

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1131
By: Madla
Health Services
3/31/1999
Committee Report (Substituted)

DIGEST

Over the years, various health care associations have worked together to address practice problems faced by the advanced practice nurses (APNs) and physician assistants (PAs). Three issues identified during the last interim relate to clinical privileging, reimbursement by insurance companies, and the inability of APN and PA to have their patients' prescriptions called in to a pharmacy. C.S.S.B. 1131 would regulate APNs and PAs, and would provide penalties.

PURPOSE

As proposed, C.S.S.B. 1131 regulates advanced practice nurses and physician assistants, and provides penalties.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 241.003, Health and Safety Code, to define "advanced practice nurse" and "physician assistant." Makes conforming changes.

SECTION 2. Amends Chapter 241E, Health and Safety Code, by adding Section 241.105, as follows:

Sec. 241.105. HOSPITAL PRIVILEGES FOR ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS. Authorizes the governing body of a hospital to establish policies concerning the granting of clinical privileges to advanced practice nurses (APNs) and physicians assistants (PAs), including certain policies. Requires an individual APN or PA who qualifies for privileges under that policy to be entitled to certain procedural rights to provide fairness of process, as determined by the governing board of the hospital, when an application for privileges is submitted to the hospital, if the governing body of a hospital has adopted a policy of granting clinical privileges to APNs or PAs. Requires any policy adopted, at a minimum, to specify a reasonable period for the processing and consideration of the application and to provide for written notification to the applicant of any final action on the application by the hospital, including any reason for denial or restriction of the privileges requested. Prohibits the hospital from modifying or revoking those privileges without providing certain procedural rights to provide fairness of process, as determined by the governing body of the hospital, to the advanced practice nurse or physician assistant, if an APN or PA has been granted clinical privileges by a hospital. Requires the hospital, at a minimum to provide the APN or PA written reasons for the modification or revocation of privileges and a mechanism for appeal to the appropriate committee or body within the hospital, determined by the governing body of the hospital. Requires the APN or PA and the physician to provide written notification to the hospital that the relationship no longer exists, if a hospital extends clinical privileges to an APN or PA conditioned on the APN or PA having a sponsoring or collaborating relationship with a physician and that relationship ceases to exist. Requires the hospital, once it receives such notice from an APN or PA and the physician, to be deemed to have met its obligations under this section by notifying the APN or PA in writing that the APN's or PA's clinical privileges no longer exist at the hospital. Provides that nothing in this section shall be construed as modifying the Medical Practice Act, the Nurses Practice Act, the Physician Assistants Licensing Act, or any other law relating to the scope of practice of physicians, APNs, or PAs. Prohibits this section from applying to an employer-employee relationship between an APN or PA and a hospital.

SECTION 3. Amends Section 33, Article 4542a-1, V.T.C.S. (Texas Pharmacy Act), by adding Subsection (f), to authorize a person who qualifies to prescribe a prescription drug (practitioner) designated as an agent under Section 5(18)(A) or (B) of this Act to be designated by the practitioner to communicate prescriptions of an APN or PA authorized by the practitioner to sign prescription drug orders under Section 3.06(d)(5) or (6), Article 4495b, V.T.C.S.

SECTION 4. Amends Section 483.022, Health and Safety Code, by adding Subsection (f), to authorize a practitioner to designate a person who qualifies as a designated agent of the practitioner under Section 483.001(4)(A) or (B) to communicate prescriptions of an APN or PA authorized by the practitioner to sign prescription drug orders under Section 3.06(d)(5) or (6), Article 4495b, V.T.C.S.

SECTION 5. Amends Section 31, Article 8451a, V.T.C.S., to require every applicant for certain licenses to submit a certificate of health signed by a licensed APN showing the applicant is free from certain diseases. Makes conforming changes.

SECTION 6. Amends Section 1, Article 21.52, Insurance Code, to define “advanced practice nurse” and “physician assistant.”

SECTION 7. Amends Section 3, Article 21.52, Insurance Code, to authorize any person who is a beneficiary under any health insurance policy issued for delivery in this state by any insurance company to select an APN to provide the services scheduled in the policy that fall within the scope of the license of that practitioner, or a PA to provide the services scheduled in the policy that fall within the scope of the license of that practitioner. Authorizes a health insurance policy to provide for a different amount of payment or reimbursement for scheduled services or procedures when performed by an APN or PA provided the reimbursement methodology used to calculate the payment for the service or procedure is the same methodology used to calculate the payment when the service or procedure is provided by a physician. Makes conforming changes.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 241.105, Health and Safety Code, by adding Section (f), to prohibit this section from applying to an employer-employee relationship between an APN or PA and a hospital.