

By: Williams

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

relating to prescriptions issued for certain controlled substances.

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

SECTION 1. Section 481.074, Health and Safety Code, is amended by adding Subsection (d-1) and amending Subsection (k) to read as follows:

(d-1) Notwithstanding Subsection (d), a prescribing practitioner may issue multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled substance if:

(1) each separate prescription is issued for a legitimate medical purpose by a prescribing practitioner acting in the usual course of professional practice;

(2) the prescribing practitioner provides written instructions on each prescription to be filled at a later date indicating the earliest date on which a pharmacy may fill each prescription;

(3) the prescribing practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; and

(4) the issuance of multiple prescriptions complies with other applicable state and federal laws.

(k) A prescription for a controlled substance must show:

- 1           (1) the quantity of the substance prescribed:
- 2                 (A) numerically, followed by the number written
- 3 as a word, if the prescription is written; or
- 4                 (B) if the prescription is communicated orally or
- 5 telephonically, as transcribed by the receiving pharmacist;
- 6           (2) the date of issue;
- 7                 (2-a) if the prescription is issued for a Schedule II
- 8 controlled substance to be filled at a later date under Subsection
- 9 (d-1), the earliest date on which a pharmacy may fill the
- 10 prescription;
- 11           (3) the name, address, and date of birth or age of the
- 12 patient or, if the controlled substance is prescribed for an
- 13 animal, the species of the animal and the name and address of its
- 14 owner;
- 15           (4) the name and strength of the controlled substance
- 16 prescribed;
- 17           (5) the directions for use of the controlled
- 18 substance;
- 19           (6) the intended use of the substance prescribed
- 20 unless the practitioner determines the furnishing of this
- 21 information is not in the best interest of the patient;
- 22           (7) the legibly printed or stamped name, address,
- 23 Federal Drug Enforcement Administration registration number, and
- 24 telephone number of the practitioner at the practitioner's usual
- 25 place of business;
- 26           (8) if the prescription is handwritten, the signature
- 27 of the prescribing practitioner; and

1 (9) if the prescribing practitioner is licensed in  
2 this state, the practitioner's department registration number.

3 SECTION 2. Section 481.075(e), Health and Safety Code, is  
4 amended to read as follows:

5 (e) Each official prescription form used to prescribe a  
6 Schedule II controlled substance must contain:

7 (1) information provided by the prescribing  
8 practitioner, including:

9 (A) the date the prescription is written;

10 (B) the controlled substance prescribed;

11 (C) the quantity of controlled substance  
12 prescribed, shown numerically followed by the number written as a  
13 word;

14 (D) the intended use of the controlled substance  
15 or the diagnosis for which it is prescribed and the instructions for  
16 use of the substance;

17 (E) the practitioner's name, address, department  
18 registration number, and Federal Drug Enforcement Administration  
19 number; ~~and~~

20 (F) the name, address, and date of birth or age of  
21 the person for whom the controlled substance is prescribed; and

22 (G) if the prescription is issued to be filled at  
23 a later date under Section 481.074(d-1), the earliest date on which  
24 a pharmacy may fill the prescription;

25 (2) information provided by the dispensing  
26 pharmacist, including the date the prescription is filled; and

27 (3) the signatures of the prescribing practitioner and

1 the dispensing pharmacist.

2 SECTION 3. Section 481.0761(c), Health and Safety Code, is  
3 amended to read as follows:

4 (c) The director by rule may:

5 (1) permit more than one prescription to be  
6 administered or dispensed and recorded on one prescription form for  
7 a Schedule III through V controlled substance;

8 (1-a) establish a procedure for the issuance of  
9 multiple prescriptions of a Schedule II controlled substance under  
10 Section 481.074(d-1);

11 (2) remove from or return to the official prescription  
12 program any aspect of a practitioner's or pharmacist's hospital  
13 practice, including administering or dispensing;

14 (3) waive or delay any requirement relating to the  
15 time or manner of reporting;

16 (4) establish compatibility protocols for electronic  
17 data transfer hardware, software, or format;

18 (5) establish a procedure to control the release of  
19 information under Sections 481.074, 481.075, and 481.076; and

20 (6) establish a minimum level of prescription activity  
21 below which a reporting activity may be modified or deleted.

22 SECTION 4. The change in law made by this Act applies only  
23 to the issuance of a prescription on or after the effective date of  
24 this Act. The issuance of a prescription before the effective date  
25 of this Act is covered by the law in effect when the prescription  
26 was issued, and the former law is continued in effect for that  
27 purpose.

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2009.