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S.B. No. 751

A BILL TO BE ENTITLED

AN ACT

relating to the scope of practice of and the prescribing and ordering authority of advanced practice registered nurses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. ADVANCED PRACTICE REGISTERED NURSES

SECTION 1.001. Section 301.002, Occupations Code, is amended by amending Subdivision (2) and adding Subdivisions (6), (7), (8), (9), and (10) to read as follows:

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

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

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

(C) the administration of a medication or

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

4 (D) the supervision or teaching of nursing;

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

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

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

16 (H) the development of the nursing care plan.

17 (6) "Controlled substance" has the meaning assigned by
18 Section 157.051.

19 (7) "Dangerous drug" has the meaning assigned by
20 Section 157.051.

21 (8) "Device" has the meaning assigned by Section
22 157.051.

23 (9) "Nonprescription drug" has the meaning assigned by
24 Section 157.051.

25 (10) "Prescribe or order a drug or device" has the
26 meaning assigned by Section 157.051.

27 SECTION 1.002. Section 301.152(b), Occupations Code, is

1 amended to read as follows:

2 (b) The board shall adopt rules to:

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

5 (2) establish:

6 (A) any specialized education or training,
7 including pharmacology, that an advanced practice registered nurse
8 must have to prescribe or order a drug or device [~~as delegated by a~~
9 ~~physician under Section 157.0512 or 157.054~~];

10 (B) a system for approving an advanced practice
11 registered nurse to prescribe or order a drug or device [~~as~~
12 ~~delegated by a physician under Section 157.0512 or 157.054~~] on the
13 receipt of evidence of completing the specialized education and
14 training requirement under Paragraph (A); and

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

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

22 SECTION 1.003. Subchapter H, Chapter 301, Occupations Code,
23 is amended by adding Sections 301.357 and 301.358 to read as
24 follows:

25 Sec. 301.357. SCOPE OF PRACTICE OF ADVANCED PRACTICE
26 REGISTERED NURSE. (a) The scope of practice of an advanced
27 practice registered nurse includes formulating medical diagnoses,

1 prescribing therapeutic and corrective measures, and prescribing
2 and ordering drugs and devices.

3 (b) This section does not limit or modify the scope of
4 practice of a registered nurse who is not an advanced practice
5 registered nurse.

6 Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF
7 ADVANCED PRACTICE REGISTERED NURSE. An advanced practice
8 registered nurse, with a prescription authorization number issued
9 as required under Section 301.152(b), may prescribe and order drugs
10 and devices, including controlled substances, dangerous drugs, and
11 nonprescription drugs.

12 ARTICLE 2. CONFORMING AMENDMENTS REGARDING DELEGATION

13 SECTION 2.001. The heading to Subchapter B, Chapter 157,
14 Occupations Code, is amended to read as follows:

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

17 SECTION 2.002. Section 157.051(14), Occupations Code, is
18 amended to read as follows:

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

25 SECTION 2.003. Section 157.0511(b-2), Occupations Code, is
26 amended to read as follows:

27 (b-2) The board shall adopt rules that require a physician

1 who delegates the prescribing or ordering of a drug or device to
2 register with the board the name and license number of the physician
3 assistant [~~or advanced practice registered nurse~~] to whom a
4 delegation is made. The board may develop and use an electronic
5 online delegation registration process for registration under this
6 subsection.

7 SECTION 2.004. Sections 157.0512(a), (b), (c), (e), (f),
8 (g), (i), (j), (l), (m), (n), and (o), Occupations Code, are amended
9 to read as follows:

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

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

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

23 [(2)] the [~~advanced practice registered nurse or~~]
24 physician assistant:

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

1 and

2 (B) is not currently prohibited by the [~~Texas~~
3 ~~Board of Nursing or the~~] Texas Physician Assistant Board[~~, as~~
4 ~~applicable,~~] from executing a prescriptive authority agreement;
5 and

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

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

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

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

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

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

26 (4) identify the types or categories of drugs or
27 devices that may be prescribed or the types or categories of drugs

1 or devices that may not be prescribed;

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

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

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

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

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

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

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

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

25 (B) periodic face-to-face meetings between the
26 [~~advanced practice registered nurse or~~] physician assistant and the
27 physician at a location determined by the physician and the

1 ~~[advanced practice registered nurse or]~~ physician assistant.

