

AN ACT

relating to disposal of controlled substance prescription drugs by hospice service providers.

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

SECTION 1. Chapter 142, Health and Safety Code, is amended by adding Subchapter C to read as follows:

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

Sec. 142.041. DEFINITION. In this subchapter, "license holder" means a home and community support services agency licensed under this chapter to provide hospice services.

Sec. 142.042. POLICY. (a) A license holder may 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) A license holder that adopts policies and procedures under this section shall:

(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

1 policies and procedures were provided and discussed under  
2 Subdivisions (1) and (2).

3 Sec. 142.043. EMPLOYEE TRAINING. (a) This section applies  
4 to an employee of a license holder who is a health care professional  
5 licensed under Title 3, Occupations Code.

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

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

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

19 (b) The employee confiscating the controlled substance  
20 prescription drug shall dispose of the drug in a manner consistent  
21 with recommendations of the United States Food and Drug  
22 Administration and the laws of this state.

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

27 (d) After disposing of the controlled substance

1 prescription drug, the employee shall document in the patient's  
2 record:

3 (1) the name of the drug;

4 (2) the dosage of the drug the patient was receiving;

5 (3) the route of controlled substance prescription  
6 drug administration;

7 (4) the quantity of the controlled substance  
8 prescription drug originally dispensed and the quantity of the drug  
9 remaining; and

10 (5) the time, date, and manner of disposal.

11 (e) An employee shall document in a patient's file if a  
12 family member of the patient prevented the confiscation and  
13 disposal of a controlled substance prescription drug as authorized  
14 under this section.

15 SECTION 2. This Act takes effect September 1, 2019.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2594 was passed by the House on April 11, 2019, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 2594 was passed by the Senate on May 20, 2019, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor