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S.B. No. 406

A BILL TO BE ENTITLED

AN ACT

relating to the delegation of prescriptive authority by physicians to and the supervision by physicians of 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:

Sec. 157.051. DEFINITIONS. In this subchapter:

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

(3) ~~[(2-b)]~~ "Dangerous drug" has the meaning assigned to that term by Section 483.001, Health and Safety Code.

1 (4) "Health professional shortage area" means:

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

3 (i) is not required to conform to the
4 geographic boundaries of a political subdivision but is a rational
5 area for the delivery of health services;

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

8 (iii) is not reasonably accessible to an
9 adequately served area;

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

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

17 (5) "Hospital" means:

18 (A) a general hospital or a special hospital, as
19 those terms are defined by Section 241.003, Health and Safety Code,
20 including a hospital maintained or operated by the state; or

21 (B) a mental hospital licensed under Chapter 577,
22 Health and Safety Code.

23 (6) "Medication order" has the meanings assigned by
24 Section 551.003 of this code and Section 481.002, Health and Safety
25 Code.

26 (7) "Nonprescription drug" has the meaning assigned by
27 Section 551.003.

1 (8) [~~3~~] "Physician assistant" means a person who
2 holds a license issued under Chapter 204.

3 (9) "Physician group practice" means an entity through
4 which two or more physicians deliver health care to the public
5 through the practice of medicine on a regular basis and that is:

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

8 (B) a freestanding clinic, center, or office of a
9 nonprofit health organization certified by the board under Section
10 162.001(b) that complies with the requirements of Chapter 162.

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

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

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

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

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

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

24 (F) a practice:

25 (i) that either:

26 (a) is located in an area in which the
27 Department of State Health Services determines there is an

1 insufficient number of physicians providing services to eligible
2 clients of federally, state, or locally funded health care
3 programs; or

4 (b) is a practice that the Department
5 of State Health Services determines serves a disproportionate
6 number of clients eligible to participate in federally, state, or
7 locally funded health care programs; and

8 (ii) for which the Department of State
9 Health Services publishes notice of the department's determination
10 in the Texas Register and provides an opportunity for public
11 comment in the manner provided for a proposed rule under Chapter
12 2001, Government Code; or

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

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

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

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

1 SECTION 3. Section 157.0511, Occupations Code, is amended
2 to read as follows:

3 Sec. 157.0511. DELEGATION OF PRESCRIBING AND ORDERING DRUGS
4 AND DEVICES [~~PRESCRIPTION DRUG ORDERS~~]. (a) A physician's
5 authority to delegate the prescribing or ordering of a drug or
6 device [~~carrying out or signing of a prescription drug order~~] under
7 this subchapter is limited to:

- 8 (1) nonprescription drugs;
- 9 (2) dangerous drugs; and
- 10 (3) [~~(2)~~] controlled substances to the extent
11 provided by Subsections [~~Subsection~~] (b) and (b-1).

12 (b) Except as provided by Subsection (b-1), a [~~A~~] physician
13 may delegate the prescribing or ordering of [~~carrying out or~~
14 ~~signing of a prescription drug order for~~] a controlled substance
15 only if:

16 (1) the prescription is for a controlled substance
17 listed in Schedule III, IV, or V as established by the commissioner
18 of the Department of State Health Services [~~public health~~] under
19 Chapter 481, Health and Safety Code;

20 (2) the prescription, including a refill of the
21 prescription, is for a period not to exceed 90 days;

22 (3) with regard to the refill of a prescription, the
23 refill is authorized after consultation with the delegating
24 physician and the consultation is noted in the patient's chart; and

25 (4) with regard to a prescription for a child less than
26 two years of age, the prescription is made after consultation with
27 the delegating physician and the consultation is noted in the

1 patient's chart.

