By:  Bucy H.B. No. 4583

A BILL TO BE ENTITLED

AN ACT

relating to the prescribing of opioids for acute pain.

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

SECTION 1.  Section 481.07636, Health and Safety Code, is amended to read as follows:

Sec. 481.07636.  OPIOID PRESCRIPTION LIMITS. (a) In this section, "acute pain" means the normal, predicted, physiological response to a stimulus such as trauma, disease, and operative procedures. Acute pain is time limited. The term does not include:

(1)  chronic pain;

(2)  pain being treated as part of cancer care;

(3)  pain being treated as part of hospice or other end-of-life care; or

(4)  pain being treated as part of palliative care.

(b)  For the treatment of acute pain, a practitioner may not:

(1)  issue a prescription for an opioid in an amount that exceeds a 10-day supply; or

(2)  provide for a refill of an opioid.

(c)  Subsection (b) does not apply to a prescription for an opioid approved by the United States Food and Drug Administration for the treatment of substance addiction that is issued by a practitioner for the treatment of substance addiction.

(d)  A dispenser is not subject to criminal, civil, or administrative penalties for dispensing or refusing to dispense a controlled substance under a prescription that exceeds the limits provided by Subsection (b).

(e)  A practitioner shall refer or prescribe any of the following non-pharmacological pain management services to a patient, based on the prescriber's clinical judgment and the availability of the treatment, when issuing an opioid prescription for acute pain:

(1)  chiropractic treatment;

(2)  physical therapies;

(3)  occupational therapies;

(4)  physical medicine and rehabilitation; or

(5)  osteopathic manipulation.

(f)  Nothing in this Section shall require that all treatments set forth in Subsection 481.07636 (e) be exhausted prior to the patient receiving a prescription for an opioid.