

By: Kolkhorst

H.B. No. 1055

A BILL TO BE ENTITLED

AN ACT

relating to the delegation and supervision of prescriptive authority by physicians to certain advanced practice registered nurses and physician assistants.

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

SECTION 1. The heading to Subchapter B, Chapter 157, Occupations Code, is amended to read as follows:

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

SECTION 2. Section 157.051, Occupations Code, is amended to read as follows:

(1) "Advanced practice registered nurse" has the meaning assigned to that term by Section 301.152. The term includes an advanced nurse practitioner and advanced practice nurse.

~~(2) "Carrying out or signing a prescription drug order" means completing a prescription drug order presigned by the delegating physician, or the signing of a prescription by a registered nurse or physician assistant.~~

~~(2-a)~~ (2-a) "Controlled substance" has the meaning assigned to that term by Section 481.002, Health and Safety Code.

~~(2-b3)~~ (2-b3) "Dangerous drug" has the meaning assigned to that term by Section 483.001, Health and Safety Code.

~~(2-c4)~~ (2-c4) "Health professional shortage area" means:

(A) an urban or rural area of this state that:

1 (i) is not required to conform to the
2 geographic boundaries of a political subdivision but is a rational
3 area for the delivery of health service;

4 (ii) the secretary of health and human
5 services determines has a health professional shortage; and

6 (iii) is not reasonably accessible to an
7 adequately served area;

8 (B) a population group that the secretary of
9 health and human services determines has a health professional
10 shortage; or

11 (C) a public or nonprofit private medical
12 facility or other facility that the secretary of health and human
13 services determines has a health professional shortage, as
14 described by 42 U.S.C. Section 254e(a)(1).

15 (5) "Hospital" means:

16 (A) a general hospital or a special hospital, as
17 those terms are defined by Section 241.003, including a hospital
18 maintained or operated by this state; or

19 (B) a mental hospital licensed under Chapter 577.

20 (6) "Medication order" has the meaning assigned by
21 Sections 551.003(24), Occupations Code and 481.002(28), Health and
22 Safety Code.

23 (7) "Nonprescription drug" has the meaning assigned by
24 Section 551.003(25).

25 (38) "Physician assistant" means a person who holds a
26 license issued under Chapter 204.

27 (9) "Physician group practice" means an entity for

which two or more physicians deliver health care to the public through the practice of medicine on a regular basis and that is:

(A) owned and operated by two or more physicians;

or

(B) a freestanding clinic, center, or office of a nonprofit health organization certified by the board under Section 162.001(b) that complies with the requirements of Chapter 162.

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

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

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

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

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

(E) a practice:

(i) that is either:

(a) located in an area in which the Texas Department of State Health Services determines there is an insufficient number of physicians providing services to eligible clients of federal, state, or locally funded health care programs;
or

(b) a practice that the Texas Department of State Health Services determines serves a

disproportionate number of clients eligible to participate in federal, state, or locally funded health care programs; and

(ii) for which the Texas Department of State Health Services publishes notice of its determination in the Texas Register and provides an opportunity for public comment in the manner provided for a proposed rule under Chapter 2001, Government Code;

(F) a practice at which a physician was delegating prescriptive authority to an advanced practice registered nurse or physician assistant on or before March 1, 2013 based on the practice qualifying as a site serving a medically underserved population.

(11) "Prescribe or order a drug or device" means prescribing or ordering a drug or device, including the issuing of a "prescription drug order" or a "medication order."

(12) "Prescription drug" has the meaning assigned by Section 551.003(36).

(13) "Prescriptive authority agreement" means an agreement entered into by a physician and an advanced practice registered nurse or physician assistant through which the physician delegates to the advanced practice registered nurse or physician assistant the act of prescribing or ordering a drug or device.

SECTION 3. Sections 157.0511(a), (b) and (b-1), Occupations Code, are amended, and a new Section (b-1) is added, to read as follows:

(a) A physician's authority to delegate the ~~carrying out or signing of a prescription drug order~~ prescribing and ordering of a

1 drug or device under this subchapter is limited to:

- 2 (1) non prescription drugs;
- 3 (2) dangerous drugs; and
- 4 (3) controlled substances to the extent provided by
- 5 Subsection (b) and (b-1).

6 (b) Except as provided in (b-1), a ~~A~~ physician may delegate

7 the ~~carrying out or signing of a prescription drug order~~

8 prescribing or ordering of a drug or device for a controlled

9 substance only if:

10 (1) the prescription is for a controlled substance

11 listed in Schedule III, IV, or V as established by the commissioner

12 of State Health Services under Chapter 481, Health and Safety Code;

13 (2) the prescription, including a refill of the

14 prescription, is for a period not to exceed 90 days;

15 (3) with regard to the refill of a prescription, the

16 refill is authorized after consultation with the delegating

17 physician and the consultation is noted in the patient's chart; and

18 (4) with regard to a prescription for a child less than

19 two years of age, the prescription is made after consultation with

20 the delegating physician and the consultation is noted in the

21 patient's chart.

22 (b-1) A physician may delegate the prescribing or ordering

23 of a controlled substance listed in Schedule II as established by

24 the commissioner of state health services under Chapter 481, Health

25 and Safety Code only:

26 (1) in a hospital facility-based practice under

27 Section 157.054 and in accordance with policies approved by the

1 facility's medical staff or a committee of the facility's medical
2 staff as provided by the facility bylaws to ensure patient safety;
3 or

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

8 (b-~~12~~) The board shall adopt rules that require a physician
9 who delegates the prescribing or ordering of a drug or device
10 ~~carrying out or signing of a prescription drug order~~ [under this
11 ~~subchapter~~] to register with the board the name and license number
12 of the physician assistant or advanced practice registered nurse to
13 whom a delegation is made. The board may develop and use an
14 electronic online delegation registration process for registration
15 under this subsection.

16 SECTION 4. Subchapter B, Chapter 157, Occupations Code, is
17 amended by adding Sections 157.0512, 157.0513, and 157.0514 to read
18 as follows:

19 Sec. 157.0512. PRESCRIPTIVE AUTHORITY AGREEMENT. (a) A
20 physician may delegate to an advanced practice registered nurse or
21 physician assistant, acting under adequate physician supervision,
22 the act of prescribing or ordering a drug or device as authorized
23 through a prescriptive authority agreement between the physician
24 and the advanced practice registered nurse or physician assistant,
25 as applicable.

26 (b) A physician and an advanced practice registered nurse or
27 physician assistant are eligible to enter into or be a party to a

prescriptive authority agreement only if:

(1) the Texas Board of Nursing has approved the advanced practice registered nurse's authority to prescribe or order a drug or device as authorized in this Chapter this Subchapter;

(2) the advanced practice registered nurse or physician assistant:

(A) holds an active license to practice in this state as a registered nurse or physician assistant, as applicable, and is in good standing in this state; and

(B) is not currently prohibited by the Texas Board of Nursing or Texas Board of Physician Assistants, as applicable, from executing a prescriptive authority agreement; and

(3) prior to executing a prescriptive authority agreement, an advanced practice registered nurse, physician assistant, and physician must disclose to the other prospective party any prior disciplinary action by the board, Texas Board of Nursing, or Texas Board of Physician Assistants, as applicable.

(c) Except as provided in Subsection (d), the combined number of advanced practice registered nurses and physician assistants with whom a physician may enter into a prescriptive authority agreement may not exceed seven advanced practice registered nurses and physician assistants or the full-time equivalent of seven advanced practice registered nurses and physician assistants.

(d) Subsection (c) does not apply to a prescriptive authority agreement if the prescriptive authority is being exercised in:

1 (1) a practice serving a medically underserved
2 population; or

3 (2) a hospital facility-based practice in a hospital
4 under Section 157.054.

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

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

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

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

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

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

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

18 (7) state the general process for communication and
19 sharing of information between the physician and an advanced
20 practice registered nurse or physician assistant to whom the
21 physician has delegated prescriptive authority related to the care
22 and treatment of patients.

