88R4121 BEE-F

By:  Klick H.B. No. 1190

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b)  A [~~Except as provided by Subsection (b-1), 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 II, 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 [~~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 physician and the consultation is noted in the patient's chart; and

(4)  with regard to a prescription for a child less than two years of age, the prescription is made after consultation with the delegating physician and the consultation is noted in the patient's chart.

SECTION 2.  Section 157.0511(b-1), Occupations Code, is repealed.

SECTION 3.  This Act takes effect September 1, 2023.