2 (b-1) A physician may delegate the prescribing or ordering
3 of a controlled substance listed in Schedule II as established by
4 the commissioner of the Department of State Health Services under
5 Chapter 481, Health and Safety Code, only:

6 (1) in a hospital facility-based practice under
7 Section 157.054 and in accordance with policies approved by the
8 facility's medical staff or a committee of the facility's medical
9 staff as provided by the facility bylaws to ensure patient safety;
10 or

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

15 (b-2) The board shall adopt rules that require a physician
16 who delegates the prescribing or ordering of a drug or device
17 ~~[carrying out or signing of a prescription drug order under this~~
18 ~~subchapter]~~ to register with the board the name and license number
19 of the physician assistant or advanced practice registered nurse to
20 whom a delegation is made. The board may develop and use an
21 electronic online delegation registration process for registration
22 under this subsection.

23 (c) This subchapter does not modify the authority granted by
24 law for a licensed registered nurse or physician assistant to
25 administer or provide a medication, including a controlled
26 substance listed in Schedule II as established by the commissioner
27 of the Department of State Health Services ~~[public health]~~ under

1 Chapter 481, Health and Safety Code, that is authorized by a
2 physician under a physician's order, standing medical order,
3 standing delegation order, or protocol.

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

7 Sec. 157.0512. PRESCRIPTIVE AUTHORITY AGREEMENT. (a) A
8 physician may delegate to an advanced practice registered nurse or
9 physician assistant, acting under adequate physician supervision,
10 the act of prescribing or ordering a drug or device as authorized
11 through a prescriptive authority agreement between the physician
12 and the advanced practice registered nurse or physician assistant,
13 as applicable.

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

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

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

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

26 (B) is not currently prohibited by the Texas
27 Board of Nursing or the Texas Physician Assistant Board, as

1 applicable, from executing a prescriptive authority agreement; and

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

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

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

18 (1) a practice serving a medically underserved
19 population; or

20 (2) a facility-based practice in a hospital under
21 Section 157.054.

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

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

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

27 (3) state the nature of the practice, practice

1 locations, or practice settings;

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

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

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

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

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

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

19 (B) participate in the prescriptive authority
20 quality assurance and improvement plan meetings required under this
21 section; and

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

25 (A) chart review, with the number of charts to be
26 reviewed determined by the physician and advanced practice
27 registered nurse or physician assistant; and

1 (B) periodic face-to-face meetings between the
2 advanced practice registered nurse or physician assistant and the
3 physician at a location determined by the physician and the
4 advanced practice registered nurse or physician assistant.

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

7 (1) include:

8 (A) the sharing of information relating to
9 patient treatment and care, needed changes in patient care plans,
10 and issues relating to referrals; and

11 (B) discussion of patient care improvement; and

12 (2) be documented and occur:

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

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

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

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

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

1 (ii) at least quarterly after the first
2 anniversary of the date the agreement is executed, with monthly
3 meetings held between the quarterly meetings by means of a remote
4 electronic communications system, including videoconferencing
5 technology or the Internet.

6 (g) The prescriptive authority agreement may include other
7 provisions agreed to by the physician and advanced practice
8 registered nurse or physician assistant.

9 (h) If the parties to the prescriptive authority agreement
10 practice in a physician group practice, the physician may appoint
11 one or more alternate supervising physicians designated under
12 Subsection (e)(8), if any, to conduct and document the quality
13 assurance meetings in accordance with the requirements of this
14 subchapter.

15 (i) The prescriptive authority agreement need not describe
16 the exact steps that an advanced practice registered nurse or
17 physician assistant must take with respect to each specific
18 condition, disease, or symptom.

19 (j) A physician, advanced practice registered nurse, or
20 physician assistant who is a party to a prescriptive authority
21 agreement must retain a copy of the agreement until the second
22 anniversary of the date the agreement is terminated.

23 (k) A party to a prescriptive authority agreement may not by
24 contract waive, void, or nullify any provision of this section or
25 Section 157.0513.