23 (8) if alternate physician supervision is to be
24 utilized, designate one or more alternate physicians who may
25 provide appropriate supervision on a temporary basis in accordance
26 with the requirements established by the prescriptive authority
27 agreement and the requirements of this Subchapter and who may

participate in the prescriptive authority quality assurance and improvement plan meetings required under this Section; and

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

(A) chart review with the number of charts reviewed determined by the physician and advanced practice registered nurse or physician assistant;

(B) periodic face-to-face meetings of the advanced practice registered nurse or physician assistant with the physician at a location determined by the physician and advanced practice registered nurse or physician assistant. The meetings shall include:

(i) sharing of information relating to patients' treatment and care, needed changes in patient care plans, and issues relating to referrals; and

(ii) discussion of patient care improvement.

(C) The periodic face-to-face meetings described in (9)(B) shall be documented and occur:

(i)(a) no less frequently than monthly for three years beginning on the date of execution of the agreement; and

(b) no less frequently than quarterly after three years with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or

(ii) if during the seven year period

1 immediately preceding execution of the prescriptive authority
2 agreement, the advanced practice registered nurse or physician
3 assistant was in practice for at least five years that included the
4 exercise of prescriptive authority with required physician
5 supervision:

6 (a) no less frequently than monthly for one
7 year beginning on the date of execution of the agreement; and

8 (b) no less frequently than quarterly after
9 one year with monthly meetings held between the quarterly meetings
10 by means of a remote electronic communications system, including
11 videoconferencing technology or the Internet.

12 (f) The prescriptive authority agreement may include other
13 provisions agreed to by the physician and advanced practice
14 registered nurse or physician assistant.

15 (g) If the parties to the prescriptive authority agreement
16 practice in a physician group practice, the physician may appoint
17 one or more alternate supervising physicians designated under
18 (E)(8) of this Section, if any, to conduct and document the quality
19 assurance meeting in accordance with the requirements of this
20 Subchapter.

21 (h) The prescriptive authority agreement need not describe
22 the exact steps that an advanced practice registered nurse or
23 physician assistant must take with respect to each specific
24 condition, disease, or symptom.

25 (i) A physician, advanced practice registered nurse, or
26 physician assistant who is a party to a prescriptive authority
27 agreement must retain a copy of the agreement until the second

1 anniversary of the date the agreement is terminated.

2 (j) A party to a prescriptive authority agreement may not by
3 contract waive, void, or nullify any provision of this section or
4 Section 157.0513.

5 (k) In the event a party to a prescriptive authority
6 agreement is notified that he or she has become the subject of an
7 investigation by the board, Texas Board of Nursing, or Texas Board
8 of Physician Assistants, the individual must immediately notify the
9 other party to the prescriptive authority agreement.

10 (l) The prescriptive authority agreement and any amendments
11 must be reviewed at least annually, dated, and signed by the parties
12 to the agreement, and made available to the board, Texas Board of
13 Nursing, or Texas Board of Physician Assistants within three
14 business days of receipt of request, if any.

15 (m) The prescriptive authority agreement should promote the
16 exercise of professional judgment by the advanced practice
17 registered nurse or physician assistant commensurate with the
18 advanced practice registered nurse's or physician assistant's
19 education and experience and the relationship between the advanced
20 practice registered nurse or physician assistant and physician.

21 (n) This section shall be liberally construed to allow the
22 use of prescriptive authority agreements to safely and effectively
23 utilize the skills and services of advanced practice registered
24 nurses and physician assistants.

25 (o) The board may not adopt rules pertaining to the elements
26 of the prescriptive authority agreement that would impose
27 requirements in addition to those required under this Section. The

1 board, Texas Board of Nursing, and Texas Board of Physician
2 Assistants will jointly develop Frequently Asked Questions (FAQs)
3 by January 2014.

4 SECTION 5. Sec. 157.0513. PRESCRIPTIVE AUTHORITY
5 AGREEMENT: INFORMATION. (a) The board shall jointly with the Texas
6 Board of Nursing and the Texas Physician Assistant Board develop a
7 process:

8 (1) to exchange information regarding the names,
9 locations, and license numbers of each physician, advanced practice
10 registered nurse, and physician assistant who has entered into a
11 prescriptive authority agreement;

12 (2) by which each board shall immediately notify the
13 other boards when one of its licensees becomes the subject of an
14 investigation involving the delegation and supervision of
15 prescriptive authority, as well as the final disposition of any
16 such investigation; and

17 (3) for each board to maintain and share a list of its
18 licensees who have been subject to a final adverse disciplinary
19 action for an act involving the delegation and supervision of
20 prescriptive authority.

