

By: Zerwas

H.B. No. 2548

A BILL TO BE ENTITLED

AN ACT

relating to the prescribing and ordering of Schedule II controlled substances by certain physician assistants.

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

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

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

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

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

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

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

- (3) with regard to the refill of a prescription, the 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.