

BILL ANALYSIS

Senate Research Center
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H.B. 2594
By: Holland et al. (Paxton)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns about the improper disposal of controlled substance prescription medication on a patient's death in hospice care. H.B. 2594 seeks to address these concerns by authorizing a home and community support services agency that provides hospice services to adopt written policies and procedures related to the disposal of a patient's unused controlled substance prescription drugs under appropriate circumstances.

H.B. 2594 amends current law relating to disposal of controlled substance prescription drugs by hospice service providers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 142, Health and Safety Code, by adding Subchapter C, as follows:

SUBCHAPTER C. DISPOSAL OF CONTROLLED SUBSTANCE PRESCRIPTION DRUGS BY HOSPICE SERVICE PROVIDER

Sec. 142.041. DEFINITION. Defines "license holder" to mean a home and community support services agency licensed under this chapter (Home and Community Support Services) to provide hospice services.

Sec. 142.042. POLICY. (a) Authorizes a license holder to adopt written policies and procedures related to the disposal of a patient's unused controlled substance prescription drugs on the patient's death or in other circumstances in which disposal is appropriate.

(b) Requires a license holder that adopts policies and procedures under this section to:

- (1) provide a copy of the policies and procedures to the patient and the patient's family;
- (2) discuss the policies and procedures with the patient and the patient's family in a language and manner the patient and patient's family understand; and
- (3) document in the patient's clinical record that the policies and procedures were provided and discussed under Subdivisions (1) and (2).

Sec. 142.043. EMPLOYEE TRAINING. (a) Provides that this section applies to an employee of a license holder who is a health care professional licensed under Title 3 (Health Professions), Occupations Code.

(b) Authorizes a license holder to provide training to the employees described by Subsection (a) regarding the secure and responsible disposal of controlled substance prescription drugs in a manner that discourages abuse, misuse, or diversion.

Sec. 142.044. AUTHORIZED DISPOSAL. (a) Authorizes a health care professional employee who has completed the training under Section 142.043(b), if the license holder has complied with Section 142.042(b) with respect to a patient, to confiscate and dispose of a patient's controlled substance prescription drug if:

- (1) the patient has died;
- (2) the drug has expired; or
- (3) the patient's physician has given written instructions that the patient should no longer use the drug.

(b) Requires the employee confiscating the controlled substance prescription drug to dispose of the drug in a manner consistent with recommendations of the United States Food and Drug Administration and the laws of this state.

(c) Requires the disposal of a controlled substance prescription drug under this section to occur at the location at which the drug was confiscated and be witnessed by another person 18 years of age or older.

(d) Requires the employee, after disposing of the controlled substance prescription drug, to document in the patient's record:

- (1) the name of the drug;
- (2) the dosage of the drug the patient was receiving;
- (3) the route of controlled substance prescription drug administration;
- (4) the quantity of the controlled substance prescription drug originally dispensed and the quantity of the drug remaining; and
- (5) the time, date, and manner of disposal.

(e) Requires an employee to document in a patient's file if a family member of the patient prevented the confiscation and disposal of a controlled substance prescription drug as authorized under this section.

SECTION 2. Effective date: September 1, 2019.