21 (b) The board, Texas Board of Nursing, or Texas Physician
22 Assistant Board may use a notice received under Section (a)(2) to
23 open an investigation against a licensee who is a party to a
24 prescriptive authority agreement with the licensee who is under
25 investigation by the board which provided notice under Section
26 (a)(2).

27 (c) The board shall maintain and make available to the

1 public an online searchable list of physician, advanced practice
2 registered nurses, and physician assistants who have entered into a
3 prescriptive authority agreement authorized under Section 157.0512
4 and identify the physician with whom each advanced practice
5 registered nurse and physician assistant has entered into an
6 agreement.

7 (d) The board shall collaborate with the Texas Board of
8 Nursing and Texas Physician Assistant Board to maintain and make
9 available to the public a list of physicians, advanced practice
10 registered nurses, and physician assistants who are prohibited from
11 entering into or practicing under a prescriptive authority
12 agreement.

13 SECTION 6. Sec. 157.0514. PRESCRIPTIVE AUTHORITY
14 AGREEMENT: INSPECTIONS. If the board is notified under Section
15 157.0513(a)(2), the board or an authorized board representative may
16 enter, with reasonable notice and at a reasonable time, unless the
17 notice would jeopardize an investigation, a site where a party to a
18 prescriptive authority agreement practices to inspect and audit any
19 records or activities relating to the implementation and operation
20 of the agreement. To the extent reasonably possible, the board and
21 the board's authorized representative shall conduct any inspection
22 or audit under this subsection in a manner that minimizes
23 disruption to the delivery of patient care.

24 SECTION 7. Section 157.054, Occupations Code, is amended to
25 read as follows:

26 Sec. 157.054. PRESCRIBING AT FACILITY-BASED PRACTICE
27 SITES. (a) One or more physicians licensed by the board may

1 delegate, to one or more physician assistants or advanced practice
2 registered nurses acting under adequate physician supervision
3 whose practice is facility-based at a ~~licensed~~ hospital as defined
4 under Section 157.051 or licensed long-term care facility, the
5 administration or provision of a drug and the ~~carrying out or~~
6 ~~signing of a prescription drug order~~ prescribing or ordering of a
7 drug or device if the physician is:

8 (1) the medical director or chief of medical staff of
9 the facility in which the physician assistant or advanced practice
10 registered nurse practices;

11 (2) the chair of the facility's credentialing
12 committee;

13 (3) a department chair of a facility department in
14 which the physician assistant or advanced practice nurse practices;
15 or

16 (4) one or more physicians who consent to the request
17 of the medical director or chief of medical staff to delegate the
18 ~~carrying out or signing of a prescription drug order~~ prescribing or
19 ordering of a drug or device at the facility in which the physician
20 assistant or advanced practice nurse practices.

21 (a-1) The limits on the number of Advanced Practice
22 Registered Nurses or Physician Assistants to whom a physician may
23 delegate under Section 157.0512 do not apply to a physician under
24 (a)(4) whose practice is facility-based under this Section,
25 provided that the physician is not delegating in a freestanding
26 clinic, center, or practice of the facility.

27 (b) A physician's authority to delegate under Subsection

(a) is limited as follows:

(1) the delegation must be made under a physician's order, standing medical order, standing delegation order, or another order or protocol developed in accordance with policies approved by the facility's medical staff or a committee of the facility's medical staff as provided by the facility bylaws;

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

(3) the delegation may not permit the ~~carrying out or signing of prescription drug orders~~ prescribing or ordering of a drug or device for the care or treatment of the patients of any other physician without the prior consent of that physician; and

(4) delegation in a long-term care facility must be by the medical director and is limited to the ~~carrying out and signing of prescription drug orders~~ prescribing or ordering of a drug or device to not more than ~~four~~ seven advanced practice nurses or physician assistants or their full-time equivalents. ~~and~~

~~(5) a facility based physician may not delegate at more than one licensed hospital or more than two long-term care facilities unless approved by the board.~~

(c) Physician supervision of the ~~carrying out and signing of prescription drug orders~~ prescribing or ordering of a drug or device must conform to what a reasonable, prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular advanced practice

1 registered nurse or physician assistant. A physician shall provide
2 continuous supervision, but the constant physical presence of the
3 physician is not required.

