

By: Miles

S.B. No. 1774

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain controlled substances by women who are pregnant or may become pregnant and the designation of neonatal abstinence syndrome from substance use as a reportable condition.

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

SECTION 1. Chapter 32, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SUBSTANCE USE SCREENING DURING PREGNANCY

Sec. 32.081. INITIAL SUBSTANCE USE SCREENING OF PREGNANT WOMAN. (a) At the first health care visit with a pregnant woman, a physician or other person authorized by law to attend a pregnant woman during gestation shall screen the pregnant woman for substance use. The physician or other person shall conduct the screening verbally using a validated screening tool in accordance with the screening recommendations provided by the American College of Obstetricians and Gynecologists.

(b) The commission shall make available to physicians and other persons required to conduct a substance use screening under this section information that includes:

(1) guidance regarding the process for verbally screening a pregnant woman for substance use using a validated screening tool; and

(2) a list of substance abuse treatment resources in each geographic region of this state.

1 SECTION 2. Section 81.041, Health and Safety Code, is  
2 amended by adding Subsection (e-1) to read as follows:

3 (e-1) Neonatal abstinence syndrome is a reportable health  
4 condition under this chapter for which the executive commissioner  
5 shall require reports for public health surveillance purposes. A  
6 person required to report a reportable disease under Section 81.042  
7 shall report a case of neonatal abstinence syndrome to the  
8 department.

9 SECTION 3. Section 81.044, Health and Safety Code, is  
10 amended by adding Subsection (e) to read as follows:

11 (e) For a case of neonatal abstinence syndrome, the  
12 executive commissioner shall require the reports to omit personally  
13 identifying information about the mother or newborn and to contain:

14 (1) the newborn's ethnicity, national origin, and  
15 municipality and county of residence;

16 (2) the name of the newborn's attending physician;

17 (3) the maternal history of substance use;

18 (4) the drug or other substance that likely caused the  
19 syndrome; and

20 (5) other information the executive commissioner  
21 determines necessary.

22 SECTION 4. Chapter 161, Health and Safety Code, is amended  
23 by adding Subchapter S-1 to read as follows:

24 SUBCHAPTER S-1. OPIOID DRUG USE AMONG PREGNANT WOMEN

25 Sec. 161.481. REVIEW OF PRESCRIPTION HISTORY. (a) A  
26 physician or other person authorized to attend a pregnant woman  
27 during gestation and authorized to access prescription information

1 under Section 481.076(a)(5) shall, during a pregnant patient's  
2 first visit with the physician or person:

3 (1) review the patient's prescription history by  
4 accessing the prescription information submitted to the Texas State  
5 Board of Pharmacy as authorized by Section 481.076(a)(5) to assess:

6 (A) the pregnant patient's exposure to  
7 prescription opioid drugs; and

8 (B) the possibility of the patient delivering a  
9 newborn with neonatal abstinence syndrome; and

10 (2) place a record of the assessment in the patient's  
11 medical record.

12 (b) A physician or other person described by Subsection (a)  
13 is not required to review a pregnant patient's prescription history  
14 if the physician or other person verifies the patient's medical  
15 record contains a record of the assessment described by Subsection  
16 (a).

17 SECTION 5. Subtitle A, Title 3, Occupations Code, is  
18 amended by adding Chapter 107A to read as follows:

19 CHAPTER 107A. PRESCRIBING OPIOID DRUGS TO CERTAIN PATIENTS

20 Sec. 107A.001. DEFINITIONS. In this chapter:

21 (1) "Department" means the Department of State Health  
22 Services.

23 (2) "Executive commissioner" means the executive  
24 commissioner of the Health and Human Services Commission.

25 Sec. 107A.002. APPLICABILITY. This chapter applies to a  
26 health care provider authorized by law to prescribe an opioid drug  
27 in the course of professional practice in this state.

1       Sec. 107A.003. REQUIREMENTS FOR PRESCRIBING OPIOID DRUG TO  
2 FEMALE PATIENT OF CHILDBEARING AGE. (a) Before a health care  
3 provider may issue an opioid drug prescription to a female patient  
4 of childbearing age, the provider shall, in accordance with rules  
5 adopted by the executive commissioner, counsel the patient on and  
6 provide the patient with the educational materials described by  
7 Section 107A.004 regarding the consequences of opioid drug use  
8 during pregnancy.

9       (b) If the female patient is a minor, the health care  
10 provider shall also counsel and provide the educational materials  
11 under Subsection (a) to the patient's parent, conservator, or  
12 guardian, or other person authorized to consent to the minor's  
13 medical treatment.

14       (c) The health care provider shall document in the female  
15 patient's medical record that the provider complied with Subsection  
16 (a) and, if applicable, Subsection (b).

17       Sec. 107A.004. EDUCATIONAL MATERIALS. (a) The department  
18 shall develop educational materials on the consequences of opioid  
19 drug use during pregnancy.

20       (b) The department shall make the educational materials  
21 available on the department's Internet website.

22       Sec. 107A.005. RULES. The executive commissioner shall  
23 adopt rules necessary to implement this chapter.

24       SECTION 6. As soon as practicable after the effective date  
25 of this Act, the executive commissioner of the Health and Human  
26 Services Commission shall adopt rules necessary to implement the  
27 changes in law made by this Act.

1           SECTION 7. (a) Not later than March 1, 2018, the Health and  
2 Human Services Commission shall make the information regarding  
3 verbally screening a pregnant woman for substance use and regarding  
4 substance abuse treatment resources available to physicians and  
5 other persons authorized by law to attend a pregnant woman, as  
6 required by Section 32.081(b), Health and Safety Code, as added by  
7 this Act. A physician or other person authorized by law to attend a  
8 pregnant woman during gestation is not required to conduct the  
9 verbal substance use screening required by Section 32.081(a),  
10 Health and Safety Code, as added by this Act, before September 1,  
11 2018.

12           (b) Sections 81.041(e-1) and 81.044(e), Health and Safety  
13 Code, as added by this Act, apply only to a case of neonatal  
14 abstinence syndrome diagnosed in a child born on or after September  
15 1, 2018.

16           (c) Notwithstanding Subchapter S-1, Chapter 161, Health and  
17 Safety Code, as added by this Act, a person is not required to  
18 comply with the requirements of Section 161.481, Health and Safety  
19 Code, as added by this Act, before March 1, 2018.

20           (d) The Department of State Health Services shall develop  
21 and make available the educational materials under Section  
22 107A.004, Occupations Code, as added by this Act, not later than  
23 December 1, 2017. Chapter 107A, Occupations Code, as added by this  
24 Act applies only to a prescription issued on or after January 1,  
25 2018. A prescription issued before January 1, 2018, is governed by  
26 the law in effect immediately before the effective date of this Act,  
27 and the former law is continued in effect for that purpose.

1 SECTION 8. This Act takes effect September 1, 2017.