

1-1 By: Zaffirini S.B. No. 47
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 11, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 11, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 47 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the pro re nata administration of psychoactive
1-11 medications in certain residential health care facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 576, Health and Safety
1-14 Code, is amended by adding Section 576.0245 to read as follows:

1-15 Sec. 576.0245. ADMINISTRATION OF PSYCHOACTIVE MEDICATIONS.

1-16 (a) In this section, "facility" has the meaning assigned by
1-17 Section 322.001.

1-18 (b) For each health and human services agency that regulates
1-19 the care or treatment of a resident at a facility, the executive
1-20 commissioner of the Health and Human Services Commission shall
1-21 adopt rules to govern the pro re nata administration of
1-22 psychoactive medications to facility residents.

1-23 (c) The rules must:

1-24 (1) prohibit a health care practitioner authorized
1-25 under the laws of this state to issue a prescription drug order from
1-26 prescribing to a facility resident a standing psychoactive
1-27 medication order to be administered pro re nata by injection;

1-28 (2) allow for the use of a psychoactive medication to
1-29 be administered by injection:

1-30 (A) in a psychiatric emergency;

1-31 (B) under a court order; or

1-32 (C) on a per request basis by a facility
1-33 resident, subject to Subsection (e);

1-34 (3) require a practitioner who administers
1-35 psychoactive medication in a psychiatric emergency to document in
1-36 the resident's clinical record the administration using specific
1-37 medical and behavioral terms;

1-38 (4) require a nurse licensed in this state and
1-39 employed by a facility to attend, before administering psychoactive
1-40 medication by injection in a psychiatric emergency, training on the
1-41 criteria that must be met to administer pro re nata psychoactive
1-42 medication in a psychiatric emergency; and

1-43 (5) require a person employed by a facility to attend
1-44 training on a resident's consent to treatment and refusal of
1-45 consent to treatment that includes:

1-46 (A) information to instruct staff on
1-47 identification of behaviors signifying a resident's refusal to
1-48 consent to administration of medication; and

1-49 (B) information on effective intermediate
1-50 measures to calm residents in distress by the use of methods other
1-51 than control and intervention.

1-52 (d) A nurse licensed in this state and employed by a
1-53 facility may not in a psychiatric emergency administer psychoactive
1-54 medication by injection unless the nurse has attended the training
1-55 required under Subsection (c)(4).

1-56 (e) Before a psychoactive medication is administered by
1-57 injection on request by a facility resident, the facility must
1-58 first obtain from the resident a signed consent for the specific
1-59 administration of the medication by injection. A health care
1-60 practitioner authorized under the laws of this state to issue the
1-61 prescription drug order may issue a prescription drug order that
1-62 authorizes psychoactive medication to be administered by injection
1-63 on request of a facility resident only if the order is limited to a

2-1 single administration of the medication at the resident's request.

2-2 SECTION 2. (a) Not later than January 1, 2012, the
2-3 executive commissioner of the Health and Human Services Commission
2-4 shall adopt the rules required by Section 576.0245, Health and
2-5 Safety Code, as added by this Act.

2-6 (b) A health care practitioner subject to Section 576.0245,
2-7 Health and Safety Code, as added by this Act, is not required to
2-8 comply with that section until January 1, 2012.

2-9 SECTION 3. This Act takes effect September 1, 2011.

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