By: Rodríguez, Burton 

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. ADVANCED PRACTICE REGISTERED NURSES

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

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

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

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

(C) the administration of a medication or
treatment as ordered by a health care practitioner legally authorized to prescribe the medication or treatment [physician, pediatrician, 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 by [at practices at which] an advanced practice registered nurse [is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157];

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

(H) the development of the nursing care plan.

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

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

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

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

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

SECTION 1.002. Section 301.152(b), Occupations Code, is
amended to read as follows:

(b) The board shall adopt rules to:

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

(2) establish:

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

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

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

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

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

Sec. 301.357. SCOPE OF PRACTICE OF ADVANCED PRACTICE REGISTERED NURSE. (a) The scope of practice of an advanced practice registered nurse includes formulating medical diagnoses,
prescribing therapeutic and corrective measures, and prescribing and ordering drugs and devices.

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

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

ARTICLE 2. CONFORMING AMENDMENTS REGARDING DELEGATION

SECTION 2.001. 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 2.002. Section 157.051(14), Occupations Code, is amended to read as follows:

(14) "Prescriptive authority agreement" means an agreement entered into by a physician and a [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 2.003. Section 157.0511(b-2), Occupations Code, is amended to read as follows:

(b-2) The board shall adopt rules that require a physician
who delegates the prescribing or ordering of a drug or device to register with the board the name and license number of the physician assistant [or advanced practice registered nurse] to whom a delegation is made. The board may develop and use an electronic online delegation registration process for registration under this subsection.

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

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

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

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

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

(A) holds an active license to practice in this state as a [an advanced practice 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 the] Texas Physician Assistant Board[,] as applicable[,] from executing a prescriptive authority agreement; and 

(2) [41] before executing the prescriptive authority agreement, the physician and the [advanced practice registered nurse or] physician assistant disclose to the other prospective party to the agreement any prior disciplinary action by the board[,, the Texas Board of Nursing,] or the Texas Physician Assistant Board[,] as applicable].

(c) Except as provided by 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.

(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 and treatment of patients;

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

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

(B) 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 to be reviewed determined by the physician and [advanced practice registered nurse or] physician assistant; and

(B) periodic face-to-face meetings between the [advanced practice registered nurse or] physician assistant and the physician at a location determined by the physician and the
The periodic face-to-face meetings described by Subsection (e)(9)(B) must:

1. Include:

   - the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; and
   - discussion of patient care improvement; and

2. Be documented and occur:

   - except as provided by Paragraph (B):
     - at least monthly until the third anniversary of the date the agreement is executed; and
     - at least quarterly after the third anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or
   - if during the seven years preceding the date the agreement is executed, the [advanced practice registered nurse or physician assistant for at least five years was in a practice that included the exercise of prescriptive authority with required physician supervision:
     - at least monthly until the first anniversary of the date the agreement is executed; and
     - at least quarterly after the first anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote
electronic communications system, including videoconferencing technology or the Internet.

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

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

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

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

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

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

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

SECTION 2.005. Section 157.0513, Occupations Code, is amended to read as follows:

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 board [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 and identify the physician[, advanced practice registered nurse, or physician assistant] with whom each [physician, advanced practice registered nurse, and] physician assistant has entered into a prescriptive authority agreement.

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

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

(a) One or more physicians licensed by the board may delegate, to one or more physician assistants [or advanced practice registered nurses] acting under adequate physician supervision whose practice is facility-based at a hospital or licensed long-term care facility, the administration or provision of a drug
and the prescribing or ordering of a drug or device if each of the
delegating physicians is:

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

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

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

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

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

(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, a department chair, or a physician who consents to delegate under Subsection (a)(4);

(3) the delegation may not permit the 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 prescribing or ordering of a drug or device to not more than seven [advanced practice registered nurses or] physician assistants or their full-time equivalents.

(c) Physician supervision of the 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 registered nurse or] physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required.

SECTION 2.007. Section 157.055, Occupations Code, is amended to read as follows:

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

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

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

SECTION 2.008. Section 157.056, Occupations Code, is amended to read as follows:

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

(1) the patient's name and address;
(2) the drug to be dispensed;
(3) directions to the patient regarding the taking of the drug and the dosage;
(4) the intended use of the drug, if appropriate;
(5) the name, address, and telephone number of the physician;
(6) the name, address, telephone number, and identification number of the [registered nurse or] physician assistant completing or signing the prescription drug order;
(7) the date; and
(8) the number of refills permitted.
SECTION 2.009. Sections 157.059(b), (e), (f), (g), (h), and (i), Occupations Code, are amended to read as follows:

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

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

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

1. seven [nurse midwives or] physician assistants or their full-time equivalents; and
2. the designated facility at which the [nurse midwife or] physician assistant provides care.

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

1. the patient's name and address;
2. the drug to be provided;
(3) the name, address, and telephone number of the
physician;

(4) the name, address, and telephone number of the
physician assistant; and

(5) the date.

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

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

[(1)] further acts to a nurse midwife; or
[(2)] the administration of medications by a physician
assistant [or registered nurse] other than as provided by this
section.

SECTION 2.010. 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 practice registered 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, prescribe, or order a drug or device.

ARTICLE 3. GENERAL CONFORMING AMENDMENTS

SECTION 3.001. Section 671.001(b), Government Code, is amended 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) if applicable, 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 a licensed advanced practice registered nurse or a physician assistant under a prescriptive authority agreement under Chapter 157, 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 3.002. Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39) "Practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

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

(4) "Designated agent" means:

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

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

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

(12) "Practitioner" means:

(A) a person licensed by the Texas Medical Board,
State Board of Dental Examiners, Texas State Board of Podiatric
Medical Examiners, Texas Optometry Board, Texas Board of Nursing,
or State Board of Veterinary Medical Examiners to prescribe and
administer dangerous drugs;

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

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

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

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

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

(B) the name and address of the patient;

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

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

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

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

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

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

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

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

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

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

(1) unless:

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

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

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

(iii) an original written prescription
issued by a practitioner described by Section 483.001(12)(C); and

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

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

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

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

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

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

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

(2) unless:

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

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

(ii) a [registered nurse or] physician assistant in the course of practice in accordance with Subchapter B, Chapter 157, Occupations Code; and
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(B) a label is attached to the immediate
container in which the drug is delivered or offered to be delivered
and the label contains the following information:

(i) the name and address of the
practitioner who prescribed the drug, and if applicable, the name
and address of the [registered nurse or] physician assistant;

(ii) the date the drug is delivered;

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

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

SECTION 3.009. Section 32.03141, Human Resources Code, is
amended to read as follows:

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

(1) an advanced practice registered nurse; and

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

SECTION 3.010. Section 843.312, Insurance Code, is amended
Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
REGISTERED NURSES. (a) A health maintenance organization may not
refuse a request by a physician participating in the health
maintenance organization delivery network and a physician
assistant [or advanced practice nurse] who is authorized by the
physician to provide care under Subchapter B, Chapter 157,
Occupations Code, or an advanced practice registered nurse who is
authorized to provide care by the physician to identify a physician
assistant or advanced practice registered nurse as a provider in
the network.

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

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

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

SECTION 3.012. Section 1301.052, Insurance Code, is amended
to read as follows:
Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer offering a preferred provider benefit plan may not refuse a request made by a physician participating as a preferred provider under the plan and an advanced practice registered nurse or physician assistant to have the advanced practice registered nurse or physician assistant included as a preferred provider under the plan if:

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

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

SECTION 3.013. Section 1451.001(2), Insurance Code, is amended to read as follows:

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

SECTION 3.014. Section 1451.104(c), Insurance Code, is amended to read as follows:

(c) Notwithstanding Subsection (a), a health insurance policy may provide for a different amount of payment or
reimbursement for scheduled services or procedures performed by an advanced practice registered nurse, nurse first assistant, licensed surgical assistant, or physician assistant if the methodology used to compute the amount is the same as the methodology used to compute the amount of payment or reimbursement when the services or procedures are provided by a physician.

SECTION 3.015. Section 1451.106, Insurance Code, is amended to read as follows:

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

SECTION 3.016. Section 204.1025, Occupations Code, is amended to read as follows:

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

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

(14) "Designated agent" means:

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

(i) who is designated by a practitioner and authorized to communicate a prescription drug order to a
pharmacist; and
(ii) for whom the practitioner assumes legal responsibility;
(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom a practitioner communicates a prescription drug order; or
(C) a [registered nurse or] physician assistant authorized by a practitioner to administer a prescription drug order for a dangerous drug under Subchapter B, Chapter 157, or an advanced practice registered nurse authorized by a practitioner to administer a prescription drug order for a dangerous drug.

(34) "Practitioner" means:
(A) a person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state, including a physician, dentist, podiatrist, advanced practice registered nurse, or veterinarian but excluding a person licensed under this subtitle;
(B) a person licensed by another state, Canada, or the United Mexican States in a health field in which, under the law of this state, a license holder in this state may legally prescribe a dangerous drug;
(C) a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, advanced practice registered nurse, or podiatrist, who has a current federal Drug Enforcement Administration registration number and who may legally prescribe a Schedule II, III, IV, or V...
controlled substance, as specified under Chapter 481, Health and Safety Code, in that other state; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A person licensed to practice orthotics or prosthetics who measures, designs, fabricates, fits, assembles, adjusts, or services an orthosis or a prosthesis under an order from a licensed physician, chiropractor, or podiatrist, or advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter
B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is exempt from licensing as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code. A person licensed to practice orthotics or prosthetics who fabricates or assembles an orthosis or a prosthesis without an order from a licensed physician, chiropractor, or podiatrist, or an advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is required to be licensed as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code.

ARTICLE 4. REPEALER

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

(1) Section 157.051(1);
(2) Section 157.058; and
(3) Section 301.168.

ARTICLE 5. TRANSITION AND EFFECTIVE DATE

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

SECTION 5.002. Notwithstanding any changes in law made by this Act, an advanced practice registered nurse who has been delegated the authority to prescribe and order drugs and medical devices by a physician's protocol or order under Subchapter B, Chapter 157, Occupations Code, may continue to exercise that
authority until February 1, 2016.

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