By: Bucy

H.B. No. 4583

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prescribing of opioids for acute pain.

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

4   SECTION 1. Section 481.07636, Health and Safety Code, is

5 amended to read as follows:

6   Sec. 481.07636. OPIOID PRESCRIPTION LIMITS. (a) In this

7 section, "acute pain" means the normal, predicted, physiological

8 response to a stimulus such as trauma, disease, and operative

9 procedures. Acute pain is time limited. The term does not include:

10   (1) chronic pain;

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

12   (3) pain being treated as part of hospice or other

13 end-of-life care; or

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

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

16   (1) issue a prescription for an opioid in an amount

17 that exceeds a 10-day supply; or

18   (2) provide for a refill of an opioid.

19   (c) Subsection (b) does not apply to a prescription for an

20 opioid approved by the United States Food and Drug Administration

21 for the treatment of substance addiction that is issued by a

22 practitioner for the treatment of substance addiction.

23   (d) A dispenser is not subject to criminal, civil, or

24 administrative penalties for dispensing or refusing to dispense a

1 controlled substance under a prescription that exceeds the limits

2 provided by Subsection (b).

3 (e) A practitioner shall refer or prescribe any of the

4 following non-pharmacological pain management services to a

5 patient, based on the prescriber's clinical judgment and the

6 availability of the treatment, when issuing an opioid prescription

7 for acute pain:

8 (1) chiropractic treatment;

9 (2) physical therapies;

10 (3) occupational therapies;

11 (4) physical medicine and rehabilitation; or

12 (5) osteopathic manipulation.

13 (f) Nothing in this Section shall require that all

14 treatments set forth in Subsection 481.07636 (e) be exhausted prior

15 to the patient receiving a prescription for an opioid.