

By: Blanco, et al.

S.B. No. 911

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of certain advanced practice registered nurses; authorizing a fee.

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. REGULATION OF 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 performed by an advanced practice
21 registered nurse authorized to practice by the board under Section
22 301.357. Professional nursing involves:

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

27 (B) the maintenance of health or prevention of

1 illness;

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

6 (D) the supervision or teaching of nursing;

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

9 (F) the requesting, receiving, signing for, and
10 distribution of prescription drug samples to patients at practices
11 at which an advanced practice registered nurse is authorized to
12 sign prescription drug orders as provided by Subchapter B, Chapter
13 157;

14 (G) the performance by an advanced practice
15 registered nurse of an act delegated by a physician under Section
16 157.0512, 157.054, 157.058, or 157.059; [~~and~~]

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

18 (I) the performance of an act by an advanced
19 practice registered nurse authorized to practice by the board under
20 Section 301.357.

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

23 [~~(4) "Nursing" means professional or vocational~~
24 ~~nursing.~~]

25 (13) [~~(5)~~] "Vocational nursing" means a directed
26 scope of nursing practice, including the performance of an act that
27 requires specialized judgment and skill, the proper performance of

1 which is based on knowledge and application of the principles of
2 biological, physical, and social science as acquired by a completed
3 course in an approved school of vocational nursing. The term does
4 not include acts of medical diagnosis or the prescription of
5 therapeutic or corrective measures. Vocational nursing involves:

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

8 (B) participating in the planning of the nursing
9 care needs of an individual;

10 (C) participating in the development and
11 modification of the nursing care plan;

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

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

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

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

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

SECTION 2.003. Section 301.152(b), Occupations Code, is amended to read as follows:

(b) The board shall adopt rules to:

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

(2) establish:

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

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

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

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

SECTION 2.004. Section 301.303(b), Occupations Code, is amended to read as follows:

(b) Except as provided by a rule adopted under Section

1 301.357(h) for an advanced practice registered nurse authorized by
2 the board to practice under that section, the ~~[The]~~ board may not
3 require participation in more than a total of 20 hours of continuing
4 education in a two-year licensing period.

5 SECTION 2.005. Subchapter H, Chapter 301, Occupations Code,
6 is amended by adding Sections 301.357 and 301.358 to read as
7 follows:

8 Sec. 301.357. INDEPENDENT PRACTICE BY CERTAIN ADVANCED
9 PRACTICE REGISTERED NURSES. (a) The board shall authorize the
10 practice under this section of an advanced practice registered
11 nurse who:

12 (1) is a nurse practitioner, nurse midwife, or
13 clinical nurse specialist;

14 (2) subject to Subsection (b), has completed in any
15 state at least 3,000 clinical practice hours within the five years
16 preceding the authorization request; and

17 (3) pays the fee established by the board and applies
18 for authorization under this section in the manner prescribed by
19 the board.

20 (b) The clinical practice hours requirement of Subsection
21 (a)(2) may be satisfied by successful completion of any combination
22 of:

23 (1) instruction hours that are provided by a clinical
24 faculty member to the applicant in a clinical setting, or received
25 by the applicant as a student in a clinical setting, as part of a
26 graduate program leading to a master's or doctoral degree in a
27 clinical nursing specialty area; and

1 (2) either:

2 (A) if the applicant is currently licensed or
3 authorized by the board to practice as a registered nurse in this
4 state, clinical practice hours received while practicing as an
5 advanced practice registered nurse under the supervision of a
6 physician who held an active, unencumbered license issued by any
7 state during the period of supervision; or

8 (B) if the applicant is applying for licensure by
9 endorsement as an advanced practice registered nurse in this state,
10 clinical practice hours received while practicing as an advanced
11 practice registered nurse.