4 (d) An alternate physician may provide appropriate
5 supervision on a temporary basis as defined and established by
6 board rule.

7 SECTION 8. Section 156.056(a) and (b), Occupations Code,
8 are amended to read as follows:

9 (a) In this section, "~~site~~ practice serving a medically
10 underserved population" has the meaning assigned by Section 157.051
11 ~~157.052~~.

12 (b) The board by rule shall permit a license holder to
13 complete half of any informal continuing medical education hours
14 required under this subchapter by providing volunteer medical
15 services at a ~~site~~ practice serving a medically underserved
16 population other than a site that is a primary practice site of the
17 license holder.

18 SECTION 9. Section 157.057, Occupations Code, is amended to
19 read as follows:

20 Sec. 157.057. ADDITIONAL IMPLEMENTATION METHODS. The board
21 may adopt additional methods to implement:

- 22 (1) a physician's prescription; or
23 (2) the delegation of prescriptive authority ~~the~~
24 ~~signing of a prescription under a physician's order, standing~~
25 ~~medical order, standing delegation order, or other order or~~
26 ~~protocol~~.

27 SECTION 10. Sec. 157.059. DELEGATION REGARDING CERTAIN

1 OBSTETRICAL SERVICES.

2 (a) In this section, "provide" means to supply, for a term
3 not to exceed 48 hours, one or more unit doses of a controlled
4 substance for the immediate needs of a patient.

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

12 (c) The physician may not delegate:

13 (1) the use of a prescription sticker or the use or
14 issuance of an official prescription form; or

15 (2) the authority to issue an electronic prescription
16 under Section 481.075, Health and Safety Code.

17 (d) The delegation of authority to administer or provide
18 controlled substances under Subsection (b) must be under a
19 physician's order, medical order, standing delegation order,
20 prescriptive authority agreement, or protocol that requires
21 adequate and documented availability for access to medical care.

22 (e) The physician's orders, medical orders, standing
23 delegation orders, or protocols must require the reporting of or
24 monitoring of each client's progress, including complications of
25 pregnancy and delivery and the administration and provision of
26 controlled substances by the nurse midwife or physician assistant
27 to the clients of the nurse midwife or physician assistant.

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

3 (1) ~~four~~ seven nurse midwives or physician assistants
4 or their full-time equivalents; and

5 (2) the designated facility at which the nurse midwife
6 or physician assistant provides care.

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

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

11 (2) the drug to be provided;

12 (3) the name, address, and telephone number of the
13 physician;

14 (4) the name, address, and telephone number of the
15 nurse midwife or physician assistant; and

16 (5) the date.

17 (h) This section does not authorize a physician, physician
18 assistant, or nurse midwife to operate a retail pharmacy as defined
19 under Subtitle J.

20 (i) This section authorizes a physician to delegate the act
21 of administering or providing a controlled substance to a nurse
22 midwife or physician assistant but does not require physician
23 delegation of:

24 (1) further acts to a nurse midwife; or

25 (2) the administration of medications by a physician
26 assistant or registered nurse other than as provided by this
27 section.

(j) This section does not limit the authority of a physician to delegate the ~~carrying out or signing of a prescription drug order involving~~ the prescribing or ordering a controlled substance under this subchapter.

