

By: Hochberg, et al.

H.B. No. 833

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain pharmaceutical services for an injured employee
3 receiving workers' compensation medical benefits.

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

5 SECTION 1. Section 408.028, Labor Code, is amended by
6 adding Subsection (e) to read as follows:

7 (e) Notwithstanding Subsection (b), the commission by rule
8 shall allow an employee to purchase a brand name drug rather than a
9 generic pharmaceutical medication or over-the-counter alternative
10 to a prescription medication if a health care provider prescribes a
11 generic pharmaceutical medication or an over-the-counter
12 alternative to a prescription medication. The employee shall be
13 responsible for paying the difference between the cost of the brand
14 name drug and the cost of the generic pharmaceutical medication or
15 of an over-the-counter alternative to a prescription medication.
16 The employee may not seek reimbursement for the difference in cost
17 from an insurance carrier and is not entitled to use the medical
18 dispute resolution provisions of Chapter 413 with regard to the
19 prescription. A payment described by this subsection by an
20 employee to a health care provider does not violate Section
21 413.042. This subsection does not affect the duty of a health care
22 provider to comply with the requirements of Subsection (b) when
23 prescribing medications or ordering over-the-counter alternatives
24 to prescription medications.

1 SECTION 2. (a) This Act takes effect September 1, 2003.

2 (b) The Texas Workers' Compensation Commission shall adopt
3 rules under Section 408.028(e), Labor Code, as added by this Act,
4 not later than March 1, 2004.