

CONTROLLED SUBSTANCES

TREATMENT AGREEMENT TEXAS

STATE SPECIFIC

Required by State (For Opioid Prescribing):¹

If the treatment plan includes extended drug therapy, the physician should consider the use of a written pain management agreement between the physician and the patient outlining patient responsibilities, including:

- The physician should provide reasons for which drug therapy may be discontinued, such as violation of the treatment agreement.
- The physician's prescribing policies, including, for example, the number and frequency of prescription refills, a policy regarding early or urgent refills, and a policy regarding replacement of lost or stolen medication, etc.
- The patient should receive prescriptions from one physician/practice, with that physician/practice designated in the agreement.
- The patient should have prescriptions filled at one pharmacy that is designated by the patient, unless the pharmacy under the agreement is out of stock of the prescribed drug at the time the prescription is communicated by the physician to the pharmacy or patient presents to have the drug dispensed.
- The patient agrees to periodic drug testing (blood, urine, hair, or saliva).

Recommended by State:

No recommendations.

TO CONSIDER FROM OTHER STATES

Considerations:

- The patient is responsible for safely using medication, meaning that the patient should store the medication in a secure location and safely dispose of any unused medication.
- The physician will be available during emergencies or otherwise have a covering physician available in the event that unforeseen problems arise and to prescribe scheduled refills.
- Discuss any monitoring tools that the physician wishes to use, such as pill counts.

- The patient is prohibited from sharing, giving, or selling any medication to others.
- If the physician becomes concerned that there has been illegal activity, the physician may notify the authorities.
- The patient provides informed, written consent for release of the agreement to local emergency departments and/or pharmacies; therefore, other providers such as ER personnel or pharmacists may report violations of the agreement back to the prescribing physician.
- The prescriber's responsibility to provide referrals to substance abuse counseling when the abuse potential is present and also for failed drug screens.
- The patient may be responsible for keeping a pain diary or a diary of daily accomplishments.
- If the patient violates the terms of the agreement, those violations and the physician's response to them will be documented along with the rationale for changes in the treatment plan.

INFORMED CONSENT TEXAS

STATE SPECIFIC

Required by State (For Opioid Prescribing):¹

- The physician is responsible for discussing the risks and benefits of the use of controlled substances for the treatment of chronic pain with:
 - The patient;
 - Persons designated by the patient; or
 - The patient's surrogate or guardian if the patient is without medical decision-making capacity.
- The treatment plan.
- The patient's diagnosis.
- Anticipated therapeutic results, including the realistic expectations for sustained pain relief and improved functioning and possibilities for lack of pain relief.
- Therapies in addition to or instead of drug therapy, including physical therapy or psychological techniques.

- Potential side effects and how to manage them.
- Adverse effects, including the potential for dependence, addiction, tolerance, and withdrawal.
- The potential for impairment of judgment and motor skills.

Recommended by State:

No recommendations.

TO CONSIDER FROM OTHER STATES

Considerations:

- Inform the patient of the risk of the prescribed medication interacting with other drugs and of over-sedation.
- Inform female patients of the risks during pregnancy and after delivery.
- Inform the patient of the risks of opioid misuse and overdose.
- Inform the patient of the risk of over-sedation.
- Inform the patient that one of the risks of opioid therapy is death.
- Alcohol should not be used in combination with the prescribed opioid.
- All medications from other sources, including over the counters and medical marijuana, should be discussed and documented in the medical record.
- Note that compliance with all components of the overall treatment plan is expected.
- Periodic re-evaluation of treatment is needed.
- The patient has the option to consent to the sharing of information with family members and other providers, as necessary.
- Educate the patient and caregivers about the danger signs of respiratory depression and that someone should summon medical help immediately if a person demonstrates signs of respiratory depression while on opioids.
- Ensure the patient does not have any absolute contraindications and review risks and benefits related to any relative contraindications with the patient.

NOTE: This resource covers only informed consent and treatment plan requirements; there may be many other requirements, such as limitations on the quantity of medication prescribed, etc.

¹ **22 TAC § 170.3. Guidelines.**

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