

By: Lucio III

H.B. No. 2250

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. Sections 157.0511(a) and (b), Occupations Code,
7 are amended 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 Subsection [~~Subsections~~] (b) [~~and (b-1)~~].

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

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

21 (2) the prescription, including any [~~a~~] refill of the
22 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 SECTION 2. Section [157.0511\(b-1\)](#), Occupations Code, is
7 repealed.

8 SECTION 3. This Act takes effect September 1, 2019.