

By: Zaffirini

S.B. No. 2247

A BILL TO BE ENTITLED

AN ACT

relating to the use of pro re nata psychoactive medications in certain residential health care facilities.

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

SECTION 1. Subchapter B, Chapter 576, Health and Safety Code, is amended by adding Section 576.0245 to read as follows:

Sec. 576.0245. ADMINISTRATION OF PSYCHOACTIVE MEDICATIONS.

(a) For each health and human services agency that regulates the care or treatment of a resident at a facility as defined by Section 322.001, the executive commissioner of the Health and Human Services Commission shall adopt rules to govern the administration of pro re nata psychoactive medications.

(b) The rules must:

(1) prohibit a health care practitioner authorized under the laws of this state to issue a prescription drug order from prescribing to a resident of a facility a pro re nata psychoactive medication administered by injection unless the drug is administered in a psychiatric emergency or under a court order; and

(2) require the practitioner to document in the resident's clinical record the use of psychoactive medication in a psychiatric emergency using specific medical and behavioral terms.

(c) A nurse licensed in this state and employed by a facility may not in an emergency administer psychoactive medication by injection unless the nurse has attended the training required by

1 rule of the executive commissioner of the Health and Human Services
2 Commission. The training must address the criteria that must be met
3 to administer the medication in a psychiatric emergency.

4 (d) A person employed by a facility shall attend training on
5 a resident's consent to treatment and refusal of consent to
6 treatment as prescribed by rule of the executive commissioner of
7 the Health and Human Services Commission. The training must include
8 information to equip staff to be alert to behaviors signifying a
9 resident's refusal to consent to administration of medication and
10 information on effective intermediate measures to calm residents in
11 distress by the use of methods other than control and intervention.

12 SECTION 2. (a) Not later than January 1, 2010, the executive
13 commissioner of the Health and Human Services Commission shall
14 adopt the rules required by Section 576.0245, Health and Safety
15 Code, as added by this Act.

16 (b) A facility subject to Section 576.0245, Health and
17 Safety Code, as added by this Act, is not required to comply with
18 that section until January 1, 2010.

19 SECTION 3. This Act takes effect September 1, 2009.