

By: Smithee

H.B. No. 1225

A BILL TO BE ENTITLED

AN ACT

relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 533.005, Government Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of Subsection (a)(13), an advanced practice registered nurse may be included as a primary care provider in a managed care organization's provider network regardless of whether the physician supervising the advanced practice registered nurse is in the provider network. This subsection may not be construed as authorizing a managed care organization to supervise or control the practice of medicine as prohibited by Subtitle B, Title 3, Occupations Code.

SECTION 2. Section 62.1551, Health and Safety Code, is amended to read as follows:

Sec. 62.1551. INCLUSION OF CERTAIN HEALTH CARE PROVIDERS IN PROVIDER NETWORKS. (a) Notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the executive commissioner shall adopt rules to require a managed care organization or other entity to ensure that advanced practice registered nurses and physician assistants are available as primary care providers in the organization's or entity's provider network.

The rules must require advanced practice registered nurses and physician assistants to be treated in the same manner as primary care physicians with regard to:

(1) selection and assignment as primary care providers;

(2) inclusion as primary care providers in the provider network; and

(3) inclusion as primary care providers in any provider network directory maintained by the organization or entity.

(b) For purposes of Subsection (a), an advanced practice registered nurse may be included as a primary care provider in a managed care organization's or entity's provider network regardless of whether the physician supervising the advanced practice registered nurse is in the provider network.

(c) This section may not be construed as authorizing a managed care organization or other entity to supervise or control the practice of medicine as prohibited by Subtitle B, Title 3, Occupations Code.

SECTION 3. Section 32.024(gg), Human Resources Code, is amended to read as follows:

(gg) Notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the commission shall ensure that advanced practice registered nurses and physician assistants may be selected by and assigned to recipients of medical assistance as the primary care providers of those recipients regardless of whether the physician supervising the advanced practice registered

1 nurse is included in any directory of providers of medical
2 assistance maintained by the commission. This subsection may not
3 be construed as authorizing the commission to supervise or control
4 the practice of medicine as prohibited by Subtitle B, Title 3,
5 Occupations Code. The commission must require that advanced
6 practice registered nurses and physician assistants be treated in
7 the same manner as primary care physicians with regard to:

8 (1) selection and assignment as primary care
9 providers; and

10 (2) inclusion as primary care providers in any
11 directory of providers of medical assistance maintained by the
12 commission.

13 SECTION 4. Subchapter I, Chapter 843, Insurance Code, is
14 amended by adding Section 843.3125 to read as follows:

15 Sec. 843.3125. CONTRACTS WITH ADVANCED PRACTICE REGISTERED
16 NURSES. (a) A health maintenance organization may contract
17 directly with an advanced practice registered nurse to provide
18 health care services on behalf of the health maintenance
19 organization regardless of whether the physician supervising the
20 advanced practice registered nurse provides health care services
21 for the health maintenance organization.

22 (b) This section may not be construed as authorizing a
23 health maintenance organization to supervise or control the
24 practice of medicine as prohibited by Subtitle B, Title 3,
25 Occupations Code.

26 SECTION 5. Subchapter B, Chapter 1301, Insurance Code, is
27 amended by adding Section 1301.0525 to read as follows:

1 Sec. 1301.0525. DESIGNATION OF ADVANCED PRACTICE
2 REGISTERED NURSES AS PREFERRED PROVIDERS. (a) An insurer offering
3 a preferred provider benefit plan may designate an advanced
4 practice registered nurse as a preferred provider regardless of
5 whether the physician supervising the advanced practice registered
6 nurse is a preferred provider.

7 (b) This section may not be construed as authorizing an
8 insurer to supervise or control the practice of medicine as
9 prohibited by Subtitle B, Title 3, Occupations Code.

10 SECTION 6. If before implementing any provision of this Act
11 a state agency determines that a waiver or authorization from a
12 federal agency is necessary for implementation of that provision,
13 the agency affected by the provision shall request the waiver or
14 authorization and may delay implementing that provision until the
15 waiver or authorization is granted.

16 SECTION 7. This Act takes effect September 1, 2017.