12 (c) To be eligible for authorization to practice under this
13 section, an applicant must:

14 (1) be licensed or authorized by the board to practice
15 as a registered nurse in this state;

16 (2) have graduated from an advanced practice
17 registered nurse graduate or post-graduate education program that
18 is recognized by the board and the United States Secretary of
19 Education or the Council for Higher Education Accreditation or its
20 successor organization and that includes completion of three
21 separate graduate level courses in:

22 (A) advanced physiology and pathophysiology;

23 (B) advanced health assessment; and

24 (C) advanced pharmacology which includes
25 pharmacodynamics, pharmacokinetics, and pharmacotherapeutics of
26 all broad categories of agents; and

27 (3) successfully complete and be currently certified

on passage of an appropriate board-recognized advanced practice registered nurse national certification examination.

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

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

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

(3) treating actual and potential health problems;

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

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

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

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

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

1 experience.

2 (e) An advanced practice registered nurse authorized to
3 practice under this section shall practice as a licensed
4 independent practitioner in accordance with standards established
5 and recognized by the board to protect the public health and safety.

6 (f) An advanced practice registered nurse authorized to
7 practice under this section is accountable to patients, the nursing
8 profession, and the board for:

9 (1) complying with the requirements of this chapter;
10 (2) providing quality advanced nursing care;
11 (3) recognizing the nurse's limits of knowledge;
12 (4) planning for the management of situations beyond
13 the nurse's expertise; and

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

16 (g) This section does not limit or modify the scope of
17 practice of a nurse who is not authorized to practice under this
18 section.

19 (h) The board by rule shall establish:

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

22 (2) a requirement that an advanced practice registered
23 nurse authorized to practice under this section complete at least
24 48 hours of continuing education, including 10 hours of continuing
25 education in pharmacology, every two years.

26 (i) Notwithstanding any other law, an advanced practice
27 registered nurse authorized to practice under this section who is

performing an act described by Subsection (d) is not considered to be practicing medicine without a license.

Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSE. (a) The board may authorize an advanced practice registered nurse authorized to practice by the board 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.

(b) The board may authorize an advanced practice registered nurse authorized to practice by the board under Section 301.357 to prescribe and order controlled substances listed in Schedule II only:

(1) in a hospital facility-based practice in accordance with policies approved by the hospital's medical staff or a committee of the hospital's medical staff as provided by the hospital bylaws to ensure patient safety and as part of the care provided to a patient who:

(A) has been admitted to the hospital and is expected to remain in the hospital for a period of 24 hours or more; or

(B) is receiving services in the emergency department of the hospital; or

(2) as part of the plan of care for the treatment of a person who has executed a written certification of a terminal illness, has elected to receive hospice care, and is receiving hospice treatment from a qualified hospice provider.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001. Section 38.151(1), Education Code, is amended to read as follows:

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

SECTION 3.002. Section 38.211(a), Education Code, is amended to read as follows:

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

SECTION 3.003. Section 38.225(a), Education Code, is amended to read as follows:

(a) A physician, a [~~or~~] person who has been delegated prescriptive authority under Chapter 157, Occupations Code, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code, may prescribe opioid antagonists in the name of a school district, open-enrollment charter school, or private school.

SECTION 3.004. Section 61.601, Education Code, is amended to read as follows:

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

(1) a licensed physician who is:

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

(B) certified in psychiatry by:

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

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

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

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

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

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

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

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

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

SECTION 3.005. Section 1101.100(1), Estates Code, is amended to read as follows:

(1) "Advanced practice registered nurse" has the

meaning assigned by Section 301.002 [~~301.152~~], Occupations Code.

SECTION 3.006. Section 671.001(b), Government Code, is amended to read as follows:

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

(1) either:

(A) both:

(i) a licensed advanced practice registered nurse as defined by Section 301.002 [~~301.152~~], Occupations Code, or a licensed physician assistant as described by Chapter 204, 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) [~~(2)~~] a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will delegate to and supervise the advanced practice registered nurse or physician assistant under a prescriptive authority agreement under Chapter 157, Occupations Code; or

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

(2) [~~(3)~~] appropriate office space and equipment for the advanced practice registered nurse or physician assistant to provide basic medical care to employees at the state office complex where the nurse or physician assistant is located; and

(3) [~~(4)~~] professional liability insurance covering services provided by the advanced practice registered nurse or the physician assistant.

