

AN ACT

relating to the Texas Physician Assistant Board and the licensing and regulation of physician assistants.

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

SECTION 1. Section 157.0512, Occupations Code, is amended by amending Subsections (e) and (f) and adding Subsection (f-1) to read as follows:

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

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

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

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

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

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

(6) provide a plan for addressing patient emergencies;

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

1 and treatment of patients;

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

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

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

11 (9) describe a prescriptive authority quality  
12 assurance and improvement plan and specify methods for documenting  
13 the implementation of the plan that include [~~includes~~] the  
14 following:

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

18 (B) if the agreement is between a physician and  
19 an advanced practice registered nurse, periodic face-to-face  
20 meetings between the advanced practice registered nurse [~~or~~  
21 ~~physician assistant~~] and the physician at a location determined by  
22 the physician and the advanced practice registered nurse; and

23 (C) if the agreement is between a physician and a  
24 physician assistant, periodic meetings between the physician  
25 assistant and the physician [~~or physician assistant~~].

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

1 (1) include:

2 (A) the sharing of information relating to  
3 patient treatment and care, needed changes in patient care plans,  
4 and issues relating to referrals; and

5 (B) discussion of patient care improvement; and

6 (2) be documented and occur:

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

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

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

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

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

22 (ii) at least quarterly after the first  
23 anniversary of the date the agreement is executed, with monthly  
24 meetings held between the quarterly meetings by means of a remote  
25 electronic communications system, including videoconferencing  
26 technology or the Internet.

27 (f-1) The periodic meetings described by Subsection

- 1 (e)(9)(C) must:  
2 (1) include:  
3 (A) the sharing of information relating to  
4 patient treatment and care, needed changes in patient care plans,  
5 and issues relating to referrals; and  
6 (B) discussion of patient care improvement;  
7 (2) be documented; and  
8 (3) take place at least once a month in a manner  
9 determined by the physician and the physician assistant.

10 SECTION 2. Subchapter B, Chapter 204, Occupations Code, is  
11 amended by adding Section 204.0585 to read as follows:

12 Sec. 204.0585. EXECUTIVE SESSION. After hearing all  
13 evidence and arguments in an open meeting, the physician assistant  
14 board may conduct deliberations relating to a license application  
15 or disciplinary action in an executive session. The board shall  
16 vote and announce its decision in open session.

17 SECTION 3. Section 204.059, Occupations Code, is amended by  
18 amending Subsection (b) and adding Subsection (d) to read as  
19 follows:

20 (b) The training program must provide the person with  
21 information regarding:

- 22 (1) the law governing physician assistant board  
23 operations;  
24 (2) the [~~this chapter and the physician assistant~~  
25 ~~board's~~] programs, functions, rules, and budget of the physician  
26 assistant board;  
27 (3) the scope of and limitations on the rulemaking

1 authority of the physician assistant board;

2 (4) [~~(2)~~] the results of the most recent formal audit  
3 of the physician assistant board;

4 (5) [~~(3)~~] the requirements of:

5 (A) laws relating to open meetings, public  
6 information, administrative procedure, and disclosing conflicts of  
7 interest; and

8 (B) other laws applicable to members of the  
9 physician assistant board in performing their duties; and

10 (6) [~~(4)~~] any applicable ethics policies adopted by  
11 the physician assistant board or the Texas Ethics Commission.

12 (d) The executive director of the medical board shall create  
13 a training manual that includes the information required by  
14 Subsection (b). The executive director shall distribute a copy of  
15 the training manual annually to each physician assistant board  
16 member. On receipt of the training manual, each board member shall  
17 sign and submit to the executive director a statement acknowledging  
18 receipt of the training manual.

19 SECTION 4. Subchapter D, Chapter 204, Occupations Code, is  
20 amended by adding Section 204.1525 to read as follows:

21 Sec. 204.1525. CRIMINAL HISTORY RECORD INFORMATION  
22 REQUIREMENT FOR LICENSE ISSUANCE. (a) The physician assistant  
23 board shall require that an applicant for a license submit a  
24 complete and legible set of fingerprints, on a form prescribed by  
25 the board, to the board or to the Department of Public Safety for  
26 the purpose of obtaining criminal history record information from  
27 the Department of Public Safety and the Federal Bureau of

1 Investigation.

2 (b) The physician assistant board may not issue a license to  
3 a person who does not comply with the requirement of Subsection (a).

