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H.B. No. 1935

A BILL TO BE ENTITLED

AN ACT

relating to emergency refills of insulin and insulin-related equipment or supplies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 562, Occupations Code, is amended by adding Section 562.0541 to read as follows:

Sec. 562.0541. EMERGENCY REFILLS OF INSULIN AND INSULIN-RELATED EQUIPMENT OR SUPPLIES. (a) In this section:

(1) "Insulin" includes an insulin analog and an insulin-like medication, regardless of the activation period or whether the solution is mixed before the prescription is dispensed.

(2) "Insulin-related equipment or supplies" includes needles, syringes, cartridge systems, prefilled pen systems, glucose meters, and test strips, but excludes insulin pumps.

(b) A pharmacist may provide an emergency refill of insulin or insulin-related equipment or supplies if the pharmacist complies with this section and rules adopted under this section.

(c) Notwithstanding Section 562.054(a) and subject to Subsection (b) of this section, a pharmacist may exercise the pharmacist's professional judgment in refilling a prescription for insulin or insulin-related equipment or supplies without the authorization of the prescribing practitioner if the pharmacist:

(1) is unable to contact the practitioner after reasonable effort;

1 (2) is provided with documentation showing that the
2 patient was previously prescribed insulin or insulin-related
3 equipment or supplies by a practitioner;

4 (3) assesses the patient to determine whether the
5 emergency refill is appropriate;

6 (4) creates a record that documents the patient's
7 visit that includes a notation describing the documentation
8 provided under Subdivision (2); and

9 (5) makes a reasonable attempt to inform the
10 practitioner of the emergency refill at the earliest reasonable
11 time.

12 (d) The quantity of an emergency refill of insulin may not
13 exceed a 30-day supply. The quantity of an emergency refill of
14 insulin-related equipment or supplies may not exceed the lesser of
15 a 30-day supply or the smallest available package.

16 (e) The prescribing practitioner is not liable for an act or
17 omission by a pharmacist in dispensing an emergency refill of
18 insulin or insulin-related equipment or supplies under this
19 section.

20 SECTION 2. Section [1358.054](#), Insurance Code, is amended by
21 adding Subsection (a-1) to read as follows:

22 (a-1) A health benefit plan described by Subsection (a) must
23 provide to each qualified enrollee coverage for emergency refills
24 of diabetes equipment or diabetes supplies dispensed to the
25 enrollee in accordance with Section 562.0541, Occupations Code, in
26 the same manner as for a nonemergency refill of diabetes equipment
27 or diabetes supplies.

1 SECTION 3. As soon as practicable after the effective date
2 of this Act, the Texas State Board of Pharmacy shall adopt rules
3 necessary to implement Section 562.0541, Occupations Code, as added
4 by this Act.

5 SECTION 4. Section [1358.054](#), Insurance Code, as amended by
6 this Act, applies only to a health benefit plan that is delivered,
7 issued for delivery, or renewed on or after January 1, 2022.

8 SECTION 5. This Act takes effect September 1, 2021.