SECTION 3.007. Sections 161.0052(b) and (c), Health and Safety Code, are amended to read as follows:

(b) The executive commissioner by rule shall require a hospital to inform each elderly person admitted to the hospital for a period of 24 hours or more that the pneumococcal and influenza vaccines are available. If the elderly person requests a vaccine, and if a physician, or 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, the hospital must make the vaccination available to the person before the person is discharged from the hospital.

(c) The executive commissioner by rule shall 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 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. If the facility decides it is not feasible to offer the vaccine, the facility must provide the person with information on other options for obtaining the vaccine.

SECTION 3.008. Section 401.504(d), Health and Safety Code, is amended to read as follows:

(d) This subchapter does not apply to a physician, ~~[or to]~~ a physician's employee or delegate acting under Chapter 157, Occupations Code, or an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code.

SECTION 3.009. Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39) "Practitioner" means:

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

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

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

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

5 SECTION 3.010. Section 481.074(d), Health and Safety Code,
6 is amended to read as follows:

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

14 SECTION 3.011. Section 481.076(c), Health and Safety Code,
15 is amended to read as follows:

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

26 SECTION 3.012. Section 481.0767(b), Health and Safety Code,
27 is amended to read as follows:

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

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

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

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

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

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

(6) an oral and maxillofacial surgeon;

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

(8) a pharmacist working at a chain pharmacy;

(9) a pharmacist working at an independent pharmacy;

(10) an academic pharmacist; and

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

SECTION 3.013. Sections 483.001(4), (12), and (13), Health and Safety Code, are amended to read as follows:

(4) "Designated agent" means:

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

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

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

(12) "Practitioner" means:

(A) a person licensed by:

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

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

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

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

(D) an advanced practice registered nurse or

1 physician assistant to whom a physician has delegated the authority
2 to prescribe or order a drug or device under Section 157.0511,
3 157.0512, or 157.054, Occupations Code; or

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

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

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

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

15 (C) if the drug is prescribed for an animal, the
16 species of the animal;

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

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

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

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

25 (H) the name, address, and telephone number of
26 the licensed midwife, advanced practice registered nurse, or
27 physician assistant, legibly printed or stamped, if signed by a

1 licensed midwife, advanced practice registered nurse, or physician
2 assistant.

3 SECTION 3.014. Section 483.022(f), Health and Safety Code,
4 is amended to read as follows:

5 (f) A practitioner may designate a person who is a licensed
6 vocational nurse or has an education equivalent to or greater than
7 that required for a licensed vocational nurse to communicate
8 prescriptions of an advanced practice registered nurse or physician
9 assistant authorized by the practitioner to sign prescription drug
10 orders under Subchapter B, Chapter 157, Occupations Code, or of an
11 advanced practice registered nurse authorized to prescribe and
12 order drugs and devices under Section 301.358, Occupations Code.

13 SECTION 3.015. 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 an advanced
23 practice ~~[a]~~ registered nurse or physician assistant in accordance
24 with Subchapter B, 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 advanced
12 practice registered nurse or physician assistant who signed the
13 prescription;

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

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

19 (2) unless:

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

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

24 (ii) an advanced practice [a] registered
25 nurse or physician assistant in the course of practice in
26 accordance with Subchapter B, Chapter 157, Occupations Code; 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
4 practitioner who prescribed the drug, and if applicable, the name
5 and address of the advanced practice registered nurse or physician
6 assistant;

7 (ii) the date the drug is delivered;

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

11 (iv) the name of the drug, the strength of
12 the drug, and directions for the use of the drug.

