

By: Bucy

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:

(1) successfully completes a training program adopted by the board under Subsection (g); and

(2) 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

1 authorization of the prescribing practitioner if the pharmacist:

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

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

7 (3) assesses the patient to determine whether the  
8 emergency refill is appropriate;

9 (4) creates a record that documents the patient's  
10 visit that includes a notation describing the documentation  
11 provided under Subdivision (2); and

12 (5) makes a reasonable attempt to inform the  
13 practitioner of the emergency refill at the earliest reasonable  
14 time.

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

19 (e) A pharmacist may not dispense an emergency refill of  
20 insulin or insulin-related equipment or supplies to an individual  
21 patient more than three times in a calendar year.

22 (f) The prescribing practitioner is not liable for an act or  
23 omission by a pharmacist in dispensing an emergency refill of  
24 insulin or insulin-related equipment or supplies under this  
25 section.

26 (g) The board shall adopt a training program on dispensing  
27 emergency refills of insulin and insulin-related equipment or

1 supplies that is accredited by the Accreditation Council for  
2 Pharmacy Education or by that council's successor organization.

3 SECTION 2. Section 1358.054, Insurance Code, is amended by  
4 adding Subsection (a-1) to read as follows:

5 (a-1) A health benefit plan described by Subsection (a) must  
6 provide to each qualified enrollee coverage for emergency refills  
7 of diabetes equipment or diabetes supplies dispensed to the  
8 enrollee in accordance with Section 562.0541, Occupations Code, in  
9 the same manner as for a nonemergency refill of diabetes equipment  
10 or diabetes supplies.

11 SECTION 3. As soon as practicable after the effective date  
12 of this Act, the Texas State Board of Pharmacy shall adopt a  
13 training course required by Section 562.0541, Occupations Code, as  
14 added by this Act, and adopt rules necessary to implement that  
15 section.

16 SECTION 4. Section 1358.054, Insurance Code, as amended by  
17 this Act, applies only to a health benefit plan that is delivered,  
18 issued for delivery, or renewed on or after January 1, 2022.

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