2 (f) The periodic face-to-face meetings described by
3 Subsection (e)(9)(B) must:

4 (1) include:

5 (A) the sharing of information relating to
6 patient treatment and care, needed changes in patient care plans,
7 and issues relating to referrals; and

8 (B) discussion of patient care improvement; and

9 (2) be documented and occur:

10 (A) except as provided by Paragraph (B):

11 (i) at least monthly until the third
12 anniversary of the date the agreement is executed; and

13 (ii) at least quarterly after the third
14 anniversary of the date the agreement is executed, with monthly
15 meetings held between the quarterly meetings by means of a remote
16 electronic communications system, including videoconferencing
17 technology or the Internet; or

18 (B) if during the seven years preceding the date
19 the agreement is executed the ~~[advanced practice registered nurse~~
20 ~~or]~~ physician assistant for at least five years was in a practice
21 that included the exercise of prescriptive authority with required
22 physician supervision:

23 (i) at least monthly until the first
24 anniversary of the date the agreement is executed; and

25 (ii) at least quarterly after the first
26 anniversary of the date the agreement is executed, with monthly
27 meetings held between the quarterly meetings by means of a remote

1 electronic communications system, including videoconferencing
2 technology or the Internet.

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

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

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

14 (l) In the event that a party to a prescriptive authority
15 agreement is notified that the individual has become the subject of
16 an investigation by the board[~~, the Texas Board of Nursing,~~] or the
17 Texas Physician Assistant Board, the individual shall immediately
18 notify the other party to the prescriptive authority agreement.

19 (m) The prescriptive authority agreement and any amendments
20 must be reviewed at least annually, dated, and signed by the parties
21 to the agreement. The prescriptive authority agreement and any
22 amendments must be made available to the board[~~, the Texas Board of~~
23 ~~Nursing,~~] or the Texas Physician Assistant Board not later than the
24 third business day after the date of receipt of request, if any.

25 (n) The prescriptive authority agreement should promote the
26 exercise of professional judgment by the [~~advanced practice~~
27 ~~registered nurse or~~] physician assistant commensurate with the

1 ~~[advanced practice registered nurse's or]~~ physician assistant's
2 education and experience and the relationship between the ~~[advanced~~
3 ~~practice registered nurse or]~~ physician assistant and the
4 physician.

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

9 SECTION 2.005. Section [157.0513](#), Occupations Code, is
10 amended to read as follows:

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

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

18 (2) by which each board shall immediately notify the
19 other board ~~[boards]~~ when a license holder of the board becomes the
20 subject of an investigation involving the delegation and
21 supervision of prescriptive authority, as well as the final
22 disposition of any such investigation; and

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

27 (b) If the board~~[, the Texas Board of Nursing,]~~ or the Texas

1 Physician Assistant Board receives a notice under Subsection
2 (a)(2), the board that received notice may open an investigation
3 against a license holder of the board who is a party to a
4 prescriptive authority agreement with the license holder who is
5 under investigation by the board that provided notice under
6 Subsection (a)(2).

7 (c) The board shall maintain and make available to the
8 public a searchable online list of physicians[~~, advanced practice~~
9 ~~registered nurses,~~] and physician assistants who have entered into
10 a prescriptive authority agreement authorized under Section
11 157.0512 and identify the physician[~~, advanced practice registered~~
12 ~~nurse, or physician assistant~~] with whom each [~~physician, advanced~~
13 ~~practice registered nurse, and~~] physician assistant has entered
14 into a prescriptive authority agreement.

15 (d) The board shall collaborate with the [~~Texas Board of~~
16 ~~Nursing and the~~] Texas Physician Assistant Board to maintain and
17 make available to the public a list of physicians[~~, advanced~~
18 ~~practice registered nurses,~~] and physician assistants who are
19 prohibited from entering into or practicing under a prescriptive
20 authority agreement.

21 SECTION 2.006. Sections 157.054(a), (a-1), (b), and (c),
22 Occupations Code, are amended to read as follows:

23 (a) One or more physicians licensed by the board may
24 delegate, to one or more physician assistants [~~or advanced practice~~
25 ~~registered nurses~~] acting under adequate physician supervision
26 whose practice is facility-based at a hospital or licensed
27 long-term care facility, the administration or provision of a drug

1 and the prescribing or ordering of a drug or device if each of the
2 delegating physicians is:

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

6 (2) the chair of the facility's credentialing
7 committee;

8 (3) a department chair of a facility department in
9 which the physician assistant [~~or advanced practice registered~~
10 ~~nurse~~] practices; or

11 (4) a physician who consents to the request of the
12 medical director or chief of medical staff to delegate the
13 prescribing or ordering of a drug or device at the facility in which
14 the physician assistant [~~or advanced practice registered nurse~~]
15 practices.

