

By: Zerwas, Oliverson

H.B. No. 2548

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prescribing and ordering of Schedule II controlled
3 substances by certain physician assistants.

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

5 SECTION 1. Section 157.0511, Occupations Code, is amended
6 by amending Subsections (a), (b), (b-1), and (c) and adding
7 Subsection (b-3) to read as follows:

8 (a) A physician's authority to delegate the prescribing or
9 ordering of a drug or device under this subchapter is limited to:

- 10 (1) nonprescription drugs;
11 (2) dangerous drugs; and
12 (3) controlled substances to the extent provided by
13 Subsections (b), ~~[and]~~ (b-1), and (b-3).

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

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

21 (2) the prescription, including any refill ~~[a refill]~~
22 of the prescription, is for a period not to exceed 90 days;

23 (3) with regard to the refill of a prescription, the
24 refill is authorized after consultation with the delegating

1 physician and the consultation is noted in the patient's chart; and

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

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

10 (1) in a hospital facility-based practice under
11 Section 157.054, in accordance with policies approved by the
12 hospital's medical staff or a committee of the hospital's medical
13 staff as provided by the hospital bylaws to ensure patient safety,
14 and as part of the care provided to a patient who:

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

17 (B) is receiving services in the emergency
18 department of the hospital; or

19 (2) as part of the plan of care for the treatment of a
20 person who has executed a written certification of a terminal
21 illness, has elected to receive hospice care, and is receiving
22 hospice treatment from a qualified hospice provider.

23 (b-3) A physician may delegate to a physician assistant the
24 prescribing or ordering of a controlled substance listed in
25 Schedule II as established by the commissioner of state health
26 services under Chapter 481, Health and Safety Code, at the practice
27 site.

1 (c) This subchapter does not modify the authority granted by
2 law for a licensed registered nurse or physician assistant to
3 administer or provide a medication, including a controlled
4 substance listed in Schedule II as established by the commissioner
5 of state health services [~~the Department of State Health Services~~]
6 under Chapter 481, Health and Safety Code, that is authorized by a
7 physician under a physician's order, standing medical order,
8 standing delegation order, or protocol.

9 SECTION 2. This Act takes effect September 1, 2017.