13 SECTION 3.016. Section 773.0145(k), Health and Safety Code,
14 is amended to read as follows:

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

20 SECTION 3.017. Section 32.024(gg), Human Resources Code, is
21 amended to read as follows:

22 (gg) Notwithstanding any other law, including Sections
23 843.312 and 1301.052, Insurance Code, the commission shall ensure
24 that advanced practice registered nurses and physician assistants
25 may be selected by and assigned to recipients of medical assistance
26 as the primary care providers of those recipients regardless of
27 whether, if applicable, the physician supervising the advanced

1 practice registered nurse is included in any directory of providers
2 of medical assistance maintained by the commission. This
3 subsection may not be construed as authorizing the commission to
4 supervise or control the practice of medicine as prohibited by
5 Subtitle B, Title 3, Occupations Code. The commission must require
6 that advanced practice registered nurses and physician assistants
7 be treated in the same manner as primary care physicians with regard
8 to:

9 (1) selection and assignment as primary care
10 providers; and

11 (2) inclusion as primary care providers in any
12 directory of providers of medical assistance maintained by the
13 commission.

14 SECTION 3.018. Section 32.03141, Human Resources Code, is
15 amended to read as follows:

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

22 (1) an advanced practice registered nurse authorized
23 to prescribe and order drugs and devices under Section 301.358,
24 Occupations Code; and

25 (2) an advanced practice registered nurse or physician
26 assistant acting under adequate physician supervision and to whom a
27 physician has delegated the authority to prescribe and order drugs

1 and devices under Chapter 157, Occupations Code[, ~~may order and~~
2 ~~prescribe durable medical equipment and supplies under the medical~~
3 ~~assistance program~~].

4 SECTION 3.019. Section 42.067(b), Human Resources Code, is
5 amended to read as follows:

6 (b) A physician, ~~or~~ a person who has been delegated
7 prescriptive authority under Chapter 157, Occupations Code, or an
8 advanced practice registered nurse authorized to prescribe and
9 order drugs and devices under Section 301.358, Occupations Code,
10 may prescribe epinephrine auto-injectors in the name of a day-care
11 center.

12 SECTION 3.020. Section 843.312, Insurance Code, is amended
13 to read as follows:

14 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
15 REGISTERED NURSES. (a) A health maintenance organization may not
16 refuse a request by a physician participating in the health
17 maintenance organization delivery network and a physician
18 assistant or advanced practice registered nurse who is authorized
19 by the physician to provide care under Subchapter B, Chapter 157,
20 Occupations Code, or an advanced practice registered nurse
21 authorized to prescribe and order drugs and devices under Section
22 301.358, Occupations Code, to identify a physician assistant or
23 advanced practice registered nurse as a provider in the network.

24 (b) A health maintenance organization may refuse a request
25 under Subsection (a) if the physician assistant or advanced
26 practice registered nurse does not meet the quality of care
27 standards previously established by the health maintenance

organization for participation in the network by physician assistants and advanced practice registered nurses.

SECTION 3.021. Section [1301.001](#)(1-a), Insurance Code, is amended to read as follows:

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

SECTION 3.022. Section [1452.051](#)(1), Insurance Code, is amended to read as follows:

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

SECTION 3.023. Section [408.025](#), Labor Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) A ~~[treating doctor may 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 may be completed and signed by:

(1) a physician assistant licensed to practice in this

1 state under Chapter 204, Occupations Code, who has been delegated
2 the authority by a treating doctor;

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

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

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

12 SECTION 3.024. Section 157.051(1), Occupations Code, is
13 amended to read as follows:

14 (1) "Advanced practice registered nurse" has the
15 meaning assigned ~~[to that term]~~ by Section 301.002 ~~[301.152]~~. ~~[The~~
16 ~~term includes an advanced nurse practitioner and advanced practice~~
17 ~~nurse.]~~

18 SECTION 3.025. Section 203.002(2), Occupations Code, is
19 amended to read as follows:

20 (2) "Certified nurse-midwife" means an advanced
21 practice ~~[a person who is:]~~

22 ~~[(A) a] registered nurse [under Chapter 301,~~
23 ~~[(B) recognized as an advanced nurse~~
24 ~~practitioner by the Texas Board of Nursing, and~~
25 ~~[(C)] certified by the American College of~~
26 Nurse-Midwives.

