

By: Coleman, Zedler

H.B. No. 2602

Substitute the following for H.B. No. 2602:

By: Crownover

C.S.H.B. No. 2602

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prescribing and ordering of Schedule II controlled
3 substances by certain advanced practice registered nurses and
4 physician assistants.

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

6 SECTION 1. Section 157.0511, Occupations Code, is amended
7 by amending Subsections (b) and (b-1) and adding Subsections (b-3),
8 (b-4), and (d) to read as follows:

9 (b) Except as provided by Subsections [~~Subsection~~] (b-1)
10 and (b-3), a physician may delegate the prescribing or ordering of a
11 controlled substance only if:

12 (1) the prescription is for a controlled substance
13 listed in Schedule III, IV, or V as established by the commissioner
14 of state health services [~~the Department of State Health Services~~]
15 under Chapter 481, Health and Safety Code;

16 (2) the prescription, including refills [~~a refill~~] of
17 the prescription, is for a period not to exceed 90 days;

18 (3) with regard to the refill of a prescription, the
19 refill is authorized after consultation with the delegating
20 physician and the consultation is noted in the patient's chart; and

21 (4) with regard to a prescription for a child less than
22 two years of age, the prescription is made after consultation with
23 the delegating physician and the consultation is noted in the
24 patient's chart.

1 (b-1) A physician may delegate the prescribing or ordering
2 of a controlled substance listed in Schedule II as established by
3 the commissioner of state health services [~~the Department of State~~
4 ~~Health Services~~] under Chapter 481, Health and Safety Code, only:

5 (1) in a hospital facility-based practice under
6 Section 157.054, in accordance with policies approved by the
7 hospital's medical staff or a committee of the hospital's medical
8 staff as provided by the hospital bylaws to ensure patient safety,
9 and as part of the care, including discharge prescriptions,
10 provided to a patient who:

11 (A) has been admitted to the hospital for an
12 intended length of stay of 24 hours or greater; or

13 (B) is receiving services in the emergency
14 department of the hospital; [~~or~~]

15 (2) as part of the plan of care for the treatment of a
16 person who has executed a written certification of a terminal
17 illness, has elected to receive hospice care, and is receiving
18 hospice treatment from a qualified hospice provider;

19 (3) as part of the plan of care for the treatment of a
20 person receiving palliative care; or

21 (4) as part of the plan of care for the treatment of a
22 person with a disorder defined in the Diagnostic and Statistical
23 Manual of Mental Disorders, 5th Edition, or a subsequent edition,
24 to an advanced practice registered nurse authorized by the Texas
25 Board of Nursing to practice as a psychiatric mental health
26 advanced practice registered nurse or a physician assistant
27 recognized by the Texas Physician Assistant Board as specializing

1 in psychiatric or mental health care.

2 (b-3) A physician may delegate the prescribing or ordering
3 of a controlled substance listed in Schedule II as established by
4 the commissioner of state health services under Chapter 481, Health
5 and Safety Code, if the physician was able to delegate the
6 prescribing or ordering of that controlled substance on November 1,
7 2013, because on that date the controlled substance was listed in
8 Schedule III, IV, or V.

9 (b-4) A prescription or order issued by an advanced practice
10 registered nurse or a physician assistant under Subsection (b),
11 (b-1), or (b-3) may be filled by any pharmacy that may fill the
12 prescription or order if prescribed or ordered by the delegating
13 physician.

14 (d) For purposes of this section, "palliative care" means a
15 form of care that:

16 (1) is person-centered and family-focused;

17 (2) provides a patient with relief from the symptoms,
18 pain, and stress of a serious illness;

19 (3) ensures an additional layer of support to a
20 patient during the treatment of a serious illness; and

21 (4) is appropriate for a patient of any age and at any
22 stage of a serious illness.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2015.