

By: Coleman

H.B. No. 2602

A BILL TO BE ENTITLED

AN ACT

1
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 Subsection (b-3)
8 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 a refill of the
17 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 provided to a patient who:

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

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

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

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

20 (4) to an advanced practice registered nurse
21 authorized by the Texas Board of Nursing to practice as a
22 psychiatric mental health advanced practice registered nurse or a
23 physician assistant recognized by the Texas Physician Assistant
24 Board as specializing in psychiatric or mental health care.

25 (b-3) A physician may delegate the prescribing or ordering
26 of a controlled substance listed in Schedule II as established by
27 the commissioner of state health services under Chapter 481, Health

1 and Safety Code, if the physician was able to delegate the
2 prescribing or ordering of that controlled substance on November 1,
3 2013, because on that date the controlled substance was listed in
4 Schedule III, IV, or V.

5 SECTION 2. Subchapter A, Chapter 562, Occupations Code, is
6 amended by adding Section 562.017 to read as follows:

7 Sec. 562.017. CERTAIN PRESCRIPTIONS FOR CONTROLLED
8 SUBSTANCES. A pharmacist practicing in a Class A pharmacy shall
9 fill a prescription for a controlled substance listed in Schedule
10 II as established by the commissioner of state health services
11 under Chapter 481, Health and Safety Code, that is authorized by an
12 advanced practice registered nurse or physician assistant to whom a
13 physician has delegated prescribing and ordering authority under
14 Section [157.0511\(b-1\)](#).

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section [39](#), Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2015.