



Texas Medical Board

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SUBJECT: Initial Guidance on New Requirements to Check the Prescription Monitoring Program (PMP) in House Bill (HB) 3284 86(R) and HB 2561 85(R)

To Whom It May Concern,

There are on-going inquiries and concerns over obligations of checking the PMP when a patient is admitted into a facility (such as an ambulatory surgical center, emergency department, or for any other inpatient care (hereinafter collectively referred to as “inpatient care” or “inpatient stay”)) and during that inpatient care. The Texas Medical Board (TMB) has guidance on this matter specific to TMB licensees.

Here is the provision that is at issue:

Sec. 481.0764. DUTIES OF PRESCRIBERS, PHARMACISTS, AND RELATED HEALTH CARE PRACTITIONERS. (a) A person authorized to receive information under Section 481.076(a)(5), other than a veterinarian, *shall access that information* with respect to the patient *before prescribing or dispensing* opioids, benzodiazepines, barbiturates, or carisoprodol. (emphasis added)

Because the obligation of checking the PMP appears to be required for virtually every prescription, **TMB is issuing the following guidance as two (2) elements:**

- 1.) In an emergency setting, the PMP should be checked at the earliest opportunity with medication reconciliation once there is patient stabilization; and
- 2.) Upon admission into a facility for inpatient care a PMP check and verification must be conducted by the attending physician. Once the PMP check has been validated and documented in the medical record it would be deemed a sufficient PMP check for the duration of the inpatient care until discharge.

For further clarification, on-going or continuous PMP checks during the course of an inpatient stay where the medication dispensed is for immediate use, and not via a prescription, is not required.

If the physician is providing a prescription to the ultimate user (such as providing medications to take home upon discharge), as opposed to ordering medication for immediate inpatient care, then a PMP check will be required.

This TMB guidance is specific to TMB licensees. Consequently, any complaints regarding TMB licensees and PMP checks should be submitted to TMB for investigation and possible disciplinary action consistent with TMB rules.

As rules are finalized, TMB will provide additional guidance, clarification, and frequently asked questions (FAQs) on this matter, if needed.



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