

SUBJECT: Providing information regarding the use and abuse of certain drugs

COMMITTEE: Public Health — committee substitute recommended

VOTE: 5 ayes — Laubenberg, Truitt, Dawson, Taylor, Zedler

0 nays

4 absent — Capelo, Coleman, McReynolds, Naishtat

SENATE VOTE: On final passage, March 31 — voice vote

WITNESSES: For — None

Against — None

On — Donald Patrick, MD, Board of Medical Examiners

BACKGROUND: The Senate Committee on Health and Human Services was charged during the interim to examine the problem of abuse of prescription painkillers, especially Schedule III drugs containing hydrocodone, and make recommendations on ways to reduce diversion and misuse of these drugs. The committee's interim report, dated November 15, 2002, contains a recommendation calling for regulating boards of prescribing, dispensing, and administering practitioners biennially to provide their licensees with information and guidelines on:

- prescription and dispensing of prescription pain medications, primarily controlled substances in schedules II and III;
- abusive and addictive consumer behavior; and
- common diversion strategies employed by users, including fraudulent prescription patterns.

Another recommendation is designed to increase education of health care professionals about poison control centers that make up the Texas Poison Center Network.

DIGEST: CSSB 144 would amend the Occupations Code, Ch. 153 to require governing boards of certain medical professions biennially to furnish their members with information about prescribing practices and addictive behavior, as well as poison center services.

It would require the Texas State Board of Medical Examiners (BME) to provide to the licensed physicians the following information related to pain medication:

- prescribing and dispensing pain medications, with particular emphasis on controlled substances in schedules II and III;
- abuse and addictive behavior of certain persons who used prescription pain medications;
- common diversion strategies employed by certain persons who used prescription pain medications, including fraudulent prescription patterns; and
- the appropriate use of pain medications and the differences between addiction, pseudo-addiction, tolerance, and physical dependence.

Also, BME would provide to license holders information regarding the services provided by poison control centers.

The bill would require the Board of Podiatric Medical Examiners, the Board of Dental Examiners, the Board of Nurse Examiners, the Board of Vocational Nurse Examiners, and the Board of Pharmacy to provide the same information to their licensees.

The bill would take effect September 1, 2003. A state agency subject to this legislation would develop informational materials by January 1, 2004, and could provide them by electronic or other means. The designated state agencies would cooperate in developing the materials and ensure, to the extent possible, that the same information was contained in the materials used by each agency.

NOTES: While the engrossed version of SB 144 would have established that “each” license holder be provided the required information, the House committee

substitute would delete the word “each,” allowing for the dissemination of information by electronic means.