

By: Miller

H.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

relating to prices of certain prescription drugs.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0462 to read as follows:

Sec. 32.0462. VENDOR DRUG PROGRAM; PARTICIPATION REQUIREMENT. (a) A provider in the vendor drug program, as a condition of participation in the program, must provide any prescription drug available to a recipient of medical assistance under the program to a Medicare recipient at a price not greater than the sum of:

(1) the amount of reimbursement the provider would have received under the program for providing the drug to a recipient of medical assistance; and

(2) a transaction fee in the amount necessary to cover electronic transmission charges, as determined by the department.

(b) To receive the price required by this section from a provider, a Medicare recipient must:

(1) provide a prescription for the drug that names the recipient; and

(2) present the recipient's Medicare card.

SECTION 2. Section 531.0317, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The Internet site must also contain a listing of the

1 prices of prescription drugs available through the medical  
2 assistance program under the vendor drug program. The listed price  
3 for a drug must correspond to the total amount of reimbursement  
4 received by a provider under the vendor drug program so that a  
5 Medicare recipient can determine the price at which the recipient  
6 may purchase the drug in accordance with Section 32.0462, Human  
7 Resources Code. In addition to the price listing required by this  
8 subsection, the Internet site must include links to any other  
9 appropriate sites through which prescription drugs may be purchased  
10 at a discount or through which a person may obtain information  
11 regarding prescription drug prices.

12 SECTION 3. If before implementing any provision of this Act  
13 a state agency determines that a waiver or authorization from a  
14 federal agency is necessary for implementation of that provision,  
15 the agency affected by the provision shall request the waiver or  
16 authorization and may delay implementing that provision until the  
17 waiver or authorization is granted.

18 SECTION 4. This Act takes effect September 1, 2003.