distribute, dispense, analyze, conduct research with respect to,
18 or administer a controlled substance in the course of professional
19 practice or research in this state;

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

25 (C) a person practicing in and licensed by
26 another state as a physician, dentist, veterinarian, advanced
27 practice registered nurse, or podiatrist, having a current Federal

1 Drug Enforcement Administration registration number, who may
2 legally prescribe Schedule II, III, IV, or V controlled substances
3 in that state; or

4 (D) a [~~an advanced practice registered nurse or~~
5 physician assistant to whom a physician has delegated the authority
6 to prescribe or order a drug or device under Section 157.0511,
7 157.0512, or 157.054, Occupations Code.

8 SECTION 4.014. Section 481.074(d), Health and Safety Code,
9 is amended to read as follows:

10 (d) Except as specified in Subsections (e) and (f), the
11 board, by rule and in consultation with the Texas Medical Board and
12 the Texas Board of Nursing, shall establish the period after the
13 date on which the prescription is issued that a person may fill a
14 prescription for a controlled substance listed in Schedule II. A
15 person may not refill a prescription for a substance listed in
16 Schedule II.

17 SECTION 4.015. Section 481.076(c), Health and Safety Code,
18 is amended to read as follows:

19 (c) The board by rule shall design and implement a system
20 for submission of information to the board by electronic or other
21 means and for retrieval of information submitted to the board under
22 this section and Sections 481.074 and 481.075. The board shall use
23 automated information security techniques and devices to preclude
24 improper access to the information. The board shall submit the
25 system design to the director, ~~and~~ the Texas Medical Board, and
26 the Texas Board of Nursing for review and comment a reasonable time
27 before implementation of the system and shall comply with the

1 comments of those agencies unless it is unreasonable to do so.

2 SECTION 4.016. Section 481.0767(b), Health and Safety Code,
3 is amended to read as follows:

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

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

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

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

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

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

16 (6) an oral and maxillofacial surgeon;

17 (7) a physician assistant [~~or advanced practice~~
18 ~~registered nurse~~] to whom a physician has delegated the authority
19 to prescribe or order a drug or an advanced practice registered
20 nurse;

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

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

23 (10) an academic pharmacist; and

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

1 SECTION 4.017. Sections 483.001(4), (12), and (13), Health
2 and Safety Code, are amended to read as follows:

3 (4) "Designated agent" means:

4 (A) a licensed nurse, physician assistant,
5 pharmacist, or other individual designated by a practitioner to
6 communicate prescription drug orders to a pharmacist;

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

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

14 (12) "Practitioner" means:

15 (A) a person licensed by:

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

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

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

26 (C) a person licensed in Canada or Mexico in a
27 health field in which, under the laws of this state, a licensee may

1 legally prescribe dangerous drugs; [~~or~~]

2 (D) a [~~an advanced practice registered nurse or~~]
3 physician assistant to whom a physician has delegated the authority
4 to prescribe or order a drug or device under Section 157.0511,
5 157.0512, or 157.054, Occupations Code; or

6 (E) an advanced practice registered nurse
7 authorized to prescribe and order drugs and devices under Section
8 301.358, Occupations Code.

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

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

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

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

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

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

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

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

27 (H) the name, address, and telephone number of

1 the licensed midwife[~~, registered nurse,~~] or physician assistant,
2 legibly printed or stamped, if signed by a licensed midwife[~~,
3 registered nurse,~~]

4 SECTION 4.018. Section 483.022(f), Health and Safety Code,
5 is amended to read as follows:

6 (f) A practitioner may designate a person who is a licensed
7 vocational nurse or has an education equivalent to or greater than
8 that required for a licensed vocational nurse to communicate
9 prescriptions of a [~~an advanced practice nurse or~~] physician
10 assistant authorized by the practitioner to sign prescription drug
11 orders under Subchapter B, Chapter 157, Occupations Code, or of an
12 advanced practice registered nurse.

