

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1166
Madla
Health & Human Services
3/19/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, physicians may delegate to advanced practice nurses and physician assistants at sites where a medically underserved population is treated, the physician's primary practice site, and a facility-based practice in a hospital or nursing home the authority to carry out or sign a prescription drug order. C.S.S.B. 1166 authorizes a physician to delegate prescriptive authority to an advanced practice nurse or physician assistant in an alternate site if certain conditions are met in order to improve access to care and reduce some of the current paperwork.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 157.053(e), Occupations Code, to provide that a physician's authority to delegate the carrying out or signing of a prescription drug order is limited to three physician assistants or advanced practice nurses or their full-time equivalents at the physician's primary practice site or at an alternate practice site under Section 157.0541. Deletes existing text relating to the physician's primary practice site.

SECTION 2. Amends Chapter 157B, Occupations Code, by adding Sections 157.0541 and 157.0542, as follows:

Sec. 157.0541. PRESCRIBING AT ALTERNATE SITES. (a) Defines "alternate site."

(b) Authorizes a physician licensed by the Texas State Board of Medical Examiners (board) to delegate to an advanced practice nurse or physician assistant, at an alternate site and acting under adequate physician supervision, the act of administering, providing, or carrying out or signing a prescription drug order as authorized through a physician's order, a standing medical order, a standing delegation order, or another order or protocol as defined by the board. Provides that the authority of a physician to delegate the carrying out or signing of prescription drug orders under this section is limited to dangerous drugs.

(c) Sets forth the conditions constituting adequate physician supervision for the purposes of this section.

(d) Authorizes an alternative physician to provide appropriate supervision to an advanced practice nurse or physician assistant under this section on a temporary basis as provided by board rule.

(e) Prohibits the combined number of advanced practice nurses and physician assistants to whom a physician may delegate under this section and at a primary practice site

under Section 157.053 from exceeding three physician assistants or advanced practice nurses or the full-time equivalent of three physician assistants or advanced practice nurses.

Sec. 157.0542. BOARD WAIVER OF DELEGATION REQUIREMENTS. (a) Authorizes the board, on determination that the conditions of Subsection (b) have been met, to waive or modify any of the site or supervision requirements for a physician to delegate the carrying out or signing of prescription drug orders to an advanced practice nurse or physician assistant under Sections 157.052, 157.053, 157.054, and 157.0541, or under board rules. Prohibits the board from waiving the limitation on the number of primary or alternate practice sites at which a physician is authorized to delegate the carrying out or signing of prescription drug orders or the number of advanced practice nurses or physician assistants to whom a physician is authorized to delegate the carrying out or signing of prescription drug orders.

(b) Authorizes the board to grant a waiver under Subsection (a) under certain conditions.

(c) Requires the board to establish procedures for granting waivers under this section. Requires the procedures, at a minimum, to include a process for providing, if the board denies a waiver, a written explanation for the denial and identifying modifications that would make the waiver acceptable, and a process for revoking, suspending, or modifying a waiver previously granted. Requires the process for revoking, suspending, or modifying a waiver to include notice and an opportunity for a hearing. Authorizes the board to probate an order to revoke, suspend, or modify a waiver.

(d) Requires the board to appoint an advisory committee to review and make recommendations on applications for waivers under this section. Requires each committee member to be actively practicing as a physician, advanced practice nurse, or physician assistant in collaborative practices under which the advanced practice nurse or physician assistant is authorized by the physician to sign or carry out prescription drug orders under this subchapter. Sets forth the size and membership requirements of the committee.

(e) Requires the committee to recommend whether to grant a waiver after making the determination required of the board under Subsection (a). Authorizes the board to grant a waiver only if the committee recommends that it be granted, unless the board determines good cause exists to grant a waiver that the committee does not recommend.

(f) Authorizes the committee to recommend that the board approve a waiver with modifications.

(g) Sets forth the voting requirements for the committee to recommend the approval of a waiver.

(h) Provides that this section expires September 1, 2005.

SECTION 3. Amends Section 204.202(b), Occupations Code, to add Sections 157.0541 and 157.0542 to the sections under which physician assistants are authorized to provide certain medical services.

SECTION 4. Amends Section 301.002(2), Occupations Code, to redefine “professional nursing.”

SECTION 5. Amends Section 551.003(34), Occupations Code, to redefine “practitioner.”

SECTION 6. Amends Section 483.001(12), Occupations Code, to redefine “practitioner.”

SECTION 7. Amends Section 483.003(b), Health and Safety Code, to add Section 483.001(12)(D) to the list of sections under which certain practitioners are authorized to dispense certain abused drugs by prescription.

SECTION 8. Amends Section 483.004, Health and Safety Code, to make a conforming change.

SECTION 9. Requires the board, not later than December 1, 2004, to submit a report to the legislature of the number of waiver applications received and the number of waiver applications granted under Section 157.0542, Occupations Code, as added by this Act.

SECTION 10. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 2. Differs from As Filed S.B. 1166 by amending Sections 157.0541 and 157.0542, as follows:

Sec. 157.0541. Authorizes a physician licensed by the board to delegate certain actions related to prescription drug orders to advanced practice nurses or physician assistants at an alternate site.

Sec. 157.0542. (a) Authorizes, rather than requires, the board, on determining that certain conditions have been met, to waive or modify any of the site or supervision requirements for a physician to delegate the carrying out or signing of prescriptive drug orders to certain individuals under Section 157.052, 157.053, 157.054, and 157.0541, or under board rules. Prohibits the board from waiving the limitation on the number of primary or alternate practice sites at which a physician is authorized to delegate the carrying out or signing of prescription drug orders or the number of advanced practice nurses or physician assistants to whom a physician is authorized to delegate the carrying out or signing of prescription drug orders.

(b) Authorizes the board to grant a waiver under Subsection (a) if the board determines that certain conditions are met.

(c) Requires the procedures for granting waivers under this section, at a minimum, to include a process for providing, if the board denies a waiver, a written explanation for the denial and identifying modifications that would make the waiver acceptable, and a process for revoking, suspending, or modifying a waiver previously granted. Requires that the process for revoking, suspending, or modifying a waiver to include notice and an opportunity for a hearing. Authorizes the board to probate an order to revoke, suspend, or modify a waiver.

SECTION 5. Differs from As Filed S.B. 1166 by amending the definition of “practitioner” to make a conforming change.

SECTION 6. Differs from As Filed S.B. 1166 by amending the definition of “practitioner” to make a conforming change.

SECTION 9. Differs from As Filed S.B. 1166 by requiring the board, not later than December 1, 2004, to submit a report to the legislature of the number of waiver applications received and the number of waiver applications granted under Section 157.0542, Occupations Code, as added by this Act.

SECTION 10. Differs from As Filed S.B. 1166 by redesignating SECTION 9 as SECTION 10.