

AN ACT

relating to the authority of advanced practice nurses and physician assistants to administer, provide, and carry out or sign a prescription drug order.

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

SECTION 1. Section 157.051, Occupations Code, is amended by adding Subdivisions (2-a) and (2-b) to read as follows:

(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.

SECTION 2. Subchapter B, Chapter 157, Occupations Code, is amended by adding Section 157.0511 to read as follows:

Sec. 157.0511. PRESCRIPTION DRUG ORDERS. (a) A physician's authority to delegate the carrying out or signing of a prescription drug order under this subchapter is limited to:

(1) dangerous drugs; and

(2) controlled substances to the extent provided by Subsection (b).

(b) A physician may delegate the carrying out or signing of a prescription drug order for a controlled substance only if:

(1) the prescription is for a controlled substance listed in Schedules III, IV, or V as established by the commissioner of public health under Chapter 481, Health and Safety Code;

1           (2) the prescription is for a period not to exceed 30  
2 days;

3           (3) with regard to the refill of a prescription, the  
4 refill is authorized after consultation with the delegating  
5 physician and the consultation is noted in the patient's chart; and

6           (4) with regard to a prescription for a child less than  
7 two years of age, the prescription is made after consultation with  
8 the delegating physician and the consultation is noted in the  
9 patient's chart.

10          (c) This subchapter does not modify the authority granted by  
11 law for a licensed registered nurse or physician assistant to  
12 administer or provide a medication, including a controlled  
13 substance listed in Schedule II as established by the commissioner  
14 of public health under Chapter 481, Health and Safety Code, that is  
15 authorized by a physician under a physician's order, standing  
16 medical order, standing delegation order, or protocol.

17          SECTION 3. Section 157.052(c), Occupations Code, is amended  
18 to read as follows:

19          (c) At a site serving a medically underserved population, a  
20 physician licensed by the board may delegate to a registered nurse  
21 or physician assistant acting under adequate physician supervision  
22 the act of administering, providing, or carrying out or signing a  
23 prescription drug order, as authorized by the physician through a  
24 physician's order, a standing medical order, a standing delegation  
25 order, or another order or protocol as defined by the board. [~~The~~  
26 ~~authority of a physician to delegate the carrying out or signing of~~  
27 ~~prescription drug orders is limited to dangerous drugs.]~~

1           SECTION 4. Section 157.053(b), Occupations Code, is amended  
2 to read as follows:

3           (b) At a physician's primary practice site, a physician  
4 licensed by the board may delegate to a physician assistant or an  
5 advanced practice nurse acting under adequate physician  
6 supervision the act of administering, providing, or carrying out or  
7 signing a prescription drug order as authorized through a  
8 physician's order, a standing medical order, a standing delegation  
9 order, or another order or protocol as defined by the board.  
10 ~~[Providing a drug and carrying out or signing a prescription drug~~  
11 ~~order under this section is limited to dangerous drugs.]~~

12           SECTION 5. Section 157.054(b), Occupations Code, is amended  
13 to read as follows:

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

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

21           (2) the delegation must occur in the facility in which  
22 the physician is the medical director, the chief of medical staff,  
23 the chair of the credentialing committee, or a department chair;

24           (3) the delegation may not permit the carrying out or  
25 signing of prescription drug orders for the care or treatment of the  
26 patients of any other physician without the prior consent of that  
27 physician;

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

6           (5) a physician may not delegate at more than one  
7 licensed hospital or more than two long-term care facilities unless  
8 approved by the board[~~, and~~

9           ~~[(6) the authority of a physician to delegate the~~  
10 ~~carrying out or signing of a prescription drug order under this~~  
11 ~~section is limited to dangerous drugs].~~

