

**Changes in Law Regarding Prescriptive Delegation to
Physician Assistants (PAs)
and
Advanced Practice Nurses (APNs)**

**9/1/2009
Rev. 9/23/2009**

Senate Bill 532 was passed by the 81st Legislature. Key changes, effective 9/1/2009, are listed below.

Increased Number of PAs and APNs to Whom Physicians May Delegate Prescriptive Authority

- Physicians may now delegate prescriptive authority to a total of four PAs or APNs (or their full-time equivalents) at primary practice, alternate practice sites and long-term care facility-based practice sites. The previous limit was three. *Tex. Occ. Code, Sections 157.053(e)(1), 157.053(b)(4) and 157.0541(e)(4).*
- Additionally, physicians may now delegate prescriptive authority to a total of four PAs or APNs (or their full-time equivalents) to PAs offering obstetrical services or APN nurse midwives to administer/provide controlled substances to their clients during intrapartum and immediate postpartum care. *Tex. Occ. Code, Sec. 157.059(f)(1)*

Prescription Refills, Periods

- Delegated prescriptive authority for Schedules III, IV, and V controlled substances may now include refills. *Tex. Occ. Code, Sec. 157.0511(b)(2).*
- The period of the prescription for Schedules III, IV, and V controlled substances, including refills, is extended from 30 days to 90 days. *Tex. Occ. Code, Sec. 157.0511(b)(2).*

Additional Primary Practice Site Location

A physician's primary practice site now also includes a location where a PA or APN who practices on-site with the physician more than 50 percent of the time and provides:

- (A) health care services for established patients;
- (B) without remuneration, voluntary charity health care services at a clinic run or sponsored by a nonprofit organization; or
- (C) without remuneration, voluntary health care services during a declared emergency or disaster at a temporary facility operated or sponsored by a governmental entity or nonprofit organization and established to serve persons in this state. *Tex. Occ. Code, Sec. 157.053(a)(6).*

Increased Distance to Alternate Site Allowed

An alternate practice site may now be located up to 75 miles from either the delegating physician's residence or primary practice site. The previous maximum distance was 60 miles and the physician's residence was not part of the definition.

Fewer Hours Required On-Site by Physicians at Alternate Practice Sites

Physician supervision on-site requirement for alternate practice sites is reduced from 20 percent to 10 percent. The delegating physician must:

- be on-site 10 percent of the hours of operation of the site each month that the PA or APN is acting with delegated prescriptive authority and is available while on-site to see, diagnose, treat, and provide care to those patients for services provided or to be provided by the PA or APN to whom the physician has delegated prescriptive authority; and,
- not be prohibited by contract from seeing, diagnosing, or treating a patient for services provided or to be provided by the PA or APN under delegated prescriptive authority. *Tex. Occ. Code, Sec. 157.0541(c)(1).*

Electronic Review of Charts Allowed at Alternate Practice Sites

The delegating physician's review at least 10 percent of the medical charts for each APN or PA at the site now allows electronic review of the charts from a remote location. *Tex. Occ. Code, Sec. 157.0541(c)(2).*

Registration of Prescriptive Delegation

Registration by physicians of delegated prescriptive authority to PAs or APNs is once again required. The effective date is 1/31/2010. Physicians who have already notified TMB that they supervise PAs and/or APNs will be provided information on registration prior to the effective date. New notice of supervision forms submitted to the TMB will include an option for designating delegated prescriptive authority. *Tex. Occ. Code, Sec. 157.0511(b-1).*

Waivers on Number of PAs, APNs to Whom Physician Delegates Prescriptive Authority Allowed at Primary and Alternate Practice Sites

- Waivers may now be granted by the TMB for the number of PAs and APNs to whom a physician delegates prescriptive authority at both primary and alternate practice sites.
 - The board may not allow a physician to delegate prescriptive authority to more than a total of six PAs or APNs (or their full-time equivalents).
 - Before granting the waiver, the TMB must determine that the types of health care services provided by the PAs and APNs are limited in nature and duration, within the scope of delegated authority, and that patient health care will not be adversely affected. *Tex. Occ. Code, Sec. 157.0542.*

Waivers on Mileage Limit and On-Site Supervision Requirements at Alternate Practice Sites

- Waivers may now be granted by the TMB for the:
 - mileage limitation between a supervising physician's primary practice site and alternate practice site.
 - on-site supervision requirements, except that the physician must be available on-site at regular intervals and when on-site the physician must be available to treat patients.
- Before granting a waiver, the TMB must determine that the types of health care services provided by the PAs and APNs are limited in nature and duration, within the scope of delegated authority, and that patient health care will not be adversely affected. *Tex. Occ. Code, Sec. 157.0542.*

Sec. 157.059. DELEGATION REGARDING CERTAIN OBSTETRICAL SERVICES.

(b) A physician may delegate to a physician assistant offering obstetrical services and certified by the board as specializing in obstetrics or an advanced practice nurse recognized by the Texas Board of Nursing as a nurse midwife the act of administering or providing controlled substances to the physician assistant's or nurse midwife's clients during intrapartum and immediate postpartum care.

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