

By: McClendon

H.B. No. 574

A BILL TO BE ENTITLED

AN ACT

relating to the rights of a patient receiving treatment for severe chronic or acute pain.

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

SECTION 1. The heading to Chapter 107, Occupations Code, is amended to read as follows:

CHAPTER 107. [~~INTRACTABLE~~] PAIN TREATMENT

SECTION 2. Chapter 107, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PATIENT BILL OF RIGHTS

Sec. 107.201. PATIENT RIGHTS IN PAIN TREATMENT. A patient who suffers from severe chronic or acute pain may:

(1) request or reject the use of any or all modalities to relieve the pain;

(2) choose from appropriate pharmacologic treatment options to relieve the pain, including opiate medications, without first having to submit to surgery or a medical procedure that results in the destruction of a nerve or other body tissue or the implantation of a drug delivery system or device; and

(3) ask the patient's physician to provide an identifying notice of a prescription to treat the pain for purposes of emergency treatment or law enforcement identification.

Sec. 107.202. DUTIES OF PHYSICIAN IN PAIN TREATMENT. A physician may refuse to prescribe opiate medication for a patient

1 who requests that treatment for severe chronic or acute pain only if
2 the physician provides the patient with the name of another
3 physician who is qualified to treat the pain employing methods that
4 include the use of opiates.

5 SECTION 3. Section 107.001, Occupations Code, is repealed.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.