

BILL ANALYSIS

Senate Research Center
78R4637 YBD-F

H.B. 1095
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

Currently, physicians may delegate the authority to write prescriptions for “dangerous drugs” to advanced practice nurses and physician assistants. H.B. 612 expands the law to allow physicians to delegate the authority to write prescriptions for “controlled substances,” a different category of prescription drug, to advanced practice nurses and physician assistants. It also requires insurers and hospitals to use the same credentialing form for advanced practice nurses and physician assistants as they currently use for physicians.

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 157.051, Occupations Code, by adding Subdivisions (2-a) and (2-b), to define “controlled substance” and “dangerous drug.”

SECTION 2. Amends Subchapter B, Chapter 157, Occupations Code, by adding Section 157.0511, as follows:

Sec. 157.0511. PRESCRIPTION DRUG ORDERS. (a) Limits a physician’s authority to delegate the carrying out or signing of a prescription drug order under this chapter to dangerous drugs and controlled substances.

(b) Authorizes a physician to delegate the carrying out or signing of a prescription drug order for a controlled substance only if the prescription meets certain criteria.

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

SECTION 3. Amends Section 157.052(c), Occupations Code, to delete language referring to a physician’s authority to delegate the carrying out or signing of prescription drug orders being limited to dangerous drugs.

SECTION 4. Amends Section 157.053(b), Occupations Code, to make a conforming change.

SECTION 5. Amends Section 157.054(b), Occupations Code, to make a conforming change.

SECTION 6. Amends Section 157.0541(b), Occupations Code, to make a conforming change.

SECTION 7. Amends Section 157.059, Occupations Code, by adding Subsection (j) to provide that this section does not limit the authority of a physician to delegate the carrying out or signing of a prescription drug order involving a controlled substance under this chapter.

SECTION 8. Amends Section 551.003(34), Occupations Code, to make a conforming change.

SECTION 9. Amends Section 481.002(39), Health and Safety Code, to redefine “practitioner” to include an advanced practice nurse or physician assistant to whom a physician has delegated the authority to carry out or sign prescription drug orders under Section 157.0511, 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations Code.

SECTION 10. Amends Section 483.001(12), Health and Safety Code, to make a conforming change.

SECTION 11. Amends Article 21.58D, Insurance Code, as follows:

Art. 21.58D. New heading: STANDARDIZED FORM FOR VERIFICATION OF CERTAIN CREDENTIALS

Sec. 1. New heading: DEFINITIONS. Defines “advanced practice nurse” and “physician assistant.”

Sec. 2. (a) Requires the commissioner of insurance by rule to adopt a standardized form for the verification of the credentials of an advanced practice nurse or physician assistant.

(b) Requires the commissioner of insurance, in adopting a form under Subsection (a) of this section, to consider any credentialing application form that is widely used in this state or a form currently used by the Texas Department of Insurance.

SECTION 12. Effective date: upon passage or September 1, 2003.