

All Prefiled Amendments for: HB 2950

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**The following 13 amendments were  
published on 5/1/17 10:29 AM**



17 MAY -1 AM 9:26  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Darby

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:

2 (1) Add the following appropriately numbered SECTIONS to  
3 the bill and renumber the SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 301.301(b), Occupations Code, is  
5 amended to read as follows:

6 (b) A person may renew an unexpired license issued under  
7 this chapter on payment to the board of the required renewal fee  
8 before the expiration date of the license [~~, payment to the board of~~  
9 ~~any costs assessed under Section 301.461,~~] and compliance with any  
10 other renewal requirements adopted by the board. A person whose  
11 license has expired may not engage in activities that require a  
12 license until the license has been renewed.

13 SECTION \_\_\_\_\_. Section 301.461, Occupations Code, is amended  
14 to read as follows:

15 Sec. 301.461. ASSESSMENT OF COSTS PROHIBITED. The board  
16 may not assess a person who is found to have violated this chapter  
17 the administrative costs of conducting a hearing to determine the  
18 violation.

19 (2) On page 44, between lines 17 and 18, insert the  
20 following appropriately lettered subsection:

21 (\_\_\_) Sections 301.301(b) and 301.461, Occupations Code, as  
22 amended by this Act, apply only to the assessment of the  
23 administrative costs of conducting a hearing to determine a  
24 violation on or after the effective date of this Act. The  
25 assessment of the administrative costs of conducting a hearing to  
26 determine a violation before the effective date of this Act is  
27 governed by the law in effect on the date the administrative costs  
28 were assessed, and the former law is continued in effect for that  
29 purpose.



17 MAY -1 AM 9:25  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Rep. Darby

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:

2 (1) Add the following appropriately numbered SECTION to the  
3 bill and renumber subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 301.459, Occupations Code, is amended  
5 by amending Subsection (a) and adding Subsection (a-1) to read as  
6 follows:

7 (a) The board by rule shall adopt procedures under Chapter  
8 2001, Government Code, governing formal disposition of a contested  
9 case. An administrative law judge employed by the [The] State  
10 Office of Administrative Hearings shall conduct a formal hearing.  
11 After receiving the administrative law judge's findings of fact and  
12 conclusions of law for a contested case, the board shall dispose of  
13 the case by issuing a final order based on the administrative law  
14 judge's findings of fact and conclusions of law.

15 (a-1) Notwithstanding Section 2001.058(e), Government  
16 Code, the board in a contested case may not change a finding of fact  
17 or conclusion of law or vacate or modify an order of the  
18 administrative law judge. The board may obtain judicial review of  
19 any finding of fact or conclusion of law issued by the  
20 administrative law judge as provided by Section 2001.058(f)(5),  
21 Government Code. For each case, the administrative law judge may  
22 make a recommendation regarding an appropriate action or sanction.  
23 The board has the sole authority and discretion to determine the  
24 appropriate action or sanction.

25 (2) On page 44, between lines 17 and 18, insert the  
26 following appropriately lettered subsection:

27 ( ) Section 301.459, Occupations Code, as amended by this  
28 Act, applies only to a contested case for which an administrative  
29 law judge employed by the State Office of Administrative Hearings

1 issues written findings of fact and conclusions of law on or after  
2 the effective date of this Act. A contested case for which an  
3 administrative law judge employed by the State Office of  
4 Administrative Hearings issues written findings of fact and  
5 conclusions of law before the effective date of this Act is governed  
6 by the law in effect on the date the findings of fact and  
7 conclusions of law were issued, and the former law is continued in  
8 effect for that purpose.



17 MAY -1 AM 9:26  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stephanie Hlick

1 Amend C.S.H.B. No. 2950 (house committee report) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 301.466, Occupations Code, is amended  
5 by adding Subsection (e) to read as follows:

6 (e) Information regarding a complaint, investigation, or  
7 disciplinary action contained in the coordinated licensure  
8 information system, as defined in Section 304.0015 in Article II of  
9 the Nurse Licensure Compact, may not be provided to a state that is  
10 not a party to the compact under that section or to any other  
11 person.



17 MAY -1 AM 9:26  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stephanie Hlick

1 Amend C.S.H.B. No. 2950 (house committee report) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter D, Chapter 301, Occupations Code,  
5 is amended by adding Section 301.1583 to read as follows:

6 Sec. 301.1583. DISCIPLINARY RECORD. (a) The board shall  
7 remove a disciplinary action from a nurse's record on the board's  
8 Internet website if:

9 (1) the nurse applies to the board for removal;

10 (2) the disciplinary action is the only disciplinary  
11 action taken against the nurse;

12 (3) the disciplinary action was an administrative,  
13 clerical, or other minor violation not causing harm to a patient;

14 (4) the disciplinary action did not result in the  
15 suspension or revocation of, or the probation of the suspension or  
16 revocation of, the nurse's license;

17 (5) the disciplinary action does not provide any  
18 indication that continued practice by the nurse may risk harm to a  
19 patient; and

20 (6) the disciplinary action occurred at least five  
21 years before the date the nurse applied for removal.

22 (b) Information contained in the coordinated licensure  
23 information system, as defined in Section 304.0015 in Article II of  
24 the Nurse Licensure Compact, that is removed from the board's  
25 Internet website under this section may not be provided to a state  
26 that is not a party to the compact under that section or to any other  
27 person.



17 MAY -1 AM 9:53  
HOUSE OF REPRESENTATIVES  
BY:

*Matt Krause*

FLOOR AMENDMENT NO. \_\_\_\_\_

Amend C.S.H.B. No. 2950 (house committee report) as follows:

(1) On page 10, line 4, strike "Subsection (e)" and substitute "Subsections (e) and (f)".

(2) On page 11, between lines 24 and 25, insert the following:

(f) The board may not refuse to issue a license to, take disciplinary action against, impose an administrative penalty on, or take any other adverse action against a person under this chapter based on the person's refusal to perform or participate in a procedure if performing or participating in the procedure would cause the person to violate a sincerely held religious belief or moral conviction. Performing or participating in a procedure includes, but is not limited to, offering advice concerning, providing, assisting in, arranging, withholding life-sustaining treatment, or withdrawing life-sustaining treatment.

(3) On page 44, between lines 17 and 18, add the following appropriately lettered subsection:

( ) Section 301.452(f), Occupations Code, as added by this Act, applies only to an action taken by the Texas Board of Nursing on or after the effective date of this Act.





850210

17 MAY -1 AM 9:54  
HOUSE OF REPRESENTATIVES

BY:       Matt Krause      

FLOOR AMENDMENT NO. \_\_\_\_\_

1 Amend C.S.H.B. No. 2950 (house committee report) by adding  
2 the following appropriately numbered section to the bill and  
3 renumbering the sections of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter A, Chapter 301, Occupations Code,  
5 is amended by adding Section 301.006 to read as follows:

6 Sec. 301.006. CERTAIN RULES OR POLICIES PROHIBITED. (a)  
7 The board may not adopt any rule, regulation, or policy or impose a  
8 penalty that:

9 (1) limits the ability of an applicant for a license  
10 under this chapter to be licensed based on a sincerely held  
11 religious belief of the applicant; or

12 (2) burdens a license holder's:

13 (A) free exercise of religion, regardless of  
14 whether the burden is the result of a rule generally applicable to  
15 all license holders;

16 (B) freedom of speech regarding a sincerely held  
17 religious belief; or

18 (C) membership in any religious organization.

19 (b) Subsection (a) does not apply to a rule, regulation, or  
20 policy adopted or a penalty imposed by the board that results in a  
21 limitation or burden described by Subsection (a) if the rule,  
22 regulation, policy, or penalty is:

23 (1) essential to enforcing a compelling governmental  
24 purpose; and

25 (2) narrowly tailored to accomplish that purpose.