26 (l) In the event that a party to a prescriptive authority
27 agreement is notified that the individual has become the subject of

1 an investigation by the board, the Texas Board of Nursing, or the
2 Texas Physician Assistant Board, the individual shall immediately
3 notify the other party to the prescriptive authority agreement.

4 (m) The prescriptive authority agreement and any amendments
5 must be reviewed at least annually, dated, and signed by the parties
6 to the agreement. The prescriptive authority agreement and any
7 amendments must be made available to the board, the Texas Board of
8 Nursing, or the Texas Physician Assistant Board not later than the
9 third business day after the date of receipt of request, if any.

10 (n) The prescriptive authority agreement should promote the
11 exercise of professional judgment by the advanced practice
12 registered nurse or physician assistant commensurate with the
13 advanced practice registered nurse's or physician assistant's
14 education and experience and the relationship between the advanced
15 practice registered nurse or physician assistant and the physician.

16 (o) This section shall be liberally construed to allow the
17 use of prescriptive authority agreements to safely and effectively
18 utilize the skills and services of advanced practice registered
19 nurses and physician assistants.

20 (p) The board may not adopt rules pertaining to the elements
21 of a prescriptive authority agreement that would impose
22 requirements in addition to the requirements under this section.

23 (q) The board, the Texas Board of Nursing, and the Texas
24 Physician Assistant Board shall jointly develop responses to
25 frequently asked questions relating to prescriptive authority
26 agreements not later than January 1, 2014. This subsection expires
27 January 1, 2015.

Sec. 157.0513. PRESCRIPTIVE AUTHORITY AGREEMENT:

INFORMATION. (a) The board, the Texas Board of Nursing, and the Texas Physician Assistant Board shall jointly develop a process:

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

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

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

(b) If the board, the Texas Board of Nursing, or the Texas Physician Assistant Board receives a notice under Subsection (a)(2), the board that received notice may open an investigation against a license holder of the board who is a party to a prescriptive authority agreement with the license holder who is under investigation by the board that provided notice under Subsection (a)(2).

(c) The board shall maintain and make available to the public a searchable online list of physicians, advanced practice registered nurses, and physician assistants who have entered into a prescriptive authority agreement authorized under Section 157.0512

1 and identify the physician, advanced practice registered nurse, or
2 physician assistant with whom each physician, advanced practice
3 registered nurse, and physician assistant has entered into a
4 prescriptive authority agreement.

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

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

22 SECTION 5. Section 157.054, Occupations Code, is amended by
23 amending Subsections (a), (b), and (c) and adding Subsections (a-1)
24 and (b-1) to read as follows:

25 (a) One or more physicians [~~A physician~~] licensed by the
26 board may delegate, to one or more physician assistants or advanced
27 practice registered nurses acting under adequate physician

1 supervision whose practice is facility-based at a [~~licensed~~
2 hospital or licensed long-term care facility, the administration or
3 provision of a drug and the prescribing or ordering of a drug or
4 device [~~carrying out or signing of a prescription drug order~~] if
5 each of the delegating physicians [~~physician~~] is:

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

9 (2) the chair of the facility's credentialing
10 committee;

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

14 (4) a physician who consents to the request of the
15 medical director or chief of medical staff to delegate the
16 prescribing or ordering of a drug or device [~~carrying out or signing~~
17 ~~of a prescription drug order~~] at the facility in which the physician
18 assistant or advanced practice registered nurse practices.

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

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

27 (1) the delegation must be made under a physician's

1 order, standing medical order, standing delegation order, or
2 another order or protocol developed in accordance with policies
3 approved by the facility's medical staff or a committee of the
4 facility's medical staff as provided by the facility bylaws;

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

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

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

20 (b-1) A facility-based [~~(5) a~~] physician may not delegate
21 at more than one [~~licensed~~] hospital or more than two long-term care
22 facilities under this section unless approved by the board. The
23 facility-based physician may not be prohibited from delegating the
24 prescribing or ordering of drugs or devices under Section 157.0512
25 at other practice locations, including hospitals or long-term care
26 facilities, provided that the delegation at those locations
27 complies with all the requirements of Section 157.0512.

