

## **BILL ANALYSIS**

C.S.H.B. 1846  
By: Coleman  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that there is confusion about whether certain prescriptions for controlled substances written by an advanced practice registered nurse or physician assistant may be filled only in a pharmacy operated by the hospital from which a patient is discharged or if these prescriptions may be filled in local community pharmacies. C.S.H.B. 1846 seeks to eliminate this confusion.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1846 amends the Occupations Code to authorize a pharmacist practicing in a Class A pharmacy to dispense a controlled substance listed in Schedule II as established by the commissioner of state health services under the Texas Controlled Substances Act that is prescribed by an advanced practice registered nurse or physician assistant to whom a physician has lawfully delegated prescribing and ordering authority. The bill requires the prescriber to clearly note in the prescription records that the controlled substance listed in Schedule II is prescribed as part of the care provided in a hospital facility-based practice under certain conditions or as part of a 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.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1846 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

85R 28641

17.125.165

Substitute Document Number: 85R 20554

SECTION 1. Subchapter A, Chapter 562, Occupations Code, is amended by adding Section 562.017 to read as follows:

Sec. 562.017. CERTAIN PRESCRIPTIONS FOR CONTROLLED SUBSTANCES. A pharmacist practicing in a Class A pharmacy shall dispense a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, that is prescribed by an advanced practice registered nurse or physician assistant to whom a physician has delegated prescribing and ordering authority under Section 157.0511(b-1).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 1. Subchapter A, Chapter 562, Occupations Code, is amended by adding Section 562.017 to read as follows:

Sec. 562.017. CERTAIN PRESCRIPTIONS FOR CONTROLLED SUBSTANCES. A pharmacist practicing in a Class A pharmacy may dispense a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, that is prescribed by an advanced practice registered nurse or physician assistant to whom a physician has delegated prescribing and ordering authority under Section 157.0511(b-1). The prescriber shall clearly note in the prescription records that the controlled substance listed in Schedule II is prescribed as part of the care provided in a hospital facility-based practice under Section 157.0511(b-1)(1) or as part of a plan of care under Section 157.0511(b-1)(2).

SECTION 2. Same as introduced version.