16 (a-1) The limits on the number of [~~advanced practice~~
17 ~~registered nurses or~~] physician assistants to whom a physician may
18 delegate under Section [157.0512](#) do not apply to a physician under
19 Subsection (a) whose practice is facility-based under this section,
20 provided that the physician is not delegating in a freestanding
21 clinic, center, or practice of the facility.

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

24 (1) the delegation must be made under a physician's
25 order, standing medical order, standing delegation order, or
26 another order or protocol developed in accordance with policies
27 approved by the facility's medical staff or a committee of the

1 facility's medical staff as provided by the facility bylaws;

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

6 (3) the delegation may not permit the prescribing or
7 ordering of a drug or device for the care or treatment of the
8 patients of any other physician without the prior consent of that
9 physician; and

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

15 (c) Physician supervision of the prescribing or ordering of
16 a drug or device must conform to what a reasonable, prudent
17 physician would find consistent with sound medical judgment but may
18 vary with the education and experience of the particular [~~advanced~~
19 ~~practice registered nurse or~~] physician assistant. A physician
20 shall provide continuous supervision, but the constant physical
21 presence of the physician is not required.

22 SECTION 2.007. Section [157.055](#), Occupations Code, is
23 amended to read as follows:

24 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other
25 order shall be defined in a manner that promotes the exercise of
26 professional judgment by the [~~advanced practice registered nurse~~
27 ~~and~~] physician assistant commensurate with the education and

1 experience of that person. Under this section, an order or
2 protocol used by a reasonable and prudent physician exercising
3 sound medical judgment:

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

8 (2) may state the types or categories of medications
9 that may be prescribed or the types or categories of medications
10 that may not be prescribed.

11 SECTION 2.008. Section [157.056](#), Occupations Code, is
12 amended to read as follows:

13 Sec. 157.056. PRESCRIPTION INFORMATION. The following
14 information must be provided on each prescription subject to this
15 subchapter:

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

17 (2) the drug to be dispensed;

18 (3) directions to the patient regarding the taking of
19 the drug and the dosage;

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

21 (5) the name, address, and telephone number of the
22 physician;

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

26 (7) the date; and

27 (8) the number of refills permitted.

1 SECTION 2.009. Sections 157.059(b), (e), (f), (g), (h), and
2 (i), Occupations Code, are amended to read as follows:

3 (b) A physician may delegate to a physician assistant
4 offering obstetrical services and certified by the board as
5 specializing in obstetrics [~~or an advanced practice registered~~
6 ~~nurse recognized by the Texas Board of Nursing as a nurse midwife~~]
7 the act of administering or providing controlled substances to the
8 physician assistant's [~~or nurse midwife's~~] clients during
9 intrapartum and immediate postpartum care.

10 (e) The physician's orders, medical orders, standing
11 delegation orders, prescriptive authority agreements, or protocols
12 must require the reporting of or monitoring of each client's
13 progress, including complications of pregnancy and delivery and the
14 administration and provision of controlled substances by the [~~nurse~~
15 ~~midwife or~~] physician assistant to the clients of the [~~nurse~~
16 ~~midwife or~~] physician assistant.

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

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

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

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

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

27 (2) the drug to be provided;

1 (3) the name, address, and telephone number of the
2 physician;

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

5 (5) the date.

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

9 (i) This section authorizes a physician to delegate the act
10 of administering or providing a controlled substance to a ~~[nurse~~
11 ~~midwife or]~~ physician assistant but does not require physician
12 delegation of~~[+~~

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

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

17 SECTION 2.010. Section 157.060, Occupations Code, is
18 amended to read as follows:

19 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED
20 ACT. Unless the physician has reason to believe the physician
21 assistant ~~[or advanced practice registered nurse]~~ lacked the
22 competency to perform the act, a physician is not liable for an act
23 of a physician assistant ~~[or advanced practice registered nurse]~~
24 solely because the physician signed a standing medical order, a
25 standing delegation order, or another order or protocol, or entered
26 into a prescriptive authority agreement, authorizing the physician
27 assistant ~~[or advanced practice registered nurse]~~ to administer,

1 provide, prescribe, or order a drug or device.