13 SECTION 4.019. Section 483.042(a), Health and Safety Code,
14 is amended to read as follows:

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

17 (1) unless:

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

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

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

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

27 (B) a label is attached to the immediate

1 container in which the drug is delivered or offered to be delivered
2 and the label contains the following information:

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

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

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

10 (iv) the name of the practitioner who
11 prescribed the drug and, if applicable, the name of the [~~registered~~
12 ~~nurse or~~] physician assistant who signed the prescription;

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

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

18 (2) unless:

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

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

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

26 (B) a label is attached to the immediate
27 container in which the drug is delivered or offered to be delivered

1 and the label contains the following information:

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

5 (ii) the date the drug is delivered;

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

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

11 SECTION 4.020. Section [773.0145](#)(k), Health and Safety Code,
12 is amended to read as follows:

13 (k) A physician, a [~~or~~] person who has been delegated
14 prescriptive authority under Chapter [157](#), Occupations Code, or an
15 advanced practice registered nurse authorized to prescribe and
16 order drugs and devices under Section 301.358, Occupations Code,
17 may prescribe epinephrine auto-injectors in the name of an entity.

18 SECTION 4.021. Section [32.024](#)(gg), Human Resources Code, is
19 amended to read as follows:

20 (gg) Notwithstanding any other law, including Sections
21 [843.312](#) and [1301.052](#), Insurance Code, the commission shall ensure
22 that advanced practice registered nurses and physician assistants
23 may be selected by and assigned to recipients of medical assistance
24 as the primary care providers of those recipients [~~regardless of~~
25 ~~whether the physician supervising the advanced practice registered~~
26 ~~nurse is included in any directory of providers of medical~~
27 ~~assistance maintained by the commission~~]. This subsection may not

1 be construed as authorizing the commission to supervise or control
2 the practice of medicine as prohibited by Subtitle B, Title 3,
3 Occupations Code. The commission must require that advanced
4 practice registered nurses and physician assistants be treated in
5 the same manner as primary care physicians with regard to:

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

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

11 SECTION 4.022. Section 32.03141, Human Resources Code, is
12 amended to read as follows:

13 Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED
14 NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL
15 EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in
16 addition to other health care practitioners authorized by federal
17 law, the following persons may order and prescribe durable medical
18 equipment and supplies under the medical assistance program:

19 (1) an advanced practice registered nurse; and

20 (2) a ~~[or]~~ physician assistant acting under adequate
21 physician supervision and to whom a physician has delegated the
22 authority to prescribe and order drugs and devices under Chapter
23 157, Occupations Code~~[, may order and prescribe durable medical~~
24 ~~equipment and supplies under the medical assistance program]~~.

25 SECTION 4.023. Section 42.067(b), Human Resources Code, is
26 amended to read as follows:

27 (b) A physician, ~~[or]~~ a person who has been delegated

1 prescriptive authority under Chapter 157, Occupations Code, or an
2 advanced practice registered nurse authorized to prescribe and
3 order drugs and devices under Section 301.358, Occupations Code,
4 may prescribe epinephrine auto-injectors in the name of a day-care
5 center.

6 SECTION 4.024. Section 843.312, Insurance Code, is amended
7 to read as follows:

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

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

24 SECTION 4.025. Section 1301.001(1-a), Insurance Code, is
25 amended to read as follows:

26 (1-a) "Health care provider" means a practitioner,
27 institutional provider, or other person or organization that

1 furnishes health care services and that is licensed or otherwise
2 authorized to practice in this state. The term includes a
3 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered
4 nurse. The term does not include a physician.

