

By: Christian

H. B. No. 915

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the authority of advanced practice registered nurses to  
3 make medical diagnoses and to prescribe and order prescription  
4 drugs and devices.

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

6 SECTION 1. Section 157.051(1), Occupations Code, is amended  
7 to read as follows:

13 SECTION 2. Section 157.052(3), Occupations Code, is amended  
14 to read as follows:

19 SECTION 3. Section 301.002(2), Occupations Code, is amended  
20 to read as follows:

1 acquired by a completed course in an approved school of  
2 professional nursing. The term does not include acts of medical  
3 diagnosis or the prescription of therapeutic or corrective measures  
4 except as authorized for advanced practice registered nurses under  
5 Section 301.357. Professional nursing involves:

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

12 (C) the administration of a medication or  
13 treatment as ordered by a practitioner, as that term is defined by  
14 Section 551.003 [physician, podiatrist, or dentist];

15 (D) the supervision or teaching of nursing;

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

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

23 (G) the performance of an act delegated by a  
24 physician under Section 157.052, 157.053, 157.054, 157.0541,  
25 157.0542, 157.058, or 157.059; [and]

26 (H) the prescribing of controlled substances and  
27 dangerous drugs and medical devices by an authorized advanced

1 practice registered nurse; and

(I) the development of the nursing care plan.

3 SECTION 4. Section 301.152, Occupations Code, is amended by  
4 amending Subsections (a) and (b) and adding Subsection (c-1) to  
5 read as follows:

13 (b) The board shall adopt rules to:

14 (1) establish:

15 (A) any specialized education or training,  
16 including pharmacology, that a registered nurse must have to:

21 (B) a system for assigning an identification  
22 number to a registered nurse who provides the board with evidence of  
23 completing the specialized education and training requirement  
24 under Paragraph (A)(i) or (ii) [Subdivision (1)(A)].

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

27 (3) initially approve and biennially renew an advanced

1 practice nurse's authority to:

2 (A) carry out or sign a prescription drug order

3 under Chapter 157; or

4 (B) prescribe and order drugs and medical devices

5 under Section 301.357.

6 (c-1) For initial approval under Subsection (b)(3)(B), the  
7 rules must require the completion of 3,600 hours of practice as an  
8 advanced practice nurse with authority to carry out or sign  
9 prescription drug orders under Chapter 157.

10 SECTION 5. Subchapter H, Chapter 301, Occupations Code, is  
11 amended by adding Section 301.357 to read as follows:

12 Sec. 301.357. PRESCRIBING AND ORDERING AUTHORITY OF CERTAIN  
13 NURSES. (a) The board may grant prescribing and ordering authority  
14 to an advanced practice registered nurse who is qualified for the  
15 authority under the rules adopted by the board under Section  
16 301.152(c-1).

17 (b) As authorized by the board, an advanced practice  
18 registered nurse may:

19 (1) prescribe, procure, administer, and dispense  
20 dangerous drugs and controlled substances;

21 (2) diagnose, prescribe, and institute therapy or  
22 referrals of patients to health care agencies, health care  
23 providers, and community resources; and

24 (3) plan and initiate a therapeutic regimen that  
25 includes ordering and prescribing medical devices and equipment,  
26 nutrition, and diagnostic and supportive services, including home  
27 health care, hospice, physical therapy, and occupational therapy.

1        (c) An advanced practice registered nurse granted  
2 prescribing and ordering authority under this section shall  
3 practice professional nursing in accordance with standards  
4 established and recognized by the board to protect the public  
5 health and safety.

6        (d) An advanced practice registered nurse may apply to the  
7 board for prescribing and ordering authority under this section by  
8 submitting to the board an application on the form prescribed by the  
9 board, paying any required fee, and providing any other information  
10 required by the board.

11        SECTION 6. Section 551.003(34), Occupations Code, is  
12 amended to read as follows:

13                (34) "Practitioner" means:

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

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

24                        (C) a person practicing in another state and  
25 licensed by another state as a physician, dentist, veterinarian,  
26 advanced practice registered nurse, or podiatrist, who has a  
27 current federal Drug Enforcement Administration registration

1 number and who may legally prescribe a Schedule II, III, IV, or V  
2 controlled substance, as specified under Chapter 481, Health and  
3 Safety Code, in that other state; or

4 (D) an advanced practice nurse or physician  
5 assistant to whom a physician has delegated the authority to carry  
6 out or sign prescription drug orders under Section 157.0511,  
7 157.052, 157.053, 157.054, 157.0541, or 157.0542.

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

10 Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN  
11 RURAL AREAS. (a) In this section:

12 (1) "Advanced practice registered nurse" means an  
13 advanced practice registered nurse granted prescribing and  
14 ordering authority under Section 301.357.

15 (2) "Reimbursement [~~"reimbursement"~~] for cost" means  
16 an additional charge, separate from that imposed for the  
17 physician's or advanced practice registered nurse's professional  
18 services, that includes the cost of the drug product and all other  
19 actual costs to the physician or advanced practice registered nurse  
20 incidental to providing the dispensing service. The term does not  
21 include a separate fee imposed for the act of dispensing the drug  
22 itself.

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

1 This section does not apply to a municipality or an unincorporated  
2 town that is adjacent to a municipality with a population of 2,500  
3 or more.

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

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

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

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

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

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

19 (e) A physician who desires to dispense dangerous drugs  
20 under this section shall notify both the board and the Texas [State  
21 Board of] Medical Board [Examiners] that the physician practices in  
22 an area described by Subsection (b). An advanced practice  
23 registered nurse who desires to dispense dangerous drugs under this  
24 section shall notify both the board and the Texas Board of Nursing  
25 that the advanced practice registered nurse practices in an area  
26 described by Subsection (b). The physician or advanced practice  
27 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 8. Section 481.002(39), Health and Safety Code, is  
5 amended to read as follows:

6 (39) "Practitioner" means:

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

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

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

24 (D) an advanced practice nurse or physician  
25 assistant to whom a physician has delegated the authority to carry  
26 out or sign prescription drug orders under Section 157.0511,  
27 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations

1 Code.

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

4 (12) "Practitioner" means a person who is [~~licensed~~]:

5 (A) licensed by the Texas [~~State Board of~~]  
6 Medical Board [~~Examiners~~], State Board of Dental Examiners, Texas  
7 State Board of Podiatric Medical Examiners, Texas Optometry Board,  
8 or State Board of Veterinary Medical Examiners to prescribe and  
9 administer dangerous drugs;

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

13 (C) licensed in Canada or Mexico in a health  
14 field in which, under the laws of this state, a licensee may legally  
15 prescribe dangerous drugs; [~~or~~]

16 (D) an advanced practice nurse or physician  
17 assistant to whom a physician has delegated the authority to carry  
18 out or sign prescription drug orders under Section 157.0511,  
19 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations  
20 Code; or

21 (E) an advanced practice registered nurse to whom  
22 the Texas Board of Nursing has granted prescribing and ordering  
23 authority under Section 301.357, Occupations Code.

24 SECTION 10. Not later than January 1, 2012, the Texas Board  
25 of Nursing shall adopt the rules necessary to implement the changes  
26 in law made by this Act.

27 SECTION 11. This Act takes effect September 1, 2011.