

By: Menendez

H.B. No. 1671

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 determined by the department, not to exceed 15 cents.

(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. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 3. This Act takes effect September 1, 2003.