1 (c) Physician supervision of the prescribing or ordering of
2 a drug or device [~~carrying out and signing of prescription drug~~
3 ~~orders~~] must conform to what a reasonable, prudent physician would
4 find consistent with sound medical judgment but may vary with the
5 education and experience of the particular advanced practice
6 registered nurse or physician assistant. A physician shall provide
7 continuous supervision, but the constant physical presence of the
8 physician is not required.

9 SECTION 6. Section 157.055, Occupations Code, is amended to
10 read as follows:

11 Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other
12 order shall be defined in a manner that promotes the exercise of
13 professional judgment by the advanced practice registered nurse and
14 physician assistant commensurate with the education and experience
15 of that person. Under this section, an order or protocol used by a
16 reasonable and prudent physician exercising sound medical
17 judgment:

18 (1) is not required to describe the exact steps that an
19 advanced practice registered nurse or a physician assistant must
20 take with respect to each specific condition, disease, or symptom;
21 and

22 (2) may state the types or categories of medications
23 that may be prescribed or the types or categories of medications
24 that may not be prescribed.

25 SECTION 7. Section 157.057, Occupations Code, is amended to
26 read as follows:

27 Sec. 157.057. ADDITIONAL IMPLEMENTATION METHODS. The board

1 may adopt additional methods to implement:

2 (1) a physician's prescription; or

3 (2) the delegation of prescriptive authority [~~the~~
4 ~~signing of a prescription under a physician's order, standing~~
5 ~~medical order, standing delegation order, or other order or~~
6 ~~protocol~~].

7 SECTION 8. Subsections (b), (d), (e), (f), and (j), Section
8 157.059, Occupations Code, are amended to read as follows:

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

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

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

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

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

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

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

11 SECTION 9. Section 157.060, Occupations Code, is amended to
12 read as follows:

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

24 SECTION 10. Section 156.056, Occupations Code, is amended
25 to read as follows:

26 Sec. 156.056. CERTAIN VOLUNTEER SERVICES. (a) In this
27 section, "practice [~~site~~] serving a medically underserved

1 population" has the meaning assigned by Section 157.051 [~~157.052~~].

2 (b) The board by rule shall permit a license holder to
3 complete half of any informal continuing medical education hours
4 required under this subchapter by providing volunteer medical
5 services at a practice [~~site~~] serving a medically underserved
6 population other than a site that is a primary practice site of the
7 license holder.

8 SECTION 11. Subchapter C, Chapter 204, Occupations Code, is
9 amended by adding Section 204.1025 to read as follows:

10 Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY
11 AGREEMENTS. The physician assistant board shall in conjunction
12 with the Texas Medical Board and the Texas Board of Nursing perform
13 the functions and duties relating to prescriptive authority
14 agreements assigned to the physician assistant board in Sections
15 157.0512 and 157.0513.

16 SECTION 12. Section 204.1565, Occupations Code, is amended
17 to read as follows:

18 Sec. 204.1565. INFORMAL CONTINUING MEDICAL EDUCATION.

19 (a) In this section, "practice [~~site~~] serving a medically
20 underserved population" has the meaning assigned by Section 157.051
21 [~~157.052~~].

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

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

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

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

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

9 (3) formulating a working diagnosis;

10 (4) developing and implementing a treatment plan;

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

13 (6) assisting at surgery;

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

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

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

27 (10) making appropriate referrals.