26 (c) A person may assert that a board rule, regulation, or  
27 policy, or a penalty imposed by the board, violates this section as  
28 a defense in an administrative hearing or as a claim or defense in a  
29 judicial proceeding under Chapter 37, Civil Practice and Remedies

1 Code.

2           (d) A person may bring an action for injunctive relief  
3 against a violation of this section.



17 MAY -1 AM 9:53  
HOUSE OF REPRESENTATIVES

BY: Matt Krause

FLOOR AMENDMENT NO. \_\_\_\_\_

Amend C.S.H.B. No. 2950 (house committee report) as follows:

(1) Amend Section 301.002, Occupations Code, by adding SECTION 6.

(6) "dismemberment abortion" means an abortion in which a person, with the purpose of causing the death of an unborn child, dismembers the unborn child and extracts the unborn child one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors, or a similar instrument that, through the convergence of two rigid levers, slices, crushes, or grasps, or performs any combination of those actions on, a piece of the unborn child's body to cut or rip the piece from the body. The term does not include an abortion that uses suction to dismember the body of an unborn child by sucking pieces of the unborn child into a collection container. The term includes a dismemberment abortion that is used to cause the death of an unborn child and in which suction is subsequently used to extract pieces of the unborn child after the unborn child's death.

(2) On page 11, line 14, amend the section to read as follows:

(13) failure to care adequately for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that, in the board 's opinion, exposes a patient or other person unnecessarily to risk of harm;[-]

(14) intentionally assisting in the performance of a dismemberment abortion unless the dismemberment abortion is necessary in a medical emergency as defined by Section 171.002(3),

Health and Safety Code.

(3) On page 44, between lines 17 and 18, insert the following appropriately lettered subsection:

( ) Section 301.452(14), Occupations Code, as added by this Act, applies only to an abortion performed on or after the effective date of this Act. An abortion performed before the effective date of this Act is governed by the law in effect on the date the abortion was performed, and the former law is continued in effect for that purpose.



17 MAY -1 AM 8:42  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stickland

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:

2 (1) On page 42, line 25, strike "and 301.163" and substitute  
3 ", 301.163, and 301.168"

4 (2) Add the following appropriately numbered SECTIONS to  
5 the bill and renumber the SECTIONS of the bill accordingly:

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

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

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

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

24 (C) the administration of a medication or  
25 treatment as ordered by a health care practitioner legally  
26 authorized to prescribe the medication or treatment [~~physician,~~  
27 ~~pediatrist, or dentist~~];

28 (D) the supervision or teaching of nursing;

29 (E) the administration, supervision, and

1 evaluation of nursing practices, policies, and procedures;

2 (F) the performance of an act by an advanced  
3 practice registered nurse in accordance with Section 301.357 [~~the~~  
4 ~~requesting, receiving, signing for, and distribution of~~  
5 ~~prescription drug samples to patients at practices at which an~~  
6 ~~advanced practice registered nurse is authorized to sign~~  
7 ~~prescription drug orders as provided by Subchapter B, Chapter 157~~];

8 (G) the performance of an act delegated by a  
9 physician under Section [~~157.0512, 157.054,~~] 157.058[~~7~~] or  
10 157.059; and

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

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

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

16 (8) "Device" has the meaning assigned by Section  
17 157.051.

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

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

22 SECTION \_\_\_\_\_. Section 301.152, Occupations Code, is  
23 transferred to Subchapter H, Chapter 301, Occupations Code,  
24 redesignated as Section 301.357, Occupations Code, and amended to  
25 read as follows:

26 Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED NURSES  
27 [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) In this section,  
28 "advanced practice registered nurse" means a registered nurse  
29 licensed by the board to practice as an advanced practice  
30 registered nurse on the basis of completion of an advanced  
31 educational program. The term includes a nurse practitioner,

1 nurse midwife, nurse anesthetist, and clinical nurse  
2 specialist. The term is synonymous with "advanced nurse  
3 practitioner" and "advanced practice nurse."

4 (a-1) Advanced practice registered nursing includes:

5 (1) ordering, performing, and interpreting diagnostic  
6 tests;

7 (2) formulating primary and differential medical  
8 diagnoses and advanced assessments;

9 (3) treating actual and potential health problems;

10 (4) prescribing therapeutic and corrective measures,  
11 including nutrition and diagnostic support services, home health  
12 care, hospice care, physical therapy, and occupational therapy, and  
13 delegating and assigning the performance of therapeutic and  
14 corrective measures to assistive personnel;

15 (5) to the extent authorized by the board under  
16 Section 301.358 or delegated by a physician under Section 157.058  
17 or 157.059, prescribing, ordering, procuring, administering, and  
18 dispensing drugs and devices, including blood and blood products,  
19 controlled substances listed in Schedules II, III, IV, and V,  
20 dangerous drugs, and nonprescription drugs;

21 (6) providing referrals to health care agencies,  
22 health care providers, and community resources;

23 (7) serving as the primary care provider of record;  
24 and

25 (8) performing other acts that require education and  
26 training consistent with professional standards and that are  
27 commensurate with the advanced practice registered nurse's  
28 education, licensure, and demonstrated competencies and  
29 experience.

30 (b) The board shall adopt rules to:

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

1 registered nurse;

2 (2) establish:

3 (A) any specialized education or training,  
4 including pharmacology, that an advanced practice registered nurse  
5 must have to prescribe or order a drug or device as authorized  
6 ~~[delegated]~~ by the board ~~[a physician]~~ under Section 301.358  
7 ~~[157.0512 or 157.054]~~;

8 (B) a system for approving an advanced practice  
9 registered nurse to prescribe or order a drug or device as  
10 authorized ~~[delegated]~~ by the board ~~[a physician]~~ under Section  
11 301.358 ~~[157.0512 or 157.054]~~ on the receipt of evidence of  
12 completing the specialized education and training requirement  
13 under Paragraph (A); and

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

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

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

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

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

28 (d) The signature of an advanced practice registered nurse  
29 attesting to the provision of a legally authorized service by the  
30 advanced practice registered nurse satisfies any documentation  
31 requirement for that service established by a state agency.



1       (e) An advanced practice registered nurse shall practice as  
2 a licensed independent practitioner in accordance with standards  
3 established and recognized by the board to protect the public  
4 health and safety.

5       (f) An advanced practice registered nurse is accountable to  
6 patients, the nursing profession, and the board for:

7             (1) complying with the requirements of this chapter;

8             (2) providing quality advanced nursing care;

9             (3) recognizing the nurse's limits of knowledge;

10            (4) planning for the management of situations beyond  
11 the nurse's expertise; and

12            (5) consulting with or referring patients to other  
13 health care providers as appropriate.

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

17       SECTION \_\_\_\_\_. Subchapter H, Chapter 301, Occupations Code,  
18 is amended by adding Section 301.358 to read as follows:

19       Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF  
20 ADVANCED PRACTICE REGISTERED NURSE. The board may authorize an  
21 advanced practice registered nurse, with a prescription  
22 authorization number issued as required under Section 301.357(b),  
23 to prescribe and order drugs and devices, including controlled  
24 substances listed in Schedules II, III, IV, and V, dangerous drugs,  
25 and nonprescription drugs.

26       SECTION \_\_\_\_\_. The heading to Subchapter B, Chapter 157,  
27 Occupations Code, is amended to read as follows:

28       SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE REGISTERED NURSES~~  
29 ~~AND~~] PHYSICIAN ASSISTANTS AND CERTAIN ADVANCED PRACTICE REGISTERED  
30 NURSES

31       SECTION \_\_\_\_\_. Sections 157.051(1) and (14), Occupations

1 Code, are amended to read as follows:

2 (1) "Advanced practice registered nurse" has the  
3 meaning assigned to that term by Section 301.357 [~~301.152~~]. The  
4 term includes an advanced nurse practitioner and advanced practice  
5 nurse.

6 (14) "Prescriptive authority agreement" means an  
7 agreement entered into by a physician and a [~~an advanced practice~~  
8 ~~registered nurse or~~] physician assistant through which the  
9 physician delegates to the [~~advanced practice registered nurse or~~]  
10 physician assistant the act of prescribing or ordering a drug or  
11 device.

12 SECTION \_\_\_\_\_. Section 157.0511(b-2), Occupations Code, is  
13 amended to read as follows:

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

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

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

30 (b) A physician and a [~~an advanced practice registered nurse~~  
31 ~~or~~] physician assistant are eligible to enter into or be parties to

1 a prescriptive authority agreement only if:

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

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

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

12 (B) is not currently prohibited by the ~~[Texas~~  
13 ~~Board of Nursing or the]~~ Texas Physician Assistant Board~~[, as~~  
14 ~~applicable,]~~ from executing a prescriptive authority agreement;  
15 and

16 (2) ~~[(3)]~~ before executing the prescriptive authority  
17 agreement, the physician and the ~~[advanced practice registered~~  
18 ~~nurse or]~~ physician assistant disclose to the other prospective  
19 party to the agreement any prior disciplinary action by the board~~[,~~  
20 ~~the Texas Board of Nursing,]~~ or the Texas Physician Assistant  
21 Board~~[, as applicable].~~

22 (c) Except as provided by Subsection (d), the ~~[combined]~~  
23 number of ~~[advanced practice registered nurses and]~~ physician  
24 assistants with whom a physician may enter into a prescriptive  
25 authority agreement may not exceed seven ~~[advanced practice~~  
26 ~~registered nurses and]~~ physician assistants or the full-time  
27 equivalent of seven ~~[advanced practice registered nurses and]~~  
28 physician assistants.

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

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

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

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

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

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

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

11          (7) state the general process for communication and  
12 the sharing of information between the physician and the [~~advanced~~  
13 ~~practice registered nurse or~~] physician assistant to whom the  
14 physician has delegated prescriptive authority related to the care  
15 and treatment of patients;

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

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

22                 (B) participate in the prescriptive authority  
23 quality assurance and improvement plan meetings required under this  
24 section; and

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

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

31                 (B) periodic face-to-face meetings between the

1 ~~[advanced practice registered nurse or]~~ physician assistant and the  
2 physician at a location determined by the physician and the  
3 ~~[advanced practice registered nurse or]~~ physician assistant.

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

6 (1) include:

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

10 (B) discussion of patient care improvement; and

11 (2) be documented and occur:

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

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

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

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

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

27 (ii) at least quarterly after the first  
28 anniversary of the date the agreement is executed, with monthly  
29 meetings held between the quarterly meetings by means of a remote  
30 electronic communications system, including videoconferencing  
31 technology or the Internet.

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

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

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

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

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

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

30 (o) This section shall be liberally construed to allow the  
31 use of prescriptive authority agreements to safely and effectively

1 utilize the skills and services of [~~advanced practice registered~~  
2 ~~nurses and~~] physician assistants.

3 SECTION \_\_\_\_\_. Section 157.0513, Occupations Code, is  
4 amended to read as follows:

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

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

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

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

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

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

1 157.0512 and identify the physician [~~advanced practice registered~~  
2 ~~nurse, or physician assistant~~] with whom each [~~physician, advanced~~  
3 ~~practice registered nurse, and~~] physician assistant has entered  
4 into a 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 SECTION \_\_\_\_\_. Sections 157.054(a), (a-1), (b), and (c),  
12 Occupations Code, are amended to read as follows:

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

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

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

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

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



1 practices.

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

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

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

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

19 (3) the delegation may not permit the prescribing or  
20 ordering of a drug or device for the care or treatment of the  
21 patients of any other physician without the prior consent of that  
22 physician; and

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

28 (c) Physician supervision of the prescribing or ordering of  
29 a drug or device must conform to what a reasonable, prudent  
30 physician would find consistent with sound medical judgment but may  
31 vary with the education and experience of the particular [~~advanced~~

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

4 SECTION \_\_\_\_\_. Section 157.055; Occupations Code, is amended  
5 to read as follows:

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

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

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

20 SECTION \_\_\_\_\_. Section 157.056, Occupations Code, is amended  
21 to read as follows:

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

- 25 (1) the patient's name and address;
- 26 (2) the drug to be dispensed;
- 27 (3) directions to the patient regarding the taking of  
28 the drug and the dosage;
- 29 (4) the intended use of the drug, if appropriate;
- 30 (5) the name, address, and telephone number of the  
31 physician;

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

4           (7) the date; and

5           (8) the number of refills permitted.

6           SECTION \_\_\_\_\_. Section 157.060, Occupations Code, is amended  
7 to read as follows:

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

18           SECTION \_\_\_\_\_. Section 38.151(1), Education Code, is amended  
19 to read as follows:

20           (1) "Advanced practice nurse" has the meaning assigned  
21 to "advanced practice registered nurse" by Section 301.357  
22 [~~301.152~~], Occupations Code.

23           SECTION \_\_\_\_\_. Section 61.601, Education Code, is amended to  
24 read as follows:

25           Sec. 61.601. DEFINITION. In this subchapter, "mental  
26 health professional" means:

27           (1) a licensed physician who is:

28                   (A) a graduate of an accredited psychiatric  
29 residency training program; or

30                   (B) certified in psychiatry by:

31                           (i) the American Board of Psychiatry and

1 Neurology; or

2 (ii) the American Osteopathic Board of  
3 Neurology and Psychiatry;

4 (2) a psychologist, as defined by Section 501.002,  
5 Occupations Code;

6 (3) a licensed professional counselor, as defined by  
7 Section 503.002, Occupations Code;

8 (4) an advanced practice registered nurse, as defined  
9 by Section 301.357 [~~301.152~~], Occupations Code, who holds a  
10 nationally recognized board certification in psychiatric or mental  
11 health nursing; and

12 (5) a licensed clinical social worker, as defined by  
13 Section 505.002, Occupations Code.

14 SECTION \_\_\_\_\_. Section 671.001(b), Government Code, is  
15 amended to read as follows:

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

17 (1) a licensed advanced practice registered nurse as  
18 defined by Section 301.357 [~~301.152~~], Occupations Code, or a  
19 licensed physician assistant as described by Chapter 204,  
20 Occupations Code, who is employed by the state or whose services are  
21 acquired by contract, who will be located at a state office complex;

22 (2) if applicable, a licensed physician, who is  
23 employed by a state governmental entity for purposes other than the  
24 pilot program or whose services are acquired by contract, who will  
25 delegate to and supervise the [~~advanced practice registered nurse~~  
26 ~~or~~] physician assistant under a prescriptive authority agreement  
27 under Chapter 157, Occupations Code;

28 (3) appropriate office space and equipment for the  
29 advanced practice registered nurse or physician assistant to  
30 provide basic medical care to employees at the state office complex  
31 where the nurse or physician assistant is located; and

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

4 SECTION \_\_\_\_\_. Section 47.011(a), Health and Safety Code, is  
5 amended to read as follows:

6 (a) In this section, "midwife" has the meaning assigned by  
7 Section 203.002, Occupations Code, and includes a nurse midwife  
8 described by Section 301.357 [~~301.152~~], Occupations Code.

9 SECTION \_\_\_\_\_. Section 481.002(39), Health and Safety Code,  
10 is amended to read as follows:

11 (39) "Practitioner" means:

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

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

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

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

1 157.0512, or 157.054, Occupations Code.

2 SECTION \_\_\_\_\_. Section 481.073(a), Health and Safety Code,  
3 is amended to read as follows:

4 (a) Only a practitioner defined by Section 481.002(39)(A)  
5 and an agent designated in writing by the practitioner in  
6 accordance with rules adopted by the board may communicate a  
7 prescription by telephone. A pharmacy that receives a  
8 telephonically communicated prescription shall promptly write the  
9 prescription and file and retain the prescription in the manner  
10 required by this subchapter. A practitioner who designates an  
11 agent to communicate prescriptions shall maintain the written  
12 designation of the agent in the practitioner's usual place of  
13 business and shall make the designation available for inspection by  
14 investigators for the Texas Medical Board, the State Board of  
15 Dental Examiners, the State Board of Veterinary Medical Examiners,  
16 the Texas Board of Nursing, the board, and the department. A  
17 practitioner who designates a different agent shall designate that  
18 agent in writing and maintain the designation in the same manner in  
19 which the practitioner initially designated an agent under this  
20 section.

21 SECTION \_\_\_\_\_. Section 481.074(d), Health and Safety Code,  
22 is amended to read as follows:

23 (d) Except as specified in Subsections (e) and (f), the  
24 board, by rule and in consultation with the Texas Medical Board and  
25 the Texas Board of Nursing, shall establish the period after the  
26 date on which the prescription is issued that a person may fill a  
27 prescription for a controlled substance listed in Schedule II. A  
28 person may not refill a prescription for a substance listed in  
29 Schedule II.

30 SECTION \_\_\_\_\_. Section 481.076(c), Health and Safety Code,  
31 is amended to read as follows:

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

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

13 (4) "Designated agent" means:

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

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

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

26 (12) "Practitioner" means:

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

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

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

7 (D) a [~~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 under Section 157.0511,  
10 157.0512, or 157.054, Occupations Code.

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

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

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

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

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

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

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

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

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



1 ~~registered nurse,~~ or physician assistant.

2 SECTION \_\_\_\_\_. Section 483.022(f), Health and Safety Code,  
3 is amended to read as follows:

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

11 SECTION \_\_\_\_\_. Section 483.042(a), Health and Safety Code,  
12 is amended to read as follows:

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

15 (1) unless:

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

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

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

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

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

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

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

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

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

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

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

12 (2) unless:

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

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

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

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

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

26 (ii) the date the drug is delivered;

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

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

1 SECTION \_\_\_\_\_. Section 32.03141, Human Resources Code, is  
2 amended to read as follows:

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

- 9 (1) an advanced practice registered nurse; and  
10 (2) a [or] physician assistant acting under adequate  
11 physician supervision and to whom a physician has delegated the  
12 authority to prescribe and order drugs and devices under Chapter  
13 157, Occupations Code~~[, may order and prescribe durable medical~~  
14 ~~equipment and supplies under the medical assistance program].~~

15 SECTION \_\_\_\_\_. Section 843.312, Insurance Code, is amended  
16 to read as follows:

17 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
18 REGISTERED NURSES. (a) A health maintenance organization may not  
19 refuse a request by a physician participating in the health  
20 maintenance organization delivery network and a physician  
21 assistant ~~[or advanced practice nurse]~~ who is authorized by the  
22 physician to provide care under Subchapter B, Chapter 157,  
23 Occupations Code, or an advanced practice registered nurse who is  
24 authorized to provide care under Section 301.357, Occupations Code,  
25 to identify a physician assistant or advanced practice registered  
26 nurse as a provider in the network.

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

1 assistants and advanced practice registered nurses.

2 SECTION \_\_\_\_\_. Section 1301.001(1-a), Insurance Code, is  
3 amended to read as follows:

4 (1-a) "Health care provider" means a practitioner,  
5 institutional provider, or other person or organization that  
6 furnishes health care services and that is licensed or otherwise  
7 authorized to practice in this state. The term includes a  
8 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered  
9 nurse. The term does not include a physician.

10 SECTION \_\_\_\_\_. Section 1301.052, Insurance Code, is amended  
11 to read as follows:

12 Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED  
13 NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer  
14 offering a preferred provider benefit plan may not refuse a request  
15 made by a physician participating as a preferred provider under the  
16 plan and an advanced practice registered nurse or physician  
17 assistant to have the advanced practice registered nurse or  
18 physician assistant included as a preferred provider under the plan  
19 if:

20 (1) the [~~advanced practice nurse or~~] physician  
21 assistant is authorized by the physician to provide care under  
22 Subchapter B, Chapter 157, Occupations Code, or the advanced  
23 practice registered nurse is authorized to provide care under  
24 Section 301.357, Occupations Code; and

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

29 SECTION \_\_\_\_\_. Section 1451.001(2), Insurance Code, is  
30 amended to read as follows:

31 (2) "Advanced practice registered nurse" means an

1 individual licensed by the Texas Board of Nursing as a registered  
2 nurse and licensed [~~recognized~~] by that board as an advanced  
3 practice registered nurse.

4 SECTION \_\_\_\_\_. Section 1451.104(c), Insurance Code, is  
5 amended to read as follows:

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

14 SECTION \_\_\_\_\_. Section 1451.106, Insurance Code, is amended  
15 to read as follows:

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

20 SECTION \_\_\_\_\_. Section 1452.051(1), Insurance Code, is  
21 amended to read as follows:

22 (1) "Advanced practice nurse" has the meaning assigned  
23 to "advanced practice registered nurse" by Section 301.357  
24 [~~301.152~~], Occupations Code.

25 SECTION \_\_\_\_\_. Section 204.1025, Occupations Code, is  
26 amended to read as follows:

27 Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY  
28 AGREEMENTS. The physician assistant board shall in conjunction  
29 with the Texas Medical Board [~~and the Texas Board of Nursing~~]  
30 perform the functions and duties relating to prescriptive authority  
31 agreements assigned to the physician assistant board in Sections

1 157.0512 and 157.0513.

2 SECTION \_\_\_\_\_. Sections 551.003(14) and (34), Occupations  
3 Code, are amended to read as follows:

4 (14) "Designated agent" means:

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

7 (i) who is designated by a practitioner and  
8 authorized to communicate a prescription drug order to a  
9 pharmacist; and

10 (ii) for whom the practitioner assumes  
11 legal responsibility;

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

15 (C) a [~~registered nurse or~~] physician assistant  
16 authorized by a practitioner to administer a prescription drug  
17 order for a dangerous drug under Subchapter B, Chapter 157, or an  
18 advanced practice registered nurse authorized by a practitioner to  
19 administer a prescription drug order for a dangerous drug.

20 (34) "Practitioner" means:

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

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

31 (C) a person practicing in another state and

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

7 (D) a [~~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 under Section 157.0511,  
10 157.0512, or 157.054.

11 SECTION \_\_\_\_\_. Section 563.051(e), Occupations Code, is  
12 amended to read as follows:

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

20 SECTION \_\_\_\_\_. Section 563.053, Occupations Code, is amended  
21 to read as follows:

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

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

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

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

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

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

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

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

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

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



1 area until the board determines, after notice and hearing, that the  
2 physician or advanced practice registered nurse no longer practices  
3 in an area described by Subsection (b).

4 SECTION \_\_\_\_\_. Section 605.002(14), Occupations Code, is  
5 amended to read as follows:

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

15 SECTION \_\_\_\_\_. Section 605.2515, Occupations Code, is  
16 amended to read as follows:

17 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A  
18 person licensed to practice orthotics or prosthetics who measures,  
19 designs, fabricates, fits, assembles, adjusts, or services an  
20 orthosis or a prosthesis under an order from a licensed physician,  
21 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
22 registered nurse, or from a physician assistant acting under the  
23 delegation and supervision of a licensed physician as provided by  
24 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
25 Board, for a specific patient is exempt from licensing as a device  
26 manufacturer under Subchapter L, Chapter 431, Health and Safety  
27 Code. A person licensed to practice orthotics or prosthetics who  
28 fabricates or assembles an orthosis or a prosthesis without an  
29 order from a licensed physician, chiropractor, [~~or~~] podiatrist, or  
30 [~~an~~] advanced practice registered nurse, or from a physician  
31 assistant acting under the delegation and supervision of a licensed

1 physician as provided by Subchapter B, Chapter 157, and rules  
2 adopted by the Texas Medical Board, for a specific patient is  
3 required to be licensed as a device manufacturer under Subchapter  
4 L, Chapter 431, Health and Safety Code.

5 SECTION \_\_\_\_\_. Not later than February 1, 2018, the Texas  
6 Board of Nursing shall adopt the rules necessary to implement  
7 Sections 301.357 and 301.358, Occupations Code, as added by this  
8 Act.

9 SECTION \_\_\_\_\_. Notwithstanding any changes in law made by  
10 this Act, an advanced practice registered nurse who has been  
11 delegated the authority to prescribe and order drugs and medical  
12 devices by a physician's protocol or order under Section 157.0511,  
13 157.0512, or 157.054, Occupations Code, may continue to exercise  
14 that authority until February 1, 2018.



17 MAY -1 AM 8:41  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stickland

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:  
2 (1) On page 2, strike lines 16 and 17 and substitute the  
3 following:  
4 adding Subsections (a-2) and (d-12) and amending Subsections  
5 (d-4), (d-8), (d-9), and (d-11) to read as follows:  
6 (a-2) A program of study prescribed by the board under  
7 Subsection (a) must include instruction on state law regarding the  
8 definition of an unborn child in Section 171.061, Health and Safety  
9 Code, and on the principle conveyed in state law that life begins at  
10 conception.  
11 (2) On page 44, between lines 17 and 18, insert the  
12 following appropriately lettered subsection:  
13 ( ) Section 301.157(a-2), Occupations Code, as added by  
14 this Act, applies beginning with a degree or diploma awarded by a  
15 program of study described by Section 301.157(a), Occupations Code,  
16 on or after September 1, 2018.



17 MAY -1 AM 8:41  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stickland

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:

2 (1) Add the following appropriately numbered SECTION to the  
3 bill and renumber subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 301.253(e), Occupations Code, is  
5 amended to read as follows:

6 (e) A written examination prepared, approved, or offered by  
7 the board, including a standardized national examination, must:

8 (1) be validated by an independent testing  
9 professional; and

10 (2) include questions on state law regarding the  
11 definition of an unborn child in Section 171.061, Health and Safety  
12 Code, and on the principle conveyed in state law that life begins at  
13 conception.

14 (2) On page 44, between lines 17 and 18, insert the  
15 following appropriately lettered subsection:

16 ( ) Section 301.253(e), Occupations Code, as amended by  
17 this Act, applies only to an examination administered under Section  
18 301.253, Occupations Code, on or after the effective date of this  
19 Act. An examination administered under Section 301.253,  
20 Occupations Code, before the effective date of this Act is governed  
21 by the law in effect on the date the examination was administered,  
22 and the former law is continued in effect for that purpose.



FLOOR AMENDMENT NO. \_\_\_\_\_

17 MAY -1 AM 8:41

BY: Strickland

HOUSE OF REPRESENTATIVES

1 Amend CSHB No. 2950 (house committee report) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 Section \_\_\_\_\_. (a) Subchapter C, Chapter 301, Occupations  
5 Code, is amended by adding section 301.308 to read as follows:

6 Sec. 301.308. CONTINUING EDUCATION - ABORTION. (a) As part  
7 of the continuing competency program under Section 301.303, and  
8 notwithstanding the limit provided by Section 301.303(b), a  
9 license holder whose practice includes assisting with the  
10 performance of an abortion shall complete at least eight hours  
11 of continuing education each year relating to the following  
12 subjects:

- 13 (1) proper performance of abortion procedures;
- 14 (2) preventing, identifying, and addressing medical  
15 complications arising from abortion procedures;
- 16 (3) identifying and reporting coerced abortions;
- 17 (4) identifying and reporting evidence of human  
18 trafficking; and
- 19 (5) ethics, as it relates to abortion and abortion  
20 procedures.

21 (b) The continuing education required under Subsection (a)  
22 must be part of a program approved under Section 301.303(c) and  
23 shall be in addition to other continuing education requirements.

24 (c) The board shall adopt rules to identify the license  
25 holders who are required to complete continuing education under  
26 Subsection (a) and to establish the content of that continuing  
27 education. The board may adopt other rules to implement this  
28 section, including rules under Section 301.303(c) for the  
29 approval of education programs and providers.

1       (d) As part of the rules adopted pursuant to Subsection  
2 (c), the board may require license holders to certify the fact  
3 that the license holder assists in the performance of abortions  
4 and may require such license holders to complete the continuing  
5 education required by this Chapter before assisting in any  
6 abortion procedure.

7       (d) After September 1, 2019, a registered nurse who  
8 practices professional nursing or a vocational nurse who  
9 practices vocational nursing that assists in the performance of  
10 an abortion without completing the requirements of this Chapter  
11 shall have their license revoked.

12       (e) After September 1, 2019, any registered nurse who  
13 knowingly assists in the performance of an abortion procedure  
14 without completing the requirements of this Chapter shall commit  
15 an offense. An offense under this Chapter is a Class A  
16 Misdemeanor.



17 MAY -1 AM 8:42  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Stickland

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:

2 (1) On page 42, line 25, strike "and 301.163" and substitute  
3 ", 301.163, and 301.168"

4 (2) Add the following appropriately numbered SECTIONS to  
5 the bill and renumber the SECTIONS of the bill accordingly:

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

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

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

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

24 (C) the administration of a medication or  
25 treatment as ordered by a health care practitioner legally  
26 authorized to prescribe the medication or treatment [~~physician,~~  
27 ~~pediatrist, or dentist~~];

28 (D) the supervision or teaching of nursing;

29 (E) the administration, supervision, and

1 evaluation of nursing practices, policies, and procedures;

2 (F) the performance of an act by an advanced  
3 practice registered nurse in accordance with Section 301.357 [~~the~~  
4 ~~requesting, receiving, signing for, and distribution of~~  
5 ~~prescription drug samples to patients at practices at which an~~  
6 ~~advanced practice registered nurse is authorized to sign~~  
7 ~~prescription drug orders as provided by Subchapter B, Chapter 157~~];

8 (G) the performance of an act delegated by a  
9 physician under Section [~~157.0512, 157.054,~~] 157.058[~~7~~] or  
10 157.059; and

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

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

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

16 (8) "Device" has the meaning assigned by Section  
17 157.051.

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

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

22 SECTION \_\_\_\_\_. Section 301.152, Occupations Code, is  
23 transferred to Subchapter H, Chapter 301, Occupations Code,  
24 redesignated as Section 301.357, Occupations Code, and amended to  
25 read as follows:

26 Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED NURSES  
27 [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) In this section,  
28 "advanced practice registered nurse" means a registered nurse  
29 licensed by the board to practice as an advanced practice  
30 registered nurse on the basis of completion of an advanced  
31 educational program. The term includes a nurse practitioner,



1 nurse midwife, nurse anesthetist, and clinical nurse  
2 specialist. The term is synonymous with "advanced nurse  
3 practitioner" and "advanced practice nurse."

4 (a-1) Advanced practice registered nursing includes:

5 (1) ordering, performing, and interpreting diagnostic  
6 tests;

7 (2) formulating primary and differential medical  
8 diagnoses and advanced assessments;

9 (3) treating actual and potential health problems;

10 (4) prescribing therapeutic and corrective measures,  
11 including nutrition and diagnostic support services, home health  
12 care, hospice care, physical therapy, and occupational therapy, and  
13 delegating and assigning the performance of therapeutic and  
14 corrective measures to assistive personnel;

15 (5) to the extent authorized by the board under  
16 Section 301.358 or delegated by a physician under Section 157.058  
17 or 157.059, prescribing, ordering, procuring, administering, and  
18 dispensing drugs and devices, including blood and blood products,  
19 controlled substances listed in Schedules II, III, IV, and V,  
20 dangerous drugs, and nonprescription drugs;

21 (6) providing referrals to health care agencies,  
22 health care providers, and community resources;

23 (7) serving as the primary care provider of record;  
24 and

25 (8) performing other acts that require education and  
26 training consistent with professional standards and that are  
27 commensurate with the advanced practice registered nurse's  
28 education, licensure, and demonstrated competencies and  
29 experience.

30 (b) The board shall adopt rules to:

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

1 registered nurse;

2 (2) establish:

3 (A) any specialized education or training,  
4 including pharmacology, that an advanced practice registered nurse  
5 must have to prescribe or order a drug or device as authorized  
6 [~~delegated~~] by the board [~~a physician~~] under Section 301.358  
7 [~~157.0512 or 157.054~~];

8 (B) a system for approving an advanced practice  
9 registered nurse to prescribe or order a drug or device as  
10 authorized [~~delegated~~] by the board [~~a physician~~] under Section  
11 301.358 [~~157.0512 or 157.054~~] on the receipt of evidence of  
12 completing the specialized education and training requirement  
13 under Paragraph (A); and

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

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

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

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

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

28 (d) The signature of an advanced practice registered nurse  
29 attesting to the provision of a legally authorized service by the  
30 advanced practice registered nurse satisfies any documentation  
31 requirement for that service established by a state agency.

1       (e) An advanced practice registered nurse shall practice as  
2 a licensed independent practitioner in accordance with standards  
3 established and recognized by the board to protect the public  
4 health and safety.

5       (f) An advanced practice registered nurse is accountable to  
6 patients, the nursing profession, and the board for:

7           (1) complying with the requirements of this chapter;  
8           (2) providing quality advanced nursing care;  
9           (3) recognizing the nurse's limits of knowledge;  
10          (4) planning for the management of situations beyond  
11 the nurse's expertise; and

12          (5) consulting with or referring patients to other  
13 health care providers as appropriate.

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

17       SECTION \_\_\_\_\_. Subchapter H, Chapter 301, Occupations Code,  
18 is amended by adding Section 301.358 to read as follows:

19       Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF  
20 ADVANCED PRACTICE REGISTERED NURSE. (a) The board may authorize an  
21 advanced practice registered nurse, with a prescription  
22 authorization number issued as required under Section 301.357(b),  
23 to prescribe and order drugs and devices, including controlled  
24 substances listed in Schedules III, IV, and V, dangerous drugs, and  
25 nonprescription drugs.

26       (b) The board may authorize an advanced practice registered  
27 nurse, with a prescription authorization number issued as required  
28 under Section 301.357(b), to prescribe and order controlled  
29 substances listed in Schedule II only:

30           (1) in a hospital facility-based practice in  
31 accordance with policies approved by the hospital's medical staff

1 or a committee of the hospital's medical staff as provided by the  
2 hospital bylaws to ensure patient safety, and as part of the care  
3 provided to a patient who:

4 (A) has been admitted to the hospital and is  
5 expected to remain in the hospital for a period of 24 hours or more;  
6 or

7 (B) is receiving services in the emergency  
8 department of the hospital; or

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

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

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

18 SECTION \_\_\_\_\_. Sections 157.051(1) and (14), Occupations  
19 Code, are amended to read as follows:

20 (1) "Advanced practice registered nurse" has the  
21 meaning assigned to that term by Section 301.357 ~~[301.152]~~. The  
22 term includes an advanced nurse practitioner and advanced practice  
23 nurse.

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

30 SECTION \_\_\_\_\_. Section 157.0511(b-2), Occupations Code, is  
31 amended to read as follows:

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

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

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

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

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

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

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

30 (B) is not currently prohibited by the [~~Texas~~  
31 ~~Board of Nursing or the~~] Texas Physician Assistant Board[~~, as~~

1 ~~applicable,~~] from executing a prescriptive authority agreement;  
2 and

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

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

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

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

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

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

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

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

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

29           (7) state the general process for communication and  
30 the sharing of information between the physician and the [~~advanced~~  
31 ~~practice registered nurse or~~] physician assistant to whom the

1 physician has delegated prescriptive authority related to the care  
2 and treatment of patients;

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

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

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

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

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

18 (B) periodic face-to-face meetings between the  
19 [~~advanced practice registered nurse or~~] physician assistant and the  
20 physician at a location determined by the physician and the  
21 [~~advanced practice registered nurse or~~] physician assistant.

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

24 (1) include:

25 (A) the sharing of information relating to  
26 patient treatment and care, needed changes in patient care plans,  
27 and issues relating to referrals; and

28 (B) discussion of patient care improvement; and

29 (2) be documented and occur:

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

31 (i) at least monthly until the third

1 anniversary of the date the agreement is executed; and

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

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

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

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

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

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

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

30 (l) In the event that a party to a prescriptive authority  
31 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  
16 physician.

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

21 SECTION \_\_\_\_\_. Section 157.0513, Occupations Code, is  
22 amended to read as follows:

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

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

30 (2) by which each board shall immediately notify the  
31 other board [~~boards~~] when a license holder of the board becomes the

1 subject of an investigation involving the delegation and  
2 supervision of prescriptive authority, as well as the final  
3 disposition of any such investigation; and

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

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

15 (c) The board shall maintain and make available to the  
16 public a searchable online list of physicians [~~advanced practice~~  
17 ~~registered nurses,~~] and physician assistants who have entered into  
18 a prescriptive authority agreement authorized under Section  
19 157.0512 and identify the physician [~~advanced practice registered~~  
20 ~~nurse, or physician assistant~~] with whom each [~~physician, advanced~~  
21 ~~practice registered nurse, and~~] physician assistant has entered  
22 into a prescriptive authority agreement.

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

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

31 (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 hospital or licensed  
4 long-term care facility, the administration or provision of a drug  
5 and the prescribing or ordering of a drug or device if each of the  
6 delegating physicians is:

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

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

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

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

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

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

28 (1) the delegation must be made under a physician's  
29 order, standing medical order, standing delegation order, or  
30 another order or protocol developed in accordance with policies  
31 approved by the facility's medical staff or a committee of the

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

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

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

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

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

22           SECTION \_\_\_\_\_. Section 157.055, Occupations Code, is amended  
23 to read as follows:

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

31           (1) is not required to describe the exact steps that

1 ~~[an advanced practice registered nurse or]~~ a physician assistant  
2 must take with respect to each specific condition, disease, or  
3 symptom; and

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

7 SECTION \_\_\_\_\_. Section 157.056, Occupations Code, is amended  
8 to read as follows:

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

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

13 (2) the drug to be dispensed;

14 (3) directions to the patient regarding the taking of  
15 the drug and the dosage;

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

17 (5) the name, address, and telephone number of the  
18 physician;

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

22 (7) the date; and

23 (8) the number of refills permitted.

24 SECTION \_\_\_\_\_. Section 157.060, Occupations Code, is amended  
25 to read as follows:

26 Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED  
27 ACT. Unless the physician has reason to believe the physician  
28 assistant ~~[or advanced practice registered nurse]~~ lacked the  
29 competency to perform the act, a physician is not liable for an act  
30 of a physician assistant ~~[or advanced practice registered nurse]~~  
31 solely because the physician signed a standing medical order, a

1 standing delegation order, or another order or protocol, or entered  
2 into a prescriptive authority agreement, authorizing the physician  
3 assistant [~~or advanced practice registered nurse~~] to administer,  
4 provide, prescribe, or order a drug or device.

5 SECTION \_\_\_\_\_. Section 38.151(1), Education Code, is amended  
6 to read as follows:

7 (1) "Advanced practice nurse" has the meaning assigned  
8 to "advanced practice registered nurse" by Section 301.357  
9 [~~301.152~~], Occupations Code.

10 SECTION \_\_\_\_\_. Section 61.601, Education Code, is amended to  
11 read as follows:

12 Sec. 61.601. DEFINITION. In this subchapter, "mental  
13 health professional" means:

14 (1) a licensed physician who is:

15 (A) a graduate of an accredited psychiatric  
16 residency training program; or

17 (B) certified in psychiatry by:

18 (i) the American Board of Psychiatry and  
19 Neurology; or

20 (ii) the American Osteopathic Board of  
21 Neurology and Psychiatry;

22 (2) a psychologist, as defined by Section 501.002,  
23 Occupations Code;

24 (3) a licensed professional counselor, as defined by  
25 Section 503.002, Occupations Code;

26 (4) an advanced practice registered nurse, as defined  
27 by Section 301.357 [~~301.152~~], Occupations Code, who holds a  
28 nationally recognized board certification in psychiatric or mental  
29 health nursing; and

30 (5) a licensed clinical social worker, as defined by  
31 Section 505.002, Occupations Code.

1 SECTION \_\_\_\_\_. Section 671.001(b), Government Code, is  
2 amended to read as follows:

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

4 (1) a licensed advanced practice registered nurse as  
5 defined by Section 301.357 [~~301.152~~], Occupations Code, or a  
6 licensed physician assistant as described by Chapter 204,  
7 Occupations Code, who is employed by the state or whose services are  
8 acquired by contract, who will be located at a state office complex;

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

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

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

22 SECTION \_\_\_\_\_. Section 47.011(a), Health and Safety Code, is  
23 amended to read as follows:

24 (a) In this section, "midwife" has the meaning assigned by  
25 Section 203.002, Occupations Code, and includes a nurse midwife  
26 described by Section 301.357 [~~301.152~~], Occupations Code.

27 SECTION \_\_\_\_\_. Section 481.002(39), Health and Safety Code,  
28 is amended to read as follows:

29 (39) "Practitioner" means:

30 (A) a physician, dentist, veterinarian,  
31 podiatrist, scientific investigator, advanced practice registered

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

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

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

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

20 SECTION \_\_\_\_\_. Section 481.073(a), Health and Safety Code,  
21 is amended to read as follows:

22 (a) Only a practitioner defined by Section 481.002(39)(A)  
23 and an agent designated in writing by the practitioner in  
24 accordance with rules adopted by the board may communicate a  
25 prescription by telephone. A pharmacy that receives a  
26 telephonically communicated prescription shall promptly write the  
27 prescription and file and retain the prescription in the manner  
28 required by this subchapter. A practitioner who designates an  
29 agent to communicate prescriptions shall maintain the written  
30 designation of the agent in the practitioner's usual place of  
31 business and shall make the designation available for inspection by



1 investigators for the Texas Medical Board, the State Board of  
2 Dental Examiners, the State Board of Veterinary Medical Examiners,  
3 the Texas Board of Nursing, the board, and the department. A  
4 practitioner who designates a different agent shall designate that  
5 agent in writing and maintain the designation in the same manner in  
6 which the practitioner initially designated an agent under this  
7 section.

8 SECTION \_\_\_\_\_. Section 481.074(d), Health and Safety Code,  
9 is amended to read as follows:

10 (d) Except as specified in Subsections (e) and (f), the  
11 board, by rule and in consultation with the Texas Medical Board and  
12 the Texas Board of Nursing, shall establish the period after the  
13 date on which the prescription is issued that a person may fill a  
14 prescription for a controlled substance listed in Schedule II. A  
15 person may not refill a prescription for a substance listed in  
16 Schedule II.

17 SECTION \_\_\_\_\_. Section 481.076(c), Health and Safety Code,  
18 is amended to read as follows:

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

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

31 (4) "Designated agent" means:

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

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

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

13 (12) "Practitioner" means:

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

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

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

25 (D) a ~~[an advanced practice registered nurse or]~~  
26 physician assistant to whom a physician has delegated the authority  
27 to prescribe or order a drug or device under Section 157.0511,  
28 157.0512, or 157.054, Occupations Code.

29 (13) "Prescription" means an order from a  
30 practitioner, or an agent of the practitioner designated in writing  
31 as authorized to communicate prescriptions, or an order made in

1 accordance with Subchapter B, Chapter 157, Occupations Code, or  
2 Section 203.353, Occupations Code, to a pharmacist for a dangerous  
3 drug to be dispensed that states:

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

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

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

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

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

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

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

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

20 SECTION \_\_\_\_\_. Section 483.022(f), Health and Safety Code,  
21 is amended to read as follows:

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

29 SECTION \_\_\_\_\_. Section 483.042(a), Health and Safety Code,  
30 is amended to read as follows:

31 (a) A person commits an offense if the person delivers or

1 offers to deliver a dangerous drug:

2 (1) unless:

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

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

7 (ii) a prescription signed by a ~~registered~~  
8 ~~nurse or~~ physician assistant in accordance with Subchapter B,  
9 Chapter 157, Occupations Code; or

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

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

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

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

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

22 (iv) the name of the practitioner who  
23 prescribed the drug and, if applicable, the name of the ~~registered~~  
24 ~~nurse or~~ physician assistant who signed the prescription;

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

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

30 (2) unless:

31 (A) the dangerous drug is delivered or offered

1 for delivery by:

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

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

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

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

13 (ii) the date the drug is delivered;

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

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

19 SECTION \_\_\_\_\_. Section 32.03141, Human Resources Code, is  
20 amended to read as follows:

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

27 (1) an advanced practice registered nurse; and

28 (2) a [~~or~~] physician assistant acting under adequate  
29 physician supervision and to whom a physician has delegated the  
30 authority to prescribe and order drugs and devices under Chapter  
31 157, Occupations Code[, ~~may order and prescribe durable medical~~

1 ~~equipment and supplies under the medical assistance program].~~

2 SECTION \_\_\_\_\_. Section 843.312, Insurance Code, is amended  
3 to read as follows:

4 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
5 REGISTERED NURSES. (a) A health maintenance organization may not  
6 refuse a request by a physician participating in the health  
7 maintenance organization delivery network and a physician  
8 assistant [~~or advanced practice nurse~~] who is authorized by the  
9 physician to provide care under Subchapter B, Chapter 157,  
10 Occupations Code, or an advanced practice registered nurse who is  
11 authorized to provide care under Section 301.357, Occupations Code,  
12 to identify a physician assistant or advanced practice registered  
13 nurse as a provider in the network.

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

20 SECTION \_\_\_\_\_. Section 1301.001(1-a), Insurance Code, is  
21 amended to read as follows:

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

28 SECTION \_\_\_\_\_. Section 1301.052, Insurance Code, is amended  
29 to read as follows:

30 Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED  
31 NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer

1 offering a preferred provider benefit plan may not refuse a request  
2 made by a physician participating as a preferred provider under the  
3 plan and an advanced practice registered nurse or physician  
4 assistant to have the advanced practice registered nurse or  
5 physician assistant included as a preferred provider under the plan  
6 if:

7 (1) the [~~advanced practice nurse or~~] physician  
8 assistant is authorized by the physician to provide care under  
9 Subchapter B, Chapter 157, Occupations Code, or the advanced  
10 practice registered nurse is authorized to provide care under  
11 Section 301.357, Occupations Code; and

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

16 SECTION \_\_\_\_\_. Section 1451.001(2), Insurance Code, is  
17 amended to read as follows:

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

22 SECTION \_\_\_\_\_. Section 1451.104(c), Insurance Code, is  
23 amended to read as follows:

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

1 SECTION \_\_\_\_\_. Section 1451.106, Insurance Code, is amended  
2 to read as follows:

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

7 SECTION \_\_\_\_\_. Section 1452.051(1), Insurance Code, is  
8 amended to read as follows:

9 (1) "Advanced practice nurse" has the meaning assigned  
10 to "advanced practice registered nurse" by Section 301.357  
11 [~~301.152~~], Occupations Code.

12 SECTION \_\_\_\_\_. Section 204.1025, Occupations Code, is  
13 amended to read as follows:

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

20 SECTION \_\_\_\_\_. Sections 551.003(14) and (34), Occupations  
21 Code, are amended to read as follows:

22 (14) "Designated agent" means:

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

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

28 (ii) for whom the practitioner assumes  
29 legal responsibility;

30 (B) a licensed nurse, physician assistant, or  
31 pharmacist employed in a health care facility to whom a



1 practitioner communicates a prescription drug order; or

2 (C) a [~~registered nurse or~~] physician assistant  
3 authorized by a practitioner to administer a prescription drug  
4 order for a dangerous drug under Subchapter B, Chapter 157, or an  
5 advanced practice registered nurse authorized by a practitioner to  
6 administer a prescription drug order for a dangerous drug.

7 (34) "Practitioner" means:

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

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

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

25 (D) a [~~an advanced practice registered nurse or~~]  
26 physician assistant to whom a physician has delegated the authority  
27 to prescribe or order a drug or device under Section 157.0511,  
28 157.0512, or 157.054.

29 SECTION \_\_\_\_\_. Section 563.051(e), Occupations Code, is  
30 amended to read as follows:

31 (e) A practitioner may designate a licensed vocational

1 nurse or a person having education equivalent to or greater than  
2 that required for a licensed vocational nurse to communicate the  
3 prescriptions of a [~~an advanced practice nurse or~~] physician  
4 assistant authorized by the practitioner to sign prescription drug  
5 orders under Subchapter B, Chapter 157, or of an advanced practice  
6 registered nurse.

7 SECTION \_\_\_\_\_. Section 563.053, Occupations Code, is amended  
8 to read as follows:

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

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

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

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

1 practice registered nurse's patients; and

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

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

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

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

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

22 SECTION \_\_\_\_\_. Section 605.002(14), Occupations Code, is  
23 amended to read as follows:

24 (14) "Orthotics" means the science and practice of  
25 measuring, designing, fabricating, assembling, fitting, adjusting,  
26 or servicing an orthosis under an order from a licensed physician,  
27 chiropractor, ~~[or]~~ podiatrist, or ~~[an]~~ advanced practice  
28 registered nurse, or from a physician assistant acting under the  
29 delegation and supervision of a licensed physician as provided by  
30 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
31 Board, for the correction or alleviation of a neuromuscular or

1 musculoskeletal dysfunction, disease, injury, or deformity.

2 SECTION \_\_\_\_\_. Section 605.2515, Occupations Code, is  
3 amended to read as follows:

4 Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A  
5 person licensed to practice orthotics or prosthetics who measures,  
6 designs, fabricates, fits, assembles, adjusts, or services an  
7 orthosis or a prosthesis under an order from a licensed physician,  
8 chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice  
9 registered nurse, or from a physician assistant acting under the  
10 delegation and supervision of a licensed physician as provided by  
11 Subchapter B, Chapter 157, and rules adopted by the Texas Medical  
12 Board, for a specific patient is exempt from licensing as a device  
13 manufacturer under Subchapter L, Chapter 431, Health and Safety  
14 Code. A person licensed to practice orthotics or prosthetics who  
15 fabricates or assembles an orthosis or a prosthesis without an  
16 order from a licensed physician, chiropractor, [~~or~~] podiatrist, or  
17 [~~an~~] advanced practice registered nurse, or from a physician  
18 assistant acting under the delegation and supervision of a licensed  
19 physician as provided by Subchapter B, Chapter 157, and rules  
20 adopted by the Texas Medical Board, for a specific patient is  
21 required to be licensed as a device manufacturer under Subchapter  
22 L, Chapter 431, Health and Safety Code.

23 SECTION \_\_\_\_\_. Not later than February 1, 2018, the Texas  
24 Board of Nursing shall adopt the rules necessary to implement  
25 Sections 301.357 and 301.358, Occupations Code, as added by this  
26 Act.

27 SECTION \_\_\_\_\_. Notwithstanding any changes in law made by  
28 this Act, an advanced practice registered nurse who has been  
29 delegated the authority to prescribe and order drugs and medical  
30 devices by a physician's protocol or order under Section 157.0511,  
31 157.0512, or 157.054, Occupations Code, may continue to exercise

1 that authority until February 1, 2018.





FLOOR AMENDMENT NO. \_\_\_\_\_ 17 MAY -1 AM 9:47

BY: Tinderholt

HOUSE OF REPRESENTATIVES

1 Amend CSHB No. 2950 (house committee report) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 Section \_\_\_\_\_. (a) Section 301.452 is amended to read as  
5 follows:

6 Sec. 301.452. GROUNDS FOR DISCIPLINARY ACTION. (a) In  
7 this section, "intemperate use" includes practicing nursing or  
8 being on duty or on call while under the influence of alcohol or  
9 drugs.

10 (b) A person is subject to denial of a license or to  
11 disciplinary action under this subchapter for:

12 (1) a violation of this chapter, a rule or regulation not  
13 inconsistent with this chapter, or an order issued under this  
14 chapter;

15 (2) fraud or deceit in procuring or attempting to procure  
16 a license to practice professional nursing or vocational  
17 nursing;

18 (3) a conviction for, or placement on deferred  
19 adjudication community supervision or deferred disposition for,  
20 a felony or for a misdemeanor involving moral turpitude;

21 (4) conduct that results in the revocation of probation  
22 imposed because of conviction for a felony or for a misdemeanor  
23 involving moral turpitude;

24 (5) use of a nursing license, diploma, or permit, or the  
25 transcript of such a document, that has been fraudulently  
26 purchased, issued, counterfeited, or materially altered;

27 (6) impersonating or acting as a proxy for another person  
28 in the licensing examination required under Section 301.253 or  
29 301.255;

1           (7)       directly or indirectly aiding or abetting an  
2 unlicensed person in connection with the unauthorized practice  
3 of nursing;

4           (8)       revocation, suspension, or denial of, or any other  
5 action relating to, the person's license or privilege to  
6 practice nursing in another jurisdiction or under federal law;

7           (9)       intemperate use of alcohol or drugs that the board  
8 determines endangers or could endanger a patient;

9           (10)      unprofessional or dishonorable conduct that, in the  
10 board's opinion, is likely to deceive, defraud, or injure a  
11 patient or the public;

12          (11)      adjudication of mental incompetency;

13          (12)      lack of fitness to practice because of a mental or  
14 physical health condition that could result in injury to a  
15 patient or the public; [or]

16          (13)      failure to care adequately for a patient or to  
17 conform to the minimum standards of acceptable nursing practice  
18 in a manner that, in the board's opinion, exposes a patient or  
19 other person unnecessarily to risk of harm; or

20          (14) assisting in the performance of sex change or other  
21 gender reassignment surgery on a patient under the age of 13.

22          (c)       The board may refuse to admit a person to a licensing  
23 examination for a ground described under Subsection (b).

24          (d)       The board by rule shall establish guidelines to ensure  
25 that any arrest information, in particular information on  
26 arrests in which criminal action was not proven or charges were  
27 not filed or adjudicated, that is received by the board under  
28 this section is used consistently, fairly, and only to the  
29 extent the underlying conduct relates to the practice of  
30 nursing.

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