

By: Hochberg

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 the prescribing doctor prescribes
11 for the employee a brand name drug or a generic pharmaceutical
12 medication that may be substituted for the brand name drug. The
13 employee shall be responsible for paying the difference between the
14 cost of the brand name drug and the cost of a comparable generic
15 pharmaceutical medication or comparable over-the-counter
16 alternative to a prescription medication.

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

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