

1-1 By: Holland, et al. (Senate Sponsor - Paxton) H.B. No. 2594
1-2 (In the Senate - Received from the House April 11, 2019;
1-3 April 15, 2019, read first time and referred to Committee on Health
1-4 & Human Services; May 17, 2019, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to disposal of controlled substance prescription drugs by
1-20 hospice service providers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 142, Health and Safety Code, is amended
1-23 by adding Subchapter C to read as follows:

1-24 SUBCHAPTER C. DISPOSAL OF CONTROLLED SUBSTANCE PRESCRIPTION DRUGS
1-25 BY HOSPICE SERVICE PROVIDER

1-26 Sec. 142.041. DEFINITION. In this subchapter, "license
1-27 holder" means a home and community support services agency licensed
1-28 under this chapter to provide hospice services.

1-29 Sec. 142.042. POLICY. (a) A license holder may adopt
1-30 written policies and procedures related to the disposal of a
1-31 patient's unused controlled substance prescription drugs on the
1-32 patient's death or in other circumstances in which disposal is
1-33 appropriate.

1-34 (b) A license holder that adopts policies and procedures
1-35 under this section shall:

1-36 (1) provide a copy of the policies and procedures to
1-37 the patient and the patient's family;

1-38 (2) discuss the policies and procedures with the
1-39 patient and the patient's family in a language and manner the
1-40 patient and patient's family understand; and

1-41 (3) document in the patient's clinical record that the
1-42 policies and procedures were provided and discussed under
1-43 Subdivisions (1) and (2).

1-44 Sec. 142.043. EMPLOYEE TRAINING. (a) This section applies
1-45 to an employee of a license holder who is a health care professional
1-46 licensed under Title 3, Occupations Code.

1-47 (b) A license holder may provide training to the employees
1-48 described by Subsection (a) regarding the secure and responsible
1-49 disposal of controlled substance prescription drugs in a manner
1-50 that discourages abuse, misuse, or diversion.

1-51 Sec. 142.044. AUTHORIZED DISPOSAL. (a) If the license
1-52 holder has complied with Section 142.042(b) with respect to a
1-53 patient, a health care professional employee who has completed the
1-54 training under Section 142.043(b) may confiscate and dispose of a
1-55 patient's controlled substance prescription drug if:

1-56 (1) the patient has died;

1-57 (2) the drug has expired; or

1-58 (3) the patient's physician has given written
1-59 instructions that the patient should no longer use the drug.

1-60 (b) The employee confiscating the controlled substance
1-61 prescription drug shall dispose of the drug in a manner consistent

2-1 with recommendations of the United States Food and Drug
2-2 Administration and the laws of this state.

2-3 (c) The disposal of a controlled substance prescription
2-4 drug under this section must occur at the location at which the drug
2-5 was confiscated and be witnessed by another person 18 years of age
2-6 or older.

2-7 (d) After disposing of the controlled substance
2-8 prescription drug, the employee shall document in the patient's
2-9 record:

2-10 (1) the name of the drug;

2-11 (2) the dosage of the drug the patient was receiving;

2-12 (3) the route of controlled substance prescription
2-13 drug administration;

2-14 (4) the quantity of the controlled substance
2-15 prescription drug originally dispensed and the quantity of the drug
2-16 remaining; and

2-17 (5) the time, date, and manner of disposal.

2-18 (e) An employee shall document in a patient's file if a
2-19 family member of the patient prevented the confiscation and
2-20 disposal of a controlled substance prescription drug as authorized
2-21 under this section.

2-22 SECTION 2. This Act takes effect September 1, 2019.

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