

BILL ANALYSIS

Senate Research Center

S.B. 1575
By: Madla
Health & Human Services
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As Filed

DIGEST

Currently, advanced practice nurses and physician assistants provide care to patients under the delegated authority of a collaborating physician. This bill will expand the regulations regarding the practice of advanced practice nurses and physician assistants in collaborative practice with a physician and regulate the relationship between advanced practice nurses and physician assistants and managed care organizations.

PURPOSE

As proposed, S.B. 1575 expands the regulations regarding the practice of advanced practice nurses and physician assistants in collaborative practice with a physician and regulates the relationship between advanced practice nurses and physician assistants and managed care organizations.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Medical Examiners in SECTION 2 (Section 3.06(5)(d)(I), Article 4495b, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3.06(d)(5)(D), Article 4495b, V.T.C.S. (Medical Practice Act), to require physician supervision to be adequate if a delegating physician is on site at least once every 10 business days, rather than once a week, to provide medical direction and consultation.

SECTION 2. Amends Section 3.06(d)(5), Article 4495b, V.T.C.S., by adding Paragraph (I), to authorize the Texas State Board of Medical Examiners (board), for good cause shown, to grant a waiver of one or more of the physician supervision requirements set out in Paragraph (d) of this subdivision. Sets forth items to be considered by the board in granting the waiver. Authorizes the board to withdraw the waiver after notice and hearing and requires a waiver to be renewed every three years in accordance with rules established by the board.

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

SECTION 4. Amends Section 14, Article 20A.14, V.T.C.S. (Texas Health Maintenance Organization Act), 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.

SECTION 5. Amends Chapter 3, Insurance Code, by adding Article 3.70-3C, as follows:

Art. 3.70-3C.

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

Sec. 2. Makes a conforming change.

SECTION 6. Amends Section 2(B), Article 3.70-2, Insurance Code, to define "advance practice nurse" and "physician assistant."

SECTION 7. Amends Section 1, Article 21.52, Insurance Code, to define "advanced practice nurse" and "physician assistant."

SECTION 8. Amends Section 3, Article 21.52, Insurance Code, to require advanced practice nurses and physician assistants performing services or procedures scheduled in the policy which fall within the scope of the license of the advanced practice nurse or physician assistant or which the advanced practice nurse or physician assistant is authorized to perform under the authority of Section 3.06(d)(5) or (6), Article 4495b, V.T.C.S., to be considered practitioners listed in Subsection (a) for all purposes except that a health insurance policy is authorized to differentiate in its payment schedule or payment provisions or in its amount of payment or manner of payment or reimbursement for scheduled services or procedures when performed by a physician and when performed by an advanced practice nurse or physician assistant based on reasonable differences in the costs between a physician providing those services or procedures and an advanced practice nurse or physician assistant providing them.

SECTION 9. Amends Section 241.003, Health and Safety Code, to define "advanced practice nurse" and "physician assistant." Makes conforming changes.

SECTION 10. Amends Chapter 241, Health and Safety Code, by adding Section 241.105, as follows:

Sec. 241.105. HOSPITAL PRIVILEGES FOR ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS. Sets forth procedures for extending medical staff or other clinical privileges to advanced practice nurses or physician assistants.

SECTION 11. Effective date: September 1, 1997.

SECTION 12. Emergency clause.
Effective date: upon passage.