

## **BILL ANALYSIS**

Senate Research Center

H.B. 2846  
By: Berlanga (Madla)  
Health & Human Services  
5-15-97  
Committee Report (Amended)

### **DIGEST**

Prescriptive authority for advanced practice nurses and physician assistants was first authorized by the legislature in 1989. Advanced practice nurses and physician assistants are authorized to prescribe under the delegated authority of a collaborating physician through the use of protocols, but this authorization was limited to sites serving medically underserved populations. This authority was later expanded to include the physician's primary practice site and facility based practices. This bill will set forth regulations regarding the provision of health care services by advanced practice nurses and physician assistants in collaborative practice with physicians.

### **PURPOSE**

As proposed, H.B. 2846 sets forth regulations regarding the provision of health care services by advanced practice nurses and physician assistants in collaborative practice with physicians.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 3.06(d)(5)(D), Article 4495b, V.T.C.S. (Medical Practice Act), to include that physician supervision to be adequate if, among other requirements, a delegating physician is on site to provide medical direction and consultation at least once every 10 business days during which the advanced practice nurse or physician assistant is on site providing care; and the physician receives a daily status report from the advanced practice nurse, rather than the registered nurse, among other requirements.

SECTION 2. Amends Section 3.06(d)(5)(E), Article 4495b, V.T.C.S., to define "advanced practice nurse."

SECTION 3. Amends Section 3.06(d)(6)(G)(iii), Article 4495b, V.T.C.S., to redefine "primary practice site."

SECTION 4. Amends Article 4525d, V.T.C.S., by amending Subsections (c) and (d), and by adding Subsection (e), to authorize a nurse, if a collaborating physician or other person who regularly employs, hires, or otherwise contracts for the services of at least 10 advanced practice nurses or other registered nurses requests one of those nurse to engage in conduct that the nurse believes violates a registered nurse's duty to a patient, to request a finding by a nursing peer review committee under Article 4525b, V.T.C.S., of whether the conduct violates a registered nurse's duty to a patient. Sets forth regulations regarding the nursing peer review committee. Prohibits a registered nurse's rights under this article from being nullified by a contract. Defines "collaborating physician" and "duty to a patient." Makes conforming changes.

SECTION 5. Amends Article 20A.14, Insurance Code (Texas Health Maintenance Organization Act), by adding Subsections (i) and (j), to prohibit a health maintenance organization, if an advanced practice nurse or physician assistant has been authorized to provide care pursuant to Section 3.06(d)(5) or (6), Article 4495b, V.T.C.S., or by a physician participating in a health maintenance organization's provider network, from refusing a request by the physician and physician assistant or

advanced practice nurse for the physician assistant or advanced practice nurses also to be identified on its provider network except on the basis that the physician assistant or advanced practice nurse fails to meet the pre-established quality of care standards of the health maintenance organization for participation by advanced practice nurses and physician assistants. Prohibits a health maintenance organization from refusing to contract with an advanced practice nurse or physician assistant to be included in the organization's provider network, refusing to reimburse the advanced practice nurse or physician assistant for covered services, or otherwise discriminating against the advanced practice nurse or physician assistant solely because the advanced practice nurse or physician assistant is not identified under Article 21.52(3), Insurance Code.

SECTION 6. Amends Chapter 3G, Insurance Code, by adding Article 3.70-3C, as follows:

**ART. 3.70-3C. USE OF ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS BY PREFERRED PROVIDER PLANS**

Sec. 1. Defines "preferred provider" and "preferred provider benefit plan."

Sec. 2. Prohibits a preferred provider benefit plan, under certain circumstances, from refusing a request made by a physician and physician assistant or advanced practice nurse to have the physician assistant or advanced practice nurse included as a preferred provider by the plan unless the physician assistant or advanced practice nurse fails to meet the quality of care standards previously established by the preferred provider benefit plan for participation in the plan by advanced practice nurses and physician assistants.

Sec. 3. Prohibits a preferred provider benefit plan from refusing to take certain actions regarding a physician assistant or advanced practice nurse or otherwise discriminating against the advanced practice nurse or physician assistant because the advanced practice nurse or physician assistant is not identified under Article 21.52(3), Insurance Code.

SECTION 7. Amends Section 2(B), Article 3.70-2, Insurance Code, to make conforming changes.

SECTION 8. Makes application of this Act prospective to January 1, 1998.

SECTION 9. Effective date: September 1, 1997.

SECTION 10. Emergency clause.

**SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

On page 3, line 18, between "assistant" and "because", insert "solely".

Amendment 2.

Add a new SECTION 4 regarding nursing peer review committees. Renumber subsequent SECTIONS.

Amendment 3.

On page 2, line 21, insert after "students" the phrase "provided that consent to treatment complies with the provisions of Chapter 32, Family Code, Vernon's Texas Codes Annotated."