4 (c) The physician assistant board shall conduct a criminal  
5 history record information check of each applicant for a license  
6 using information:

7 (1) provided by the individual under this section; and

8 (2) made available to the board by the Department of  
9 Public Safety, the Federal Bureau of Investigation, and any other  
10 criminal justice agency under Chapter 411, Government Code.

11 (d) The physician assistant board may:

12 (1) enter into an agreement with the Department of  
13 Public Safety to administer a criminal history record information  
14 check required under this section; and

15 (2) authorize the Department of Public Safety to  
16 collect from each applicant the costs incurred by the Department of  
17 Public Safety in conducting the criminal history record information  
18 check.

19 SECTION 5. Section 204.153(a), Occupations Code, is amended  
20 to read as follows:

21 (a) To be eligible for a license under this chapter, an  
22 applicant must:

23 (1) successfully complete an educational program for  
24 physician assistants or surgeon assistants accredited by the  
25 Committee on Allied Health Education and Accreditation or by that  
26 committee's predecessor or successor entities;

27 (2) pass the Physician Assistant National Certifying

1 Examination administered by the National Commission on  
2 Certification of Physician Assistants;

3 (3) hold a certificate issued by the National  
4 Commission on Certification of Physician Assistants;

5 (4) [~~be of good moral character,~~

6 [~~5~~] meet any other requirement established by  
7 physician assistant board rule; and

8 (5) [~~6~~] pass a jurisprudence examination approved  
9 by the physician assistant board as provided by Subsection (a-1).

10 SECTION 6. Section 204.156, Occupations Code, is amended by  
11 amending Subsection (a) and adding Subsection (a-1) to read as  
12 follows:

13 (a) A license issued under this chapter is valid for a term  
14 of two or more years, as determined by physician assistant board  
15 rule.

16 (a-1) On notification from the physician assistant board, a  
17 person who holds a license under this chapter may renew the license  
18 by:

- 19 (1) paying the required renewal fee;  
20 (2) submitting the appropriate form; and  
21 (3) meeting any other requirement established by board  
22 rule.

23 SECTION 7. Subchapter D, Chapter 204, Occupations Code, is  
24 amended by adding Section 204.1561 to read as follows:

25 Sec. 204.1561. CRIMINAL HISTORY RECORD INFORMATION  
26 REQUIREMENT FOR RENEWAL. (a) An applicant for renewal of a  
27 license issued under this chapter shall submit a complete and

1 legible set of fingerprints for purposes of performing a criminal  
2 history record information check of the applicant as provided by  
3 Section 204.1525.

4 (b) The physician assistant board may administratively  
5 suspend or refuse to renew the license of a person who does not  
6 comply with the requirement of Subsection (a).

7 (c) A license holder is not required to submit fingerprints  
8 under this section for the renewal of the license if the holder has  
9 previously submitted fingerprints under:

10 (1) Section 204.1525 for the initial issuance of the  
11 license; or

12 (2) this section as part of a prior renewal of a  
13 license.

14 SECTION 8. Subchapter D, Chapter 204, Occupations Code, is  
15 amended by adding Section 204.158 to read as follows:

16 Sec. 204.158. REFUSAL FOR VIOLATION OF BOARD ORDER. The  
17 physician assistant board may refuse to renew a license issued  
18 under this chapter if the license holder is in violation of a  
19 physician assistant board order.

20 SECTION 9. Subchapter E, Chapter 204, Occupations Code, is  
21 amended by adding Section 204.210 to read as follows:

22 Sec. 204.210. PROTECTION FOR REFUSAL TO ENGAGE IN CERTAIN  
23 CONDUCT. (a) A person may not suspend, terminate, or otherwise  
24 discipline, discriminate against, or retaliate against:

25 (1) a physician assistant who refuses to engage in an  
26 act or omission as provided by Subsection (b); or

27 (2) a person who advises a physician assistant of the



1 physician assistant's rights under this section.