27 SECTION 3.026. Sections 551.003(14) and (34), Occupations

1 Code, are amended to read as follows:

2 (14) "Designated agent" means:

3 (A) an individual, including a licensed nurse,
4 physician assistant, or pharmacist:

5 (i) who is designated by a practitioner and
6 authorized to communicate a prescription drug order to a
7 pharmacist; and

8 (ii) for whom the practitioner assumes
9 legal responsibility;

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

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

17 (34) "Practitioner" means:

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

25 (B) a person licensed by another state, Canada,
26 or the United Mexican States in a health field in which, under the
27 law of this state, a license holder in this state may legally

1 prescribe a dangerous drug;

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

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

13 SECTION 3.027. Section 563.051(e), Occupations Code, is
14 amended to read as follows:

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

23 SECTION 3.028. Section 563.053, Occupations Code, is
24 amended to read as follows:

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

27 (1) "Advanced practice registered nurse" has the

1 meaning assigned by Section 301.002.

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

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

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

22 (c) A physician who practices medicine or advanced practice
23 registered nurse who practices advanced practice registered
24 nursing in an area described by Subsection (b) may:

25 (1) maintain a supply of dangerous drugs in the
26 physician's or advanced practice registered nurse's office to be
27 dispensed in the course of treating the physician's or advanced

1 practice registered nurse's patients; and

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

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

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

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

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

22 SECTION 3.029. Sections 605.002(14) and (18), Occupations
23 Code, are amended to read as follows:

24 (14) "Orthotics" means the science and practice of
25 measuring, designing, fabricating, assembling, fitting, adjusting,
26 or servicing an orthosis under an order from a licensed physician,
27 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered

nurse authorized to prescribe and order drugs and devices under
Section 301.358, or an advanced practice registered nurse or
physician assistant acting under the delegation and supervision of
a licensed physician as provided by Subchapter B, Chapter 157, and
rules adopted by the Texas Medical Board, for the correction or
alleviation of a neuromuscular or musculoskeletal dysfunction,
disease, injury, or deformity.

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

SECTION 3.030. Section 605.2515, Occupations Code, is
amended to read as follows:

Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A
person licensed to practice orthotics or prosthetics who measures,
designs, fabricates, fits, assembles, adjusts, or services an
orthosis or a prosthesis under an order from a licensed physician,
chiropractor, ~~[or]~~ podiatrist, or advanced practice registered
nurse authorized to prescribe and order drugs and devices under
Section 301.358, or an advanced practice registered nurse or
physician assistant acting under the delegation and supervision of
a licensed physician as provided by Subchapter B, Chapter 157, and

rules adopted by the Texas Medical Board, for a specific patient is exempt from licensing as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code. A person licensed to practice orthotics or prosthetics who fabricates or assembles an orthosis or a prosthesis without an order from a licensed physician, chiropractor, ~~or~~ podiatrist, or advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, or an advanced practice registered nurse or physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is required to be licensed as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code.

SECTION 3.031. Section 1701.703(a), Occupations Code, is amended to read as follows:

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

ARTICLE 4. REPEALER

SECTION 4.001. Section 301.152(a), Occupations Code, is repealed.

ARTICLE 5. TRANSITIONS AND EFFECTIVE DATE

SECTION 5.001. Not later than February 1, 2026, the Texas Board of Nursing shall adopt the rules necessary to implement the changes in law made by this Act.

S.B. No. 911

1 SECTION 5.002. This Act takes effect September 1, 2025.