

1-1 By: Williams S.B. No. 904
1-2 (In the Senate - Filed February 17, 2009; March 9, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 1, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to prescriptions issued for certain controlled
1-9 substances.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 481.074, Health and Safety Code, is
1-12 amended by adding Subsection (d-1) and amending Subsection (k) to
1-13 read as follows:

1-14 (d-1) Notwithstanding Subsection (d), a prescribing
1-15 practitioner may issue multiple prescriptions authorizing the
1-16 patient to receive a total of up to a 90-day supply of a Schedule II
1-17 controlled substance if:

1-18 (1) each separate prescription is issued for a
1-19 legitimate medical purpose by a prescribing practitioner acting in
1-20 the usual course of professional practice;

1-21 (2) the prescribing practitioner provides written
1-22 instructions on each prescription to be filled at a later date
1-23 indicating the earliest date on which a pharmacy may fill each
1-24 prescription;

1-25 (3) the prescribing practitioner concludes that
1-26 providing the patient with multiple prescriptions in this manner
1-27 does not create an undue risk of diversion or abuse; and

1-28 (4) the issuance of multiple prescriptions complies
1-29 with other applicable state and federal laws.

1-30 (k) A prescription for a controlled substance must show:

1-31 (1) the quantity of the substance prescribed:

1-32 (A) numerically, followed by the number written
1-33 as a word, if the prescription is written; or

1-34 (B) if the prescription is communicated orally or
1-35 telephonically, as transcribed by the receiving pharmacist;

1-36 (2) the date of issue;

1-37 (2-a) if the prescription is issued for a Schedule II
1-38 controlled substance to be filled at a later date under Subsection
1-39 (d-1), the earliest date on which a pharmacy may fill the
1-40 prescription;

1-41 (3) the name, address, and date of birth or age of the
1-42 patient or, if the controlled substance is prescribed for an
1-43 animal, the species of the animal and the name and address of its
1-44 owner;

1-45 (4) the name and strength of the controlled substance
1-46 prescribed;

1-47 (5) the directions for use of the controlled
1-48 substance;

1-49 (6) the intended use of the substance prescribed
1-50 unless the practitioner determines the furnishing of this
1-51 information is not in the best interest of the patient;

1-52 (7) the legibly printed or stamped name, address,
1-53 Federal Drug Enforcement Administration registration number, and
1-54 telephone number of the practitioner at the practitioner's usual
1-55 place of business;

1-56 (8) if the prescription is handwritten, the signature
1-57 of the prescribing practitioner; and

1-58 (9) if the prescribing practitioner is licensed in
1-59 this state, the practitioner's department registration number.

1-60 SECTION 2. Subsection (e), Section 481.075, Health and
1-61 Safety Code, is amended to read as follows:

1-62 (e) Each official prescription form used to prescribe a
1-63 Schedule II controlled substance must contain:

1-64 (1) information provided by the prescribing

2-1 practitioner, including:

2-2 (A) the date the prescription is written;

2-3 (B) the controlled substance prescribed;

2-4 (C) the quantity of controlled substance
2-5 prescribed, shown numerically followed by the number written as a
2-6 word;

2-7 (D) the intended use of the controlled substance
2-8 or the diagnosis for which it is prescribed and the instructions for
2-9 use of the substance;

2-10 (E) the practitioner's name, address, department
2-11 registration number, and Federal Drug Enforcement Administration
2-12 number; ~~and~~

2-13 (F) the name, address, and date of birth or age of
2-14 the person for whom the controlled substance is prescribed; and

2-15 (G) if the prescription is issued to be filled at
2-16 a later date under Section 481.074(d-1), the earliest date on which
2-17 a pharmacy may fill the prescription;

2-18 (2) information provided by the dispensing
2-19 pharmacist, including the date the prescription is filled; and

2-20 (3) the signatures of the prescribing practitioner and
2-21 the dispensing pharmacist.

2-22 SECTION 3. Subsection (c), Section 481.0761, Health and
2-23 Safety Code, is amended to read as follows:

2-24 (c) The director by rule may:

2-25 (1) permit more than one prescription to be
2-26 administered or dispensed and recorded on one prescription form for
2-27 a Schedule III through V controlled substance;

2-28 (1-a) establish a procedure for the issuance of
2-29 multiple prescriptions of a Schedule II controlled substance under
2-30 Section 481.074(d-1);

2-31 (2) remove from or return to the official prescription
2-32 program any aspect of a practitioner's or pharmacist's hospital
2-33 practice, including administering or dispensing;

2-34 (3) waive or delay any requirement relating to the
2-35 time or manner of reporting;

2-36 (4) establish compatibility protocols for electronic
2-37 data transfer hardware, software, or format;

2-38 (5) establish a procedure to control the release of
2-39 information under Sections 481.074, 481.075, and 481.076; and

2-40 (6) establish a minimum level of prescription activity
2-41 below which a reporting activity may be modified or deleted.

2-42 SECTION 4. The change in law made by this Act applies only
2-43 to the issuance of a prescription on or after the effective date of
2-44 this Act. The issuance of a prescription before the effective date
2-45 of this Act is covered by the law in effect when the prescription
2-46 was issued, and the former law is continued in effect for that
2-47 purpose.

2-48 SECTION 5. This Act takes effect immediately if it receives
2-49 a vote of two-thirds of all the members elected to each house, as
2-50 provided by Section 39, Article III, Texas Constitution. If this
2-51 Act does not receive the vote necessary for immediate effect, this
2-52 Act takes effect September 1, 2009.

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