



Texas Medical Board

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SUBJECT: Initial Guidance on House Bill 2174 (HB 2174)

To Whom It May Concern,

The Texas Medical Board is aware there may be some confusion and apprehension surrounding House Bill 2174 (HB 2174), also known as “the 10-day opioid prescribing limit for acute pain”. HB 2174 is effective September 1, 2019.

The new language is found in Health and Safety Code Section 481.07636. Part (a) defines acute pain as “the normal, predicted, physiological response to a stimulus such as a trauma, disease, and operative procedures...[which] is time limited.” Part (b) reads, “For the treatment of acute pain, a practitioner may not: (1) issue a prescription for an opioid in an amount that exceeds a 10-day supply; or (2) provide for a refill of an opioid.”

The Texas Medical Board interprets this section to mean a practitioner may write an opioid prescription for up to 10 days without a refill. However, the patient may see the practitioner in a follow up appointment and receive another opioid prescription for up to 10 days. The law does not limit how many times this may occur.

The Texas Medical Board does not interpret this section to limit patients to a maximum of 10 days of opioids for acute pain without the possibility of any further opioids for that specific issue or “episode of care”.

Examples:

1. A patient has a fracture during the early morning of September 1. The practitioner may prescribe opioids for acute pain through September 10 (10 days). The patient would need a follow up appointment with the practitioner for each 10-day period of opioid prescriptions for acute pain. Refills are not allowed.
2. An inpatient has a surgical procedure in a hospital on September 1 and begins receiving opioids for acute pain during their stay. The patient is discharged from the hospital early in the morning of September 6. The practitioner may prescribe opioids for acute pain through September 15 (10 days). The patient would need a follow up appointment with the practitioner for each 10-day period of opioid prescriptions for acute pain. Refills are not allowed.

The 10-day limitation does not apply to a prescription for an opioid approved by the FDA for the treatment of substance addiction that is issued by a practitioner for the treatment of substance addiction.

The Texas Medical Board will provide additional guidance and clarification as soon as possible. The exact statutory language is provided below.

Sec. 481.07636. OPIOID PRESCRIPTION LIMITS. (a) In this section, "acute pain" means the normal, predicted, physiological response to a stimulus such as trauma, disease, and operative procedures. Acute pain is time limited. The term does not include:

(1) chronic pain;

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

(3) pain being treated as part of hospice or other end-of-life care; or

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

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

(1) issue a prescription for an opioid in an amount that exceeds a 10-day supply;

or

(2) provide for a refill of an opioid.

(c) Subsection (b) does not apply to a prescription for an opioid approved by the United States Food and Drug Administration for the treatment of substance addiction that is issued by a practitioner for the treatment of substance addiction.

(d) A dispenser is not subject to criminal, civil, or administrative penalties for dispensing or refusing to dispense a controlled substance under a prescription that exceeds the limits provided by Subsection (b).



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