

By: Zerwas

H.B. No. 3632

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):

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

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

15 (2) the prescription, including a refill of the
16 prescription, is for a period not to exceed 90 days;

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

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

24 (b-1) A physician may delegate the prescribing or ordering

1 of a controlled substance listed in Schedule II as established by
2 the commissioner of state health services [~~the Department of State~~
3 ~~Health Services~~] under Chapter 481, Health and Safety Code, only:

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

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

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

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

17 (3) as part of the plan of care for the treatment of a
18 person receiving palliative care a form of care that is
19 person-centered, family-focused care that provides a patient with
20 relief from the symptoms, pain, and stress of a serious illness, and
21 an additional layer of support to a patient of any age at any stage
22 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.