2 ARTICLE 3. GENERAL CONFORMING AMENDMENTS

3 SECTION 3.001. Section 671.001(b), Government Code, is
4 amended to read as follows:

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

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

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

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

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

24 SECTION 3.002. Section 481.002(39), Health and Safety Code,
25 is amended to read as follows:

26 (39) "Practitioner" means:

27 (A) a physician, dentist, veterinarian,

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

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

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

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

21 SECTION 3.003. Section [481.073](#)(a), Health and Safety Code,
22 is amended to read as follows:

23 (a) Only a practitioner defined by Section [481.002](#)(39)(A)
24 and an agent designated in writing by the practitioner in
25 accordance with rules adopted by the department may communicate a
26 prescription by telephone. A pharmacy that receives a
27 telephonically communicated prescription shall promptly write the

1 prescription and file and retain the prescription in the manner
2 required by this subchapter. A practitioner who designates an
3 agent to communicate prescriptions shall maintain the written
4 designation of the agent in the practitioner's usual place of
5 business and shall make the designation available for inspection by
6 investigators for the Texas [~~State Board of~~] Medical Board
7 [~~Examiners~~], the State Board of Dental Examiners, the State Board
8 of Veterinary Medical Examiners, the Texas Board of Nursing, and
9 the department. A practitioner who designates a different agent
10 shall designate that agent in writing and maintain the designation
11 in the same manner in which the practitioner initially designated
12 an agent under this section.

13 SECTION 3.004. Section 481.074(d), Health and Safety Code,
14 is amended to read as follows:

15 (d) Except as specified in Subsections (e) and (f), the
16 director, by rule and in consultation with the Texas Medical Board,
17 [~~and~~] the Texas State Board of Pharmacy, and the Texas Board of
18 Nursing, shall establish the period after the date on which the
19 prescription is issued that a person may fill a prescription for a
20 controlled substance listed in Schedule II. A person may not
21 refill a prescription for a substance listed in Schedule II.

22 SECTION 3.005. Section 481.076(c), Health and Safety Code,
23 is amended to read as follows:

24 (c) The director by rule shall design and implement a system
25 for submission of information to the director by electronic or
26 other means and for retrieval of information submitted to the
27 director under this section and Sections 481.074 and 481.075. The

1 director shall use automated information security techniques and
2 devices to preclude improper access to the information. The
3 director shall submit the system design to the Texas State Board of
4 Pharmacy, ~~[and]~~ the Texas Medical Board, and the Texas Board of
5 Nursing for review and approval or comment a reasonable time before
6 implementation of the system and shall comply with the comments of
7 those agencies unless it is unreasonable to do so.

8 SECTION 3.006. Sections 483.001(4), (12), and (13), Health
9 and Safety Code, are amended to read as follows:

10 (4) "Designated agent" means:

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

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

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

23 (12) "Practitioner" means:

24 (A) a person licensed by the Texas Medical Board,
25 State Board of Dental Examiners, Texas State Board of Podiatric
26 Medical Examiners, Texas Optometry Board, Texas Board of Nursing,
27 or State Board of Veterinary Medical Examiners to prescribe and

1 administer dangerous drugs;

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

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

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

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

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

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

20 (C) if the drug is prescribed for an animal, the
21 species of the animal;

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

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

24 (F) the intended use of the drug unless the
25 practitioner determines the furnishing of this information is not
26 in the best interest of the patient;

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

1 the practitioner at the practitioner's usual place of business,
2 legibly printed or stamped; and

3 (H) the name, address, and telephone number of
4 the licensed midwife[~~, registered nurse,~~] or physician assistant,
5 legibly printed or stamped, if signed by a licensed midwife[~~,~~
6 ~~registered nurse,~~] or physician assistant.

7 SECTION 3.007. Section 483.022(f), Health and Safety Code,
8 is amended to read as follows:

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

15 SECTION 3.008. Section 483.042(a), Health and Safety Code,
16 is amended to read as follows:

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

19 (1) unless:

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

22 (i) a prescription issued by a practitioner
23 described by Section 483.001(12)(A) or (B);

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

27 (iii) an original written prescription

1 issued by a practitioner described by Section 483.001(12)(C); and

2 (B) a label is attached to the immediate
3 container in which the drug is delivered or offered to be delivered
4 and the label contains the following information:

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

7 (ii) the date the prescription for the drug
8 is dispensed;

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

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

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

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

20 (2) unless:

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

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

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

1 (B) a label is attached to the immediate
2 container in which the drug is delivered or offered to be delivered
3 and the label contains the following information:

4 (i) the name and address of the
5 practitioner who prescribed the drug, and if applicable, the name
6 and address of the [~~registered nurse or~~] physician 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 3.009. Section [32.03141](#), Human Resources Code, is
14 amended to read as follows:

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

21 (1) an advanced practice registered nurse; and

22 (2) a [~~or~~] physician assistant acting under adequate
23 physician supervision and to whom a physician has delegated the
24 authority to prescribe and order drugs and devices under Chapter
25 157, Occupations Code[~~, may order and prescribe durable medical~~
26 equipment and supplies under the medical assistance program].

27 SECTION 3.010. Section [843.312](#), Insurance Code, is amended

1 to read as follows:

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

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

18 SECTION 3.011. Section 1301.001(1-a), Insurance Code, is
19 amended to read as follows:

20 (1-a) "Health care provider" means a practitioner,
21 institutional provider, or other person or organization that
22 furnishes health care services and that is licensed or otherwise
23 authorized to practice in this state. The term includes a
24 pharmacist, [~~and~~] a pharmacy, and an advanced practice registered
25 nurse. The term does not include a physician.

26 SECTION 3.012. Section 1301.052, Insurance Code, is amended
27 to read as follows:

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

9 (1) the [~~advanced practice nurse or~~] physician
10 assistant is authorized by the physician to provide care under
11 Subchapter B, Chapter 157, Occupations Code, or the advanced
12 practice registered nurse is authorized to provide care by the
13 physician; and

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

18 SECTION 3.013. Section [1451.001\(2\)](#), Insurance Code, is
19 amended to read as follows:

20 (2) "Advanced practice registered nurse" means an
21 individual licensed by the Texas Board of Nursing as a registered
22 nurse and licensed [~~recognized~~] by that board as an advanced
23 practice registered nurse.

24 SECTION 3.014. Section [1451.104\(c\)](#), Insurance Code, is
25 amended to read as follows:

26 (c) Notwithstanding Subsection (a), a health insurance
27 policy may provide for a different amount of payment or

1 reimbursement for scheduled services or procedures performed by an
2 advanced practice registered nurse, nurse first assistant,
3 licensed surgical assistant, or physician assistant if the
4 methodology used to compute the amount is the same as the
5 methodology used to compute the amount of payment or reimbursement
6 when the services or procedures are provided by a physician.

7 SECTION 3.015. Section [1451.106](#), Insurance Code, is amended
8 to read as follows:

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

13 SECTION 3.016. Section [204.1025](#), Occupations Code, is
14 amended to read as follows:

15 Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY
16 AGREEMENTS. The physician assistant board shall in conjunction
17 with the Texas Medical Board [~~and the Texas Board of Nursing~~]
18 perform the functions and duties relating to prescriptive authority
19 agreements assigned to the physician assistant board in Sections
20 [157.0512](#) and [157.0513](#).

21 SECTION 3.017. Sections [551.003](#)(14) and (34), Occupations
22 Code, are amended to read as follows:

23 (14) "Designated agent" means:

24 (A) an individual, including a licensed nurse,
25 physician assistant, or pharmacist:

26 (i) who is designated by a practitioner and
27 authorized to communicate a prescription drug order to a

1 pharmacist; and

2 (ii) for whom the practitioner assumes
3 legal responsibility;

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

7 (C) a [~~registered nurse or~~] physician assistant
8 authorized by a practitioner to administer a prescription drug
9 order for a dangerous drug under Subchapter B, Chapter 157, or an
10 advanced practice registered nurse authorized by a practitioner to
11 administer a prescription drug order for a dangerous drug.

12 (34) "Practitioner" means:

13 (A) a person licensed or registered to prescribe,
14 distribute, administer, or dispense a prescription drug or device
15 in the course of professional practice in this state, including a
16 physician, dentist, podiatrist, advanced practice registered
17 nurse, or veterinarian but excluding a person licensed under this
18 subtitle;

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

23 (C) a person practicing in another state and
24 licensed by another state as a physician, dentist, veterinarian,
25 advanced practice registered nurse, or podiatrist, who has a
26 current federal Drug Enforcement Administration registration
27 number and who may legally prescribe a Schedule II, III, IV, or V

1 controlled substance, as specified under Chapter 481, Health and
2 Safety Code, in that other state; or

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

7 SECTION 3.018. Section 563.051(e), Occupations Code, is
8 amended to read as follows:

9 (e) A practitioner may designate a licensed vocational
10 nurse or a person having education equivalent to or greater than
11 that required for a licensed vocational nurse to communicate the
12 prescriptions of a [~~an advanced practice nurse or~~] physician
13 assistant authorized by the practitioner to sign prescription drug
14 orders under Subchapter B, Chapter 157, or an advanced practice
15 registered nurse.