12           SECTION 6. Section 157.0541(b), Occupations Code, is  
13 amended to read as follows:

14           (b) At an alternate site, a physician licensed by the board  
15 may delegate to an advanced practice nurse or physician assistant,  
16 acting under adequate physician supervision, the act of  
17 administering, providing, or carrying out or signing a prescription  
18 drug order as authorized through a physician's order, a standing  
19 medical order, a standing delegation order, or another order or  
20 protocol as defined by the board. ~~[The authority of a physician to~~  
21 ~~delegate the carrying out or signing of prescription drug orders~~  
22 ~~under this section is limited to dangerous drugs.]~~

23           SECTION 7. Section 157.059, Occupations Code, is amended by  
24 adding Subsection (j) to read as follows:

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

1           SECTION 8. Section 551.003(34), Occupations Code, is  
2 amended to read as follows:

3           (34) "Practitioner" means:

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

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

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

19           (D) an advanced practice nurse or physician  
20 assistant to whom a physician has delegated the authority to carry  
21 out or sign prescription drug orders under Section 157.0511,  
22 157.052, 157.053, 157.054, 157.0541, or 157.0542.

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

25           (39) "Practitioner" means:

26           (A) a physician, dentist, veterinarian,  
27 podiatrist, scientific investigator, or other person licensed,

1 registered, or otherwise permitted to distribute, dispense,  
2 analyze, conduct research with respect to, or administer a  
3 controlled substance in the course of professional practice or  
4 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; [~~or~~]

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

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

20 SECTION 10. Section 483.001(12), Health and Safety Code, is  
21 amended to read as follows:

22 (12) "Practitioner" means a person licensed:

23 (A) by the Texas State Board of Medical  
24 Examiners, State Board of Dental Examiners, Texas State Board of  
25 Podiatric Medical Examiners, Texas Optometry Board, or State Board  
26 of Veterinary Medical Examiners to prescribe and administer  
27 dangerous drugs;

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

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

7 (D) an advanced practice nurse or physician  
8 assistant to whom a physician has delegated the authority to carry  
9 out or sign prescription drug orders under Section 157.0511,  
10 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations  
11 Code.

12 SECTION 11. Article 21.58D, Insurance Code, is amended to  
13 read as follows:

14 Art. 21.58D. STANDARDIZED FORM FOR VERIFICATION OF CERTAIN  
15 [PHYSICIAN] CREDENTIALS

16 Sec. 1. DEFINITIONS [~~DEFINITION~~]. In this article:

17 (1) "Physician" [~~,"physician"~~] means an individual  
18 licensed to practice medicine in this state.

19 (2) "Advanced practice nurse" has the meaning assigned  
20 by Section 301.152, Occupations Code.

21 (3) "Physician assistant" means a person who holds a  
22 license issued under Chapter 204, Occupations Code.

23 Sec. 2. STANDARDIZED FORM. (a) The commissioner by rule  
24 shall:

25 (1) adopt a standardized form for the verification of  
26 the credentials of a physician, an advanced practice nurse, or a  
27 physician assistant; and

1           (2) require that a public or private hospital, a  
2 health maintenance organization operating under the Texas Health  
3 Maintenance Organization Act (Chapter 20A, Vernon's Texas  
4 Insurance Code), or a preferred provider organization operating  
5 under Article 3.70-3C, Insurance Code, as added by Chapter 1024,  
6 Acts of the 75th Legislature, Regular Session, 1997, use the form  
7 for verification of credentials.

8           (b) In adopting a form under Subsection (a) of this section,  
9 the commissioner shall consider any credentialing application form  
10 that is widely used in this state or a form currently used by the  
11 department.

12           SECTION 12. This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect September 1, 2003.



David Swihart

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 1095 was passed by the House on April 3, 2003, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1095 was passed by the Senate on May 6, 2003, by the following vote: Yeas 31, Nays 0.

Daisy Spaul

Secretary of the Senate

APPROVED:

20 MAY '03

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5:10 pm O'CLOCK

Ann Shea  
MAY 20 2003  
Secretary of State