

BILL ANALYSIS

Senate Research Center
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H.B. 2250
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Health & Human Services
5/14/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2250 amends the Occupations Code to authorize a physician to delegate to physician assistants (PA) and advanced practice registered nurses (APRN) the prescribing or ordering of a Schedule II controlled substance as established by the commissioner of state health services under the Texas Controlled Substances Act.

Current law allows physicians to delegate the prescribing of Schedule II controlled substances to PAs and APRNs under certain circumstances, including the care of hospital and emergency room patients. However, APRNs and PAs who treat patients with mental illness, cancer, and other painful chronic conditions in long-term care and outpatient settings are prohibited from prescribing or ordering Schedule II controlled substances for these patients in these settings. Interested parties contend that physicians should be able to delegate to a PA and APRN the authority to prescribe or order Schedule II drugs to improve the continuum of care for patients. H.B. 1308 seeks to authorize a physician to delegate that prescribing and ordering authority to a PA and APRN.

H.B. 2250 amends current law relating to the prescribing and ordering of Schedule II controlled substances by certain advanced practice registered nurses and physician assistants.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 157.0511(a) and (b), Occupations Code, as follows:

(a) Provides that a physician's authority to delegate the prescribing or ordering of a drug or device under this subchapter is limited to certain drugs and substances, including controlled substances to the extent provided by Subsection (b), rather than provided by Subsections (b) and (b-1).

(b) Authorizes a physician to delegate the prescribing or ordering of a controlled substance only if, rather than authorizing a physician, except as provided by Subsection (b-1), to 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 under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, rather than the prescription is for a controlled substance listed in Schedule III, IV, or V as established by the commissioner of the Department of State Health Services under Chapter 481, Health and Safety Code; and

(2)–(4) makes no changes to these subdivisions.

SECTION 2. Repealer: Section 157.0511(b-1) (relating to authorizing a physician to delegate the prescribing or ordering of a certain controlled substance under certain circumstances), Occupations Code.

SECTION 3. Effective date: September 1, 2019.