16 SECTION 3.019. Section 563.053, Occupations Code, is
17 amended to read as follows:

18 Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN
19 RURAL AREAS. (a) In this section, "reimbursement for cost" means
20 an additional charge, separate from that imposed for the
21 physician's or advanced practice registered nurse's professional
22 services, that includes the cost of the drug product and all other
23 actual costs to the physician or advanced practice registered nurse
24 incidental to providing the dispensing service. The term does not
25 include a separate fee imposed for the act of dispensing the drug
26 itself.

27 (b) This section applies to an area located in a county with

1 a population of 5,000 or less, or in a municipality or an
2 unincorporated town with a population of less than 2,500, that is
3 within a 15-mile radius of the physician's or advanced practice
4 registered nurse's office and in which a pharmacy is not located.
5 This section does not apply to a municipality or an unincorporated
6 town that is adjacent to a municipality with a population of 2,500
7 or more.

8 (c) A physician who practices medicine or an advanced
9 practice registered nurse who practices professional nursing in an
10 area described by Subsection (b) may:

11 (1) maintain a supply of dangerous drugs in the
12 physician's or advanced practice registered nurse's office to be
13 dispensed in the course of treating the physician's or advanced
14 practice registered nurse's patients; and

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

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

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

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

23 (e) A physician who desires to dispense dangerous drugs
24 under this section shall notify both the board and the Texas Medical
25 [~~State~~] Board [~~of Medical Examiners~~] that the physician practices
26 in an area described by Subsection (b). An advanced practice
27 registered nurse who desires to dispense dangerous drugs under this

1 section shall notify both the board and the Texas Board of Nursing
2 that the advanced practice registered nurse practices in an area
3 described by Subsection (b). The physician or advanced practice
4 registered nurse may continue to dispense dangerous drugs in the
5 area until the board determines, after notice and hearing, that the
6 physician or advanced practice registered nurse no longer practices
7 in an area described by Subsection (b).

8 SECTION 3.020. Section 605.002(14), Occupations Code, is
9 amended to read as follows:

10 (14) "Orthotics" means the science and practice of
11 measuring, designing, fabricating, assembling, fitting, adjusting,
12 or servicing an orthosis under an order from a licensed physician,
13 chiropractor, or podiatrist, or ~~an~~ advanced practice registered
14 nurse, or from a physician assistant acting under the delegation
15 and supervision of a licensed physician as provided by Subchapter
16 B, Chapter 157, and rules adopted by the Texas Medical Board, for
17 the correction or alleviation of a neuromuscular or musculoskeletal
18 dysfunction, disease, injury, or deformity.

19 SECTION 3.021. Section 605.2515, Occupations Code, is
20 amended to read as follows:

21 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A
22 person licensed to practice orthotics or prosthetics who measures,
23 designs, fabricates, fits, assembles, adjusts, or services an
24 orthosis or a prosthesis under an order from a licensed physician,
25 chiropractor, or podiatrist, or ~~an~~ advanced practice registered
26 nurse, or from a physician assistant acting under the delegation
27 and supervision of a licensed physician as provided by Subchapter

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

13 ARTICLE 4. REPEALER

14 SECTION 4.001. The following sections of the Occupations
15 Code are repealed:

- 16 (1) Section 157.051(1);
17 (2) Section 157.058; and
18 (3) Section 301.168.

19 ARTICLE 5. TRANSITION AND EFFECTIVE DATE

20 SECTION 5.001. Not later than February 1, 2016, the Texas
21 Board of Nursing shall adopt the rules necessary to implement the
22 changes in law made by this Act.

23 SECTION 5.002. Notwithstanding any changes in law made by
24 this Act, an advanced practice registered nurse who has been
25 delegated the authority to prescribe and order drugs and medical
26 devices by a physician's protocol or order under Subchapter B,
27 Chapter 157, Occupations Code, may continue to exercise that

1 authority until February 1, 2016.

2 SECTION 5.003. This Act takes effect September 1, 2015.