

By: Klick

H.B. No. 1190

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prescribing and ordering of Schedule II controlled  
3 substances by certain advanced practice registered nurses and  
4 physician assistants.

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

6 SECTION 1. Sections 157.0511(a) and (b), Occupations Code,  
7 are amended to read as follows:

8 (a) A physician's authority to delegate the prescribing or  
9 ordering of a drug or device under this subchapter is limited to:

- 10 (1) nonprescription drugs;  
11 (2) dangerous drugs; and  
12 (3) controlled substances to the extent provided by  
13 Subsection [~~Subsections~~] (b) [~~and (b-1)~~].

14 (b) A [~~Except as provided by Subsection (b-1), a~~] physician  
15 may delegate the prescribing or ordering of a controlled substance  
16 only if:

17 (1) the prescription is for a controlled substance  
18 listed in Schedule II, III, IV, or V as established by the  
19 commissioner of state health services [~~the Department of State~~  
20 ~~Health Services~~] under Chapter 481, Health and Safety Code;

21 (2) the prescription, including any [~~a~~] refill of the  
22 prescription, is for a period not to exceed 90 days;

23 (3) with regard to the refill of a prescription, the  
24 refill is authorized after consultation with the delegating

1 physician and the consultation is noted in the patient's chart; and  
2 (4) with regard to a prescription for a child less than  
3 two years of age, the prescription is made after consultation with  
4 the delegating physician and the consultation is noted in the  
5 patient's chart.

6 SECTION 2. Section [157.0511\(b-1\)](#), Occupations Code, is  
7 repealed.

8 SECTION 3. This Act takes effect September 1, 2023.