1 SECTION 14. Subdivision (2), Section 301.002, Occupations
2 Code, is amended to read as follows:

3 (2) "Professional nursing" means the performance of an
4 act that requires substantial specialized judgment and skill, the
5 proper performance of which is based on knowledge and application
6 of the principles of biological, physical, and social science as
7 acquired by a completed course in an approved school of
8 professional nursing. The term does not include acts of medical
9 diagnosis or the prescription of therapeutic or corrective
10 measures. Professional nursing involves:

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

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

17 (C) the administration of a medication or
18 treatment as ordered by a physician, podiatrist, or dentist;

19 (D) the supervision or teaching of nursing;

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

22 (F) the requesting, receiving, signing for, and
23 distribution of prescription drug samples to patients at practices
24 at [sites in] which an advanced practice [a] registered nurse is
25 authorized to sign prescription drug orders as provided by
26 Subchapter B, Chapter 157;

27 (G) the performance of an act delegated by a

1 physician under Section 157.0512 [~~157.052, 157.053~~], 157.054,
2 [~~157.0541, 157.0542,~~] 157.058, or 157.059; and

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

4 SECTION 15. Section 301.005, Occupations Code, is amended
5 to read as follows:

6 Sec. 301.005. REFERENCE IN OTHER LAW. (a) A reference in
7 any other law to the former Board of Nurse Examiners means the Texas
8 Board of Nursing.

9 (b) A reference in any other law to an "advanced nurse
10 practitioner" or "advanced practice nurse" means an advanced
11 practice registered nurse.

12 SECTION 16. Section 301.152, Occupations Code, is amended
13 to read as follows:

14 Sec. 301.152. RULES REGARDING SPECIALIZED TRAINING.

15 (a) In this section, "advanced practice registered nurse" means a
16 registered nurse licensed [~~approved~~] by the board to practice as an
17 advanced practice registered nurse on the basis of completion of an
18 advanced educational program. The term includes a nurse
19 practitioner, nurse midwife, nurse anesthetist, and clinical nurse
20 specialist. The term is synonymous with "advanced nurse
21 practitioner" and "advanced practice nurse."

22 (b) The board shall adopt rules to:

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

25 (2) establish:

26 (A) any specialized education or training,
27 including pharmacology, that an advanced practice [~~a~~] registered

1 nurse must have to prescribe or order a drug or device as delegated
2 by a physician [~~carry out a prescription drug order~~] under Section
3 157.0512 or 157.054 [~~157.052~~]; [~~and~~]

4 (B) a system for approving an advanced practice
5 registered nurse to prescribe or order a drug or device as delegated
6 by a physician under Section 157.0512 or 157.054 on the receipt of
7 [~~assigning an identification number to a registered nurse who~~
8 ~~provides the board with~~] evidence of completing the specialized
9 education and training requirement under Paragraph (A)
10 [~~Subdivision (1)(A)~~]; and

11 (C) a system for issuing a prescription
12 authorization number to an advanced practice registered nurse
13 approved under Paragraph (B) [~~(2) approve a registered nurse as an~~
14 ~~advanced practice nurse~~]; and

15 (3) concurrently [~~initially approve and biennially~~]
16 renew any license or approval granted to an advanced practice
17 registered nurse under this subsection and a license renewed by the
18 advanced practice registered nurse under Section 301.301 [~~an~~
19 ~~advanced practice nurse's authority to carry out or sign a~~
20 ~~prescription drug order under Chapter 157~~].

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

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

25 (2) require continuing education in clinical
26 pharmacology and related pathophysiology [~~pathology~~] in addition
27 to any continuing education otherwise required under Section

1 301.303[~~, and~~

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

5 (d) The signature of an advanced practice registered nurse
6 attesting to the provision of a legally authorized service by the
7 advanced practice registered nurse satisfies any documentation
8 requirement for that service established by a state agency.

9 SECTION 17. Subchapter D, Chapter 301, Occupations Code, is
10 amended by adding Section 301.168 to read as follows:

11 Sec. 301.168. DUTIES REGARDING PRESCRIPTIVE AUTHORITY
12 AGREEMENTS. The board shall in conjunction with the Texas Medical
13 Board and the Texas Physician Assistant Board perform the functions
14 and duties relating to prescriptive authority agreements assigned
15 to the board in Sections 157.0512 and 157.0513.