2 (b) A physician assistant may refuse to engage in an act or  
3 omission relating to patient care that would constitute grounds for  
4 reporting the physician assistant to the physician assistant board  
5 under Section 204.208 or that violates this chapter or a rule  
6 adopted under this chapter if the physician assistant notifies the  
7 person at the time of the refusal that the reason for refusing is  
8 that the act or omission:

9 (1) constitutes grounds for reporting the physician  
10 assistant to the physician assistant board; or

11 (2) is a violation of this chapter or a rule adopted  
12 under this chapter.

13 (c) An act by a person under Subsection (a) does not  
14 constitute a violation of this section if a medical peer review  
15 committee determines:

16 (1) that the act or omission the physician assistant  
17 refused to engage in was not:

18 (A) conduct reportable to the physician  
19 assistant board under Section 204.208; or

20 (B) a violation of this chapter or a rule adopted  
21 under this chapter; or

22 (2) that:

23 (A) the act or omission in which the physician  
24 assistant refused to engage was conduct reportable to the physician  
25 assistant board or a violation of this chapter or a rule adopted  
26 under this chapter; and

27 (B) the person:

1                   (i) rescinds any disciplinary or  
2 discriminatory action taken against the physician assistant;

3                   (ii) compensates the physician assistant  
4 for any lost wages; and

5                   (iii) restores to the physician assistant  
6 any lost benefits.

7           (d) A physician assistant's rights under this section may  
8 not be nullified by a contract.

9           (e) An appropriate licensing agency may take action against  
10 a person who violates this section.

11           SECTION 10. Section 204.313(a), Occupations Code, is  
12 amended to read as follows:

13           (a) In an informal meeting under Section 204.312, at least  
14 two panelists shall be appointed to determine whether an informal  
15 disposition is appropriate. At least one of the panelists must be a  
16 licensed physician assistant.

17           SECTION 11. Section 157.0512, Occupations Code, as amended  
18 by this Act, applies only to a prescriptive authority agreement  
19 entered into on or after the effective date of this Act. An  
20 agreement entered into before the effective date of this Act is  
21 governed by the law in effect on the date the agreement was entered  
22 into, and the former law is continued in effect for that purpose.

23           SECTION 12. (a) Except as provided by Subsection (b) of  
24 this section, Section 204.059, Occupations Code, as amended by this  
25 Act, applies to a member of the Texas Physician Assistant Board  
26 appointed before, on, or after the effective date of this Act.

27           (b) A member of the Texas Physician Assistant Board who,

1 before the effective date of this Act, completed the training  
2 program required by Section 204.059, Occupations Code, as that law  
3 existed before the effective date of this Act, is only required to  
4 complete additional training on the subjects added by this Act to  
5 the training program required by Section 204.059, Occupations Code.  
6 A board member described by this subsection may not vote,  
7 deliberate, or be counted as a member in attendance at a meeting of  
8 the board held on or after December 1, 2017, until the member  
9 completes the additional training.

10 SECTION 13. Not later than September 1, 2019, the Texas  
11 Physician Assistant Board shall obtain criminal history record  
12 information on each person who, on the effective date of this Act,  
13 holds a license issued under Chapter 204, Occupations Code, and did  
14 not undergo a criminal history record information check based on  
15 the license holder's fingerprints on the initial application for  
16 the license. The Texas Physician Assistant Board may suspend the  
17 license of a license holder who does not provide the criminal  
18 history record information as required by the board and this  
19 section.

20 SECTION 14. Section 204.210, Occupations Code, as added by  
21 this Act, applies only to an act or omission that occurs on or after  
22 the effective date of this Act. An act or omission that occurs  
23 before the effective date of this Act is governed by the law in  
24 effect on the date the act or omission occurred, and the former law  
25 is continued in effect for that purpose.

26 SECTION 15. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1625 passed the Senate on May 10, 2017, by the following vote: Yeas 30, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1625 passed the House, with amendments, on May 23, 2017, by the following vote: Yeas 145, Nays 0, two present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 117, Nays 29, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor