A BILL TO BE ENTITLED
AN ACT
relating to the delegation and supervision of prescriptive authority by physicians to certain advanced practice registered nurses and physician assistants.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. The heading to Subchapter B, Chapter 157, Occupations Code, is amended to read as follows:
SUBCHAPTER B. DELEGATION TO ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS
SECTION 2. Section 157.051, Occupations Code, is amended to read as follows:
(1) "Advanced practice registered nurse" has the meaning assigned to that term by Section 301.152. The term includes an advanced nurse practitioner and advanced practice nurse.
(2) "Carrying out or signing a prescription drug order" means completing a prescription drug order presigned by the delegating physician, or the signing of a prescription by a registered nurse or physician assistant.
(2-a) "Controlled substance" has the meaning assigned to that term by Section 481.002, Health and Safety Code.
(2-b) "Dangerous drug" has the meaning assigned to that term by Section 483.001, Health and Safety Code.
(2-c) "Health professional shortage area" means:
(A) an urban or rural area of this state that:
(i) is not required to conform to the geographic boundaries of a political subdivision but is a rational area for the delivery of health service;

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

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

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

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

(5) "Hospital" means:

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

(B) a mental hospital licensed under Chapter 577.

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

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

(48) "Physician assistant" means a person who holds a license issued under Chapter 204.
"Physician group practice" means an entity for which two or more physicians deliver health care to the public through the practice of medicine on a regular basis and that is:

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

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

"Practice serving a medically underserved population" means:

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

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

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

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

(E) a practice:

(i) that is either:

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

(b) a practice that the Texas
Department of State Health Services determines serves a disproportionate number of clients eligible to participate in federal, state, or locally funded health care programs; and

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

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

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

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

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

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

(a) A physician's authority to delegate the carrying out or
(1) non prescription drugs;
(2) dangerous drugs; and
(3) controlled substances to the extent provided by Subsection (b) and (b-1).

(b) Except as provided in (b-1), a physician may delegate the carrying out or signing of a prescription drug order prescribing or ordering of a drug or device for a controlled substance only if:

(1) the prescription is for a controlled substance listed in Schedule III, IV, or V as established by the commissioner of State Health Services under Chapter 481, Health and Safety Code;
(2) the prescription, including a refill of the prescription, is for a period not to exceed 90 days;
(3) with regard to the refill of a prescription, the refill is authorized after consultation with the delegating physician and the consultation is noted in the patient’s chart; and
(4) with regard to a prescription for a child less than two years of age, the prescription is made after consultation with the delegating physician and the consultation is noted in the patient’s chart.

(b-1) A physician may delegate the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code only:

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

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

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

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

Sec. 157.0512. PRESCRIPTIVE AUTHORITY AGREEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) provide a plan for addressing patient emergencies;

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

(8) if alternate physician supervision is to be utilized, designate one or more alternate physicians who may provide appropriate supervision on a temporary basis in accordance with the requirements established by the prescriptive authority.
agreement and the requirements of this Subchapter and who may participate in the prescriptive authority quality assurance and improvement plan meetings required under this Section; and

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

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

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

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

(ii) discussion of patient care improvement.

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

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

(b) no less frequently than quarterly after three years with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or
(ii) if during the seven year period immediately preceding execution of the prescriptive authority agreement, the advanced practice registered nurse or physician assistant was in practice for at least five years that included the exercise of prescriptive authority with required physician supervision:

(a) no less frequently than monthly for one year beginning on the date of execution of the agreement; and (b) no less frequently than quarterly after one year with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet.

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

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

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

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

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

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

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

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

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

(o) The board may not adopt rules pertaining to the elements of the prescriptive authority agreement that would impose
requirements in addition to those required under this Section. The board, Texas Board of Nursing, and Texas Board of Physician Assistants will jointly develop Frequently Asked Questions (FAQs) by January 2014.

SECTION 5. Sec. 157.0513. PRESCRIPTIVE AUTHORITY AGREEMENT: INFORMATION.

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

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

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

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

(b) The board, Texas Board of Nursing, or Texas Physician Assistant Board may use a notice received under Section (a)(2) to open an investigation against a licensee who is a party to a prescriptive authority agreement with the licensee who is under investigation by the board which provided notice under Section (a)(2).
(c) The board shall maintain and make available to the public an online searchable list of physician, advanced practice registered nurses, and physician assistants who have entered into a prescriptive authority agreement authorized under Section 157.0512 and identify the physician with whom each advanced practice registered nurse and physician assistant has entered into an agreement.

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

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

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

Sec. 157.054. PRESCRIBING AT FACILITY-BASED PRACTICE
SITES. (a) One or more physicians licensed by the board may delegate, to one or more physician assistants or advanced practice registered nurses acting under adequate physician supervision whose practice is facility-based at a licensed hospital as defined under Section 157.051 or licensed long-term care facility, the administration or provision of a drug and the carrying out or signing of a prescription drug order prescribing or ordering of a drug or device if the physician is:

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

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

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

or

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

(a-1) The limits on the number of Advanced Practice Registered Nurses or Physician Assistants to whom a physician may delegate under Section 157.051 do not apply to a physician under (a)(4) whose practice is facility-based under this Section, provided that the physician is not delegating in a freestanding clinic, center, or practice of the facility.
(b) A physician's authority to delegate under Subsection (a) is limited as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(1) a physician's prescription; or

(2) the delegation of prescriptive authority the
signing of a prescription under a physician's order, standing
medical order, standing delegation order, or other order or
protocol.
SECTION 10.  Sec. 157.059.  DELEGATION REGARDING CERTAIN
OBSTETRICAL SERVICES.

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

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

(c) The physician may not delegate:

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

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

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

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

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

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

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

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

(1) the patient's name and address;

(2) the drug to be provided;

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

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

(5) the date.

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

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

(1) further acts to a nurse midwife; or

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

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

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

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

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

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

(b) The physician assistant board by rule shall permit a license holder to complete half of any informal continuing medical education hours required to renew a license under this chapter by providing volunteer medical services at a site practice serving a
SECTION 13. Section 204.202(b), Occupations Code, is amended to read as follows:

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

(1) obtaining patient histories and performing physical examinations;

(2) ordering or performing diagnostic and therapeutic procedures;

(3) formulating a working diagnosis;

(4) developing and implementing a treatment plan;

(5) monitoring the effectiveness of therapeutic interventions;

(6) assisting at surgery;

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

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

(9) signing or completing a prescription prescribing or ordering a drug or device as provided by Subchapter B, Chapter...
making appropriate referrals.

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

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

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

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

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

(D) the supervision or teaching of nursing;

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

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

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

(H) the development of the nursing care plan.

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

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

(b) The board shall adopt rules to:

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

(2) establish:

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

(B) a system for:

(i) approving an advanced practice registered nurse to prescribe and order a drug or device as delegated by a physician under Section 157.0512 or 157.054 upon the
providing of assigning an identification number to a registered
nurse who provides the board with evidence of completing the
specialized education and training requirement under Subdivision
(1); and

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

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

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

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

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

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

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

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

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

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

(34) "Practitioner" means:

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

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

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

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

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

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

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

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

(2) a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will delegate to and supervise the advanced practice registered nurse or physician assistant pursuant to a prescriptive authority agreement under Chapter 157, Occupations Code. [perform all supervisory functions described by Section 157.052(e), Occupations Code];

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

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

SECTION 18. Section 481.002(39), Health and Safety Code, is

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amended to read as follows:

(39) "Practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any calculation under this Act requiring the amount of
time an advanced practice registered nurse or physician assistant
has practiced under the delegated prescriptive authority of a
physician pursuant to a prescriptive authority agreement shall include the amount of time the advanced practice registered nurse or physician assistant practiced under the delegated prescriptive authority of that physician prior to the effective date of this Act.

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

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