16 SECTION 18. Subdivisions (34) and (45), Section 551.003,
17 Occupations Code, are amended to read as follows:

18 (34) "Practitioner" means:

19 (A) a person licensed or registered to prescribe,
20 distribute, administer, or dispense a prescription drug or device
21 in the course of professional practice in this state, including a
22 physician, dentist, podiatrist, or veterinarian but excluding a
23 person licensed under this subtitle;

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

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

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

12 (45) "Written protocol" means a physician's order,
13 standing medical order, standing delegation order, or other order
14 or protocol as defined by rule of the Texas Medical [~~State~~] Board
15 [~~of Medical Examiners~~] under Subtitle B.

16 SECTION 19. Subsection (b), Section 671.001, Government
17 Code, is amended to read as follows:

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

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

24 (2) a licensed physician, who is employed by a state
25 governmental entity for purposes other than the pilot program or
26 whose services are acquired by contract, who will delegate to and
27 supervise the advanced practice registered nurse or physician

1 assistant under a prescriptive authority agreement under Chapter
2 157 [~~perform all supervisory functions described by Section~~
3 ~~157.052(e)~~], Occupations Code;

4 (3) appropriate office space and equipment for the
5 advanced practice registered nurse or physician assistant to
6 provide basic medical care to employees at the state office complex
7 where the nurse or physician assistant is located; and

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

11 SECTION 20. Subdivision (39), Section 481.002, Health and
12 Safety Code, is amended to read as follows:

13 (39) "Practitioner" means:

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

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

25 (C) a person practicing in and licensed by
26 another state as a physician, dentist, veterinarian, or podiatrist,
27 having a current Federal Drug Enforcement Administration

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

3 (D) 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 [~~carry out or sign~~
6 ~~prescription drug orders~~] under Section 157.0511, 157.0512
7 [~~157.052, 157.053~~], or 157.054, [~~157.0541, or 157.0542,~~]
8 Occupations Code.

9 SECTION 21. Subdivision (12), Section 483.001, Health and
10 Safety Code, is amended to read as follows:

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

12 (A) a person licensed by the Texas [~~State Board~~
13 ~~of~~] Medical Board [~~Examiners~~], State Board of Dental Examiners,
14 Texas State Board of Podiatric Medical Examiners, Texas Optometry
15 Board, or State Board of Veterinary Medical Examiners to prescribe
16 and administer dangerous drugs;

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

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

23 (D) an advanced practice registered nurse or
24 physician assistant to whom a physician has delegated the authority
25 to prescribe or order a drug or device [~~carry out or sign~~
26 ~~prescription drug orders~~] under Section 157.0511, 157.0512
27 [~~157.052, 157.053~~], or 157.054, [~~157.0541, or 157.0542,~~]

1 Occupations Code.

2 SECTION 22. Sections 157.052, 157.053, 157.0541, and
3 157.0542, Occupations Code, are repealed.

4 SECTION 23. The changes in law made by this Act apply only
5 to a delegation of prescriptive authority by a physician to an
6 advanced practice registered nurse or physician assistant made or
7 amended on or after January 31, 2014. A delegation of prescriptive
8 authority made or amended before January 31, 2014, is governed by
9 the law in effect immediately before the effective date of this Act,
10 and the former law is continued in effect for that purpose.

11 SECTION 24. The calculation under Chapter 157, Occupations
12 Code, as amended by this Act, of the amount of time an advanced
13 practice registered nurse or physician assistant has practiced
14 under the delegated prescriptive authority of a physician under a
15 prescriptive authority agreement shall include the amount of time
16 the advanced practice registered nurse or physician assistant
17 practiced under the delegated prescriptive authority of that
18 physician before the effective date of this Act.

19 SECTION 25. Not later than December 31, 2013, the Texas
20 Medical Board, the Texas Board of Nursing, and the Texas Physician
21 Assistant Board shall adopt the rules necessary to implement the
22 changes in law made by this Act.

23 SECTION 26. This Act takes effect September 1, 2013.