

By: Zaffirini

S.B. No. 47

A BILL TO BE ENTITLED

AN ACT

relating to the pro re nata administration of 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) In this section, "facility" has the meaning assigned by Section 322.001.

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

(c) 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 facility resident a standing psychoactive medication order to be administered pro re nata by injection;

(2) allow for the use of a psychoactive medication to be administered by injection:

(A) in a psychiatric emergency;

(B) under a court order; or

(C) on a per request basis by a facility

1 resident, subject to Subsection (e);

2 (3) require a practitioner who administers  
3 psychoactive medication in a psychiatric emergency to document in  
4 the resident's clinical record the administration using specific  
5 medical and behavioral terms;

6 (4) require a nurse licensed in this state and  
7 employed by a facility to attend, before administering psychoactive  
8 medication by injection in a psychiatric emergency, training on the  
9 criteria that must be met to administer pro re nata psychoactive  
10 medication in a psychiatric emergency; and

11 (5) require a person employed by a facility to attend  
12 training on a resident's consent to treatment and refusal of  
13 consent to treatment that includes:

14 (A) information to instruct staff on  
15 identification of behaviors signifying a resident's refusal to  
16 consent to administration of medication; and

17 (B) information on effective intermediate  
18 measures to calm residents in distress by the use of methods other  
19 than control and intervention.

20 (d) A nurse licensed in this state and employed by a  
21 facility may not in a psychiatric emergency administer psychoactive  
22 medication by injection unless the nurse has attended the training  
23 required under Subsection (c)(4).

24 (e) Before a psychoactive medication is administered by  
25 injection on request by a facility resident, the facility must  
26 first obtain from the resident a signed consent for the specific  
27 administration of the medication by injection. A health care

1 practitioner authorized under the laws of this state to issue the  
2 prescription drug order may issue a prescription drug order that  
3 authorizes psychoactive medication to be administered by injection  
4 on request of a facility resident only if the order is limited to a  
5 single administration of the medication at the resident's request.

6 SECTION 2. (a) Not later than January 1, 2012, the  
7 executive commissioner of the Health and Human Services Commission  
8 shall adopt the rules required by Section 576.0245, Health and  
9 Safety Code, as added by this Act.

10 (b) A health care practitioner subject to Section 576.0245,  
11 Health and Safety Code, as added by this Act, is not required to  
12 comply with that section until January 1, 2012.

13 SECTION 3. This Act takes effect September 1, 2011.