Health Facility Compliance Guidance Letter

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<th>GL 20-2001</th>
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<td>Title:</td>
<td>Controlled Substances Disposal (HB 2088-86R)</td>
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<td>Provider Types:</td>
<td>Ambulatory Surgical Centers, Freestanding Emergency Medical Care Facilities, General and Special Hospitals</td>
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1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed providers on legislation passed during the most recent Texas legislative session. House Bill (HB) 2088, relating to providing written notice on the safe disposal of controlled substance prescription drugs, took effect on September 1, 2019.

HB 2088 amended Texas Health and Safety Code (HSC), Chapter 481 to require practitioners, including certain facilities, dispensing Schedule II controlled substances to provide written notice on the safe disposal of those drugs, with certain exceptions.¹

This letter outlines provider responsibilities and expectations.

2.0 Policy Details & Provider Responsibilities

The Legislature requires facilities to comply with all statutes and rules regarding these facilities. Accordingly, facilities are responsible for complying with the provisions of HSC Chapter 481, including those added by HB 2088. Facilities are required to:

- provide written notice on the safe disposal of controlled substance prescription drugs unless:

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¹ HSC §481.075(n)
the drug is dispensed at a pharmacy or other location that takes back drugs for safe disposal; or

- the prescriber provides a mail-in pouch for surrendering of unused drugs or chemicals to render unused drugs unusable at the time of dispensation.

### 2.1 HB 2088 Controlled Substance Disposal Requirements

HB 2088 amended HSC §481.075 by adding subsections (n) through (p), which are reprinted here for reference:

**(n)** A person dispensing a Schedule II controlled substance under a prescription shall provide written notice, as defined by board rule adopted under Subsection (o), on the safe disposal of controlled substance prescription drugs, unless:

1. the Schedule II controlled substance prescription drug is dispensed at a pharmacy or other location that:
   1. is authorized to take back those drugs for safe disposal; and
   2. regularly accepts those drugs for safe disposal; or
2. the dispenser provides to the person to whom the Schedule II controlled substance prescription drug is dispensed, at the time of dispensation and at no cost to the person:
   1. a mail-in pouch for surrendering unused controlled substance prescription drugs; or
   2. chemicals to render any unused drugs unusable or non-retrievable.

***(o)*** The board shall adopt rules to prescribe the form of the written notice on the safe disposal of controlled substance prescription drugs required under Subsection (n). The notice must include information on locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal. The notice, in lieu of listing those locations, may provide the address of an Internet website specified by the board that provides a searchable database of locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.

***(p)*** The board may take disciplinary action against a person who fails to comply with Subsection (n).
3.0 Background/History

The purpose of HB 2088 is to address prescription drug abuse in Texas by increasing awareness of the safe disposal of unused drugs. Reducing access to leftover prescriptions may curb the potential of addiction for these controlled substances.

4.0 Resources


To receive future updates, sign up for GovDelivery at https://service.govdelivery.com/accounts/TXHHSC/subscriber/new.

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules, and Training Section by email at: HCQ_PRT@hhsc.state.tx.us.