SECTION 11. Section 157.060, Occupations Code, is amended to read as follows:

Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT. Unless the physician has reason to believe the physician assistant or advanced practice registered nurse lacked the competency to perform the act, a physician is not liable for an act of a physician assistant or advanced registered practice nurse solely because the physician signed a standing medical order, a standing delegation order, or another order or protocol or entered into a prescriptive authority agreement authorizing the physician assistant or advanced practice registered nurse to administer, provide, ~~carry out,~~ prescribe or order a drug or device. ~~sign a prescription drug order.~~

SECTION 12. Section 204.1565(a) and (b), Occupations Code, are amended to read as follows:

(a) In this section, "~~site~~ practice serving a medically underserved population" has the meaning assigned by Section 157.051. 157.052.

(b) The physician assistant board by rule shall permit a license holder to complete half of any informal continuing medical education hours required to renew a license under this chapter by providing volunteer medical services at a ~~site~~ practice serving a medically underserved population, other than a site that is a

1 primary practice site of the license holder.

2 SECTION 13. Section 204.202(b), Occupations Code, is
3 amended to read as follows:

4 (b) Medical services provided by a physician assistant may
5 include:

6 (1) obtaining patient histories and performing
7 physical examinations;

8 (2) ordering or performing diagnostic and therapeutic
9 procedures;

10 (3) formulating a working diagnosis;

11 (4) developing and implementing a treatment plan;

12 (5) monitoring the effectiveness of therapeutic
13 interventions;

14 (6) assisting at surgery;

15 (7) offering counseling and education to meet patient
16 needs;

17 (8) requesting, receiving, and signing for the receipt
18 of pharmaceutical sample prescription medications and distributing
19 the samples to patients in a specific practice setting in which the
20 physician assistant is authorized to prescribe pharmaceutical
21 medications and sign prescription drug orders as provided by
22 Section 157.0512 [~~157.052, 157.053~~], or 157.054, [~~157.0541~~] ~~or~~
23 ~~157.0542 [or as otherwise authorized by physician assistant board~~
24 ~~rule]~~;

25 (9) ~~signing or completing a prescription~~ prescribing
26 or ordering a drug or device as provided by Subchapter B, Chapter
27 157; and

(10) making appropriate referrals.

SECTION 14. Section 301.002(2), Occupations Code, is amended 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. 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 treatment as ordered by a physician, podiatrist, or dentist;

(D) the supervision or teaching of nursing;

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

(F) the requesting, receiving, signing for, and distribution of prescription drug samples to patients at ~~sites in~~ practices at which an advanced practice registered nurse is authorized to sign prescription drug orders or a medication order as provided by Subchapter B, Chapter 157;

(G) the performance of an act delegated by a physician under Section 157.0512 [~~157.052, 157.053~~], 157.054, [~~157.0541,~~] ~~157.0542,~~ 157.058, or 157.059; and

(H) the development of the nursing care plan.

SECTION 15. Section 301.152 (a) and (b), Occupations Code, are amended to read as follows:

(a) In this section, "advanced practice registered nurse" means a registered nurse ~~approved~~ 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. The term is synonymous with "advanced nurse practitioner" and "advanced practice nurse."

(b) The board shall adopt rules to:

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

(~~1~~2) establish:

(A) any specialized education or training, including pharmacology, that an advanced practice registered nurse must have to ~~carry out a prescription drug order~~ prescribe or order a drug or device as delegated by a physician under Section 157.0512, or 157.054, or 157.0542 [Section 157.052]; and

(B) a system for:

(i) approving an advanced practice registered nurse to prescribe and order a drug or device as delegated by a physician under Section 157.0512 or 157.054 upon the providing of ~~assigning an identification number to a registered~~

~~nurse who provides the board with evidence of completing the specialized education and training requirement under Subdivision (1)(A); and~~

(ii) issuing a prescription authorization number to advanced practice registered nurses approved under (i).

(3) renew the license issued under (1) and the approval granted under (2)(B) concurrently with renewal of the advanced practice registered nurse's professional nursing license under Section 301.301.

~~(2) approve a registered nurse as an advanced registered practice nurse; and~~

~~(3) initially approve and biennially renew an advanced practice registered nurse's authority to carry out or sign a prescription drug order under Chapter 157.~~

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

(1) require completion of pharmacology and related ~~pathology~~ pathophysiology education for initial approval; and

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

~~(3) provide for the issuance of a prescription authorization number to an advanced practice nurse approved under this section.~~

(d) The signature of an advanced practice registered nurse attesting to the provision of a legally authorized service by the

1 advanced practice registered nurse satisfies any documentation
2 requirement for that service established by a state agency.

3 SECTION 16. Sections 551.003(34) and (45), Occupations
4 Code, are amended to read as follows:

5 (34) "Practitioner" means:

6 (A) a person licensed or registered to prescribe,
7 distribute, administer, or dispense a prescription drug or device
8 in the course of professional practice in this state, including a
9 physician, dentist, podiatrist, or veterinarian but excluding a
10 person licensed under this subtitle;

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

15 (C) a person practicing in another state and
16 licensed by another state as a physician, dentist, veterinarian, or
17 podiatrist, who has a current federal Drug Enforcement
18 Administration registration number and who may legally prescribe a
19 Schedule II, III, IV, or V controlled substance, as specified under
20 Chapter 481, Health and Safety Code, in that other state; or

21 (D) an advanced practice registered nurse or
22 physician assistant to whom a physician has delegated the authority
23 to ~~carry out or sign prescription drug orders~~ prescribe or order a
24 drug or device under Section 157.0511, 157.0512 [~~157.052, 157.053~~],
25 or 157.054, [~~157.0541, 157.0542~~].

26 (45) "Written protocol" means a physician's order,
27 standing medical order, standing delegation order, or other order

or protocol as defined by rule of the Texas Medical ~~[State]~~ Board
~~[of Medical Examiners]~~ under Subtitle B.

SECTION 17. Section 671.001, Government Code, is amended by
amending Subsection (b) and adding Subsection (b-1) to read as
follows:

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

(1) a licensed advanced practice registered nurse as
defined by Section 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;

(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 pursuant to a prescriptive authority agreement under
Chapter 157, Occupations Code. ~~[perform all supervisory functions~~
~~described by Section 157.052(e), Occupations Code];~~

(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

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

SECTION 18. 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, 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, 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

(D) an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to ~~carry out or sign prescription drug orders~~ prescribe or order a drug or device under Section 157.0511, 157.0512 [~~157.052, 157.053~~], or 157.054, [~~157.0541, or 157.0542~~], Occupations Code.

SECTION 19. Section 483.001(12), Health and Safety Code, is amended to read as follows:

(12) "Practitioner" means [~~a person licensed~~]:

(A) a person licensed by the Texas [~~State Board of~~] Medical Board [~~Examiners~~], State Board of Dental Examiners,

1 Texas State Board of Podiatric Medical Examiners, Texas Optometry
2 Board, or State Board of Veterinary Medical Examiners to prescribe
3 and administer dangerous drugs;

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

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

10 (D) an advanced practice registered nurse or
11 physician assistant to whom a physician has delegated the authority
12 to ~~carry out or sign prescription drug orders~~ prescribe or order a
13 drug or device under Section 157.0511, 157.0512 [~~157.052, 157.053~~],
14 or 157.054, [~~157.0541~~] ~~or 157.0542~~, Occupations Code.

15 SECTION 20. Sections 157.052, 157.053, 157.0541, and
16 157.0542, Occupations Code, are repealed.

17 SECTION 21. (a) The changes in law made by this Act apply
18 only to a delegation of prescriptive authority by a physician to an
19 advanced practice registered nurse or physician assistant made or
20 amended on or after January 31, 2014. A delegation of prescriptive
21 authority made or amended before January 31, 2014, is governed by
22 the law in effect on the date the delegation was made or amended,
23 and the former law is continued in effect for that purpose.

24 (b) Any calculation under this Act requiring the amount of
25 time an advanced practice registered nurse or physician assistant
26 has practiced under the delegated prescriptive authority of a
27 physician pursuant to a prescriptive authority agreement shall

1 include the amount of time the advanced practice registered nurse
2 or physician assistant practiced under the delegated prescriptive
3 authority of that physician prior to the effective date of this Act.

4 SECTION 22. Not later than December 31, 2013, the Texas
5 Medical Board shall adopt the rules necessary to implement the
6 changes in law made by this Act.

7 SECTION 23. This Act takes effect September 1, 2013.