

By: Klick, Howard, Bonnen, et al.

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. Section 157.0511(b-1), Occupations Code, is amended to read as follows:

(b-1) A physician may delegate the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of the Department of State Health Services under Chapter 481, Health and Safety Code, only:

(1) in a hospital facility-based practice under Section 157.054, in accordance with policies approved by the hospital's medical staff or a committee of the hospital's medical staff as provided by the hospital bylaws to ensure patient safety, and as part of the care provided to a patient who:

(A) has been admitted to the hospital for an intended length of stay of 24 hours or greater; or

(B) is receiving services in the emergency department of the hospital; ~~or~~

(2) as part of the plan of care for the treatment of a person who has executed a written certification of a terminal illness, has elected to receive hospice care, and is receiving hospice treatment from a qualified hospice provider; or

1           (3) as part of a narcotic drug treatment program that  
2 has been issued a permit under Chapter 466, Health and Safety Code.

3           SECTION 2. Subchapter A, Chapter 562, Occupations Code, is  
4 amended by adding Section 562.017 to read as follows:

5           Sec. 562.017. CERTAIN PRESCRIPTIONS FOR CONTROLLED  
6 SUBSTANCES. A pharmacist practicing in a Class A pharmacy may  
7 dispense a controlled substance listed in Schedule II as  
8 established by the commissioner of state health services under  
9 Chapter 481, Health and Safety Code, that is prescribed by an  
10 advanced practice registered nurse or physician assistant to whom a  
11 physician has delegated prescribing and ordering authority under  
12 Section 157.0511(b-1). The prescriber shall clearly note in the  
13 prescription records that the controlled substance listed in  
14 Schedule II is prescribed as part of the care provided:

15           (1) in a hospital facility-based practice described by  
16 Section 157.0511(b-1)(1);

17           (2) as part of a plan of care described by Section  
18 157.0511(b-1)(2); or

19           (3) as part of a narcotic drug treatment program  
20 described by Section 157.0511(b-1)(3).

21           SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2023.