5 SECTION 4.026. Section [1301.052](#), Insurance Code, is amended
6 to read as follows:

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

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

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

22 SECTION 4.027. Section [1451.001](#)(2), Insurance Code, is
23 amended to read as follows:

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

1 SECTION 4.028. Section [1451.104](#)(c), Insurance Code, is
2 amended to read as follows:

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

11 SECTION 4.029. Section [1451.106](#), Insurance Code, is amended
12 to read as follows:

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

17 SECTION 4.030. Section [1452.051](#)(1), Insurance Code, is
18 amended to read as follows:

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

22 SECTION 4.031. Section [408.025](#), Labor Code, is amended by
23 amending Subsection (a-1) and adding Subsection (a-2) to read as
24 follows:

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

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

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

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

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

13 SECTION 4.032. Section 203.002(2), Occupations Code, is
14 amended to read as follows:

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

17 ~~[(A) a]~~ registered nurse as defined by Section
18 301.002 who is ~~[under Chapter 301,~~

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

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

23 SECTION 4.033. Section 204.1025, Occupations Code, is
24 amended to read as follows:

25 Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY
26 AGREEMENTS. The physician assistant board shall in conjunction
27 with the Texas Medical Board ~~[and the Texas Board of Nursing]~~

1 perform the functions and duties relating to prescriptive authority
2 agreements assigned to the physician assistant board in Sections
3 157.0512 and 157.0513.

4 SECTION 4.034. Sections 551.003(14) and (34), Occupations
5 Code, are amended to read as follows:

6 (14) "Designated agent" means:

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

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

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

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

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

20 (34) "Practitioner" means:

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

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

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

12 (D) a [~~an advanced practice registered nurse or~~]
13 physician assistant to whom a physician has delegated the authority
14 to prescribe or order a drug or device under Section 157.0511,
15 157.0512, or 157.054.

16 SECTION 4.035. Section 563.051(e), Occupations Code, is
17 amended to read as follows:

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

25 SECTION 4.036. Sections 605.002(14) and (18), Occupations
26 Code, are amended to read as follows:

27 (14) "Orthotics" means the science and practice of

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

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

17 SECTION 4.037. Section 605.2515, Occupations Code, is
18 amended to read as follows:

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

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

11 SECTION 4.038. Section 1701.703(a), Occupations Code, is
12 amended to read as follows:

13 (a) A physician, ~~or~~ a person who has been delegated
14 prescriptive authority under Chapter 157, or an advanced practice
15 registered nurse authorized to prescribe and order drugs and
16 devices under Section 301.358 ~~[Occupations Code]~~ may prescribe
17 epinephrine auto-injectors in the name of a law enforcement agency.

18 SECTION 4.039. Section 681.003(f), Transportation Code, is
19 amended to read as follows:

20 (f) This subsection applies only to the first application
21 for a disabled parking placard submitted by a person. The notarized
22 written statement or prescription may be issued by:

23 (1) a person acting under the delegation and
24 supervision of a licensed physician in conformance with Subchapter
25 B, Chapter 157, Occupations Code; ~~or~~

26 (2) a physician assistant licensed to practice in this
27 state acting as the agent of a licensed physician under Section

1 [204.202](#)(e), Occupations Code; or
2 (3) an advanced practice registered nurse authorized
3 to prescribe and order drugs and devices under Section 301.358,
4 Occupations Code.

5 ARTICLE 5. REPEALER

6 SECTION 5.001. The following provisions are repealed:

- 7 (1) Section [540.0269](#)(b), Government Code, as
8 effective April 1, 2025;
9 (2) Section [62.1551](#)(b), Health and Safety Code; and
10 (3) Sections [157.051](#)(1), [157.058](#), and [301.168](#),
11 Occupations Code.

12 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

13 SECTION 6.001. Not later than February 1, 2026, the Texas
14 Board of Nursing shall adopt the rules necessary to implement the
15 changes in law made by this Act.

16 SECTION 6.002. Notwithstanding any changes in law made by
17 this Act, an advanced practice registered nurse who has been
18 delegated the authority to prescribe and order drugs and medical
19 devices by a physician's protocol or order under Section [157.0511](#),
20 [157.0512](#), or [157.054](#), Occupations Code, may continue to exercise
21 that authority until February 1, 2026.

22 SECTION 6.003. This Act takes effect September 1, 2025.