

BILL ANALYSIS

H.B. 2053
By: Hopson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the State of Texas, many health practitioners look after patients enrolled in hospice care programs, in long-term care facilities, and patients who are terminally ill. Under current State law, a health practitioner who cares for such patients may fax a prescription request for a Schedule II controlled substance to a pharmacist, since these patients are often unable to travel to the pharmacies themselves. Pharmacies are then required by law to keep these prescriptions in a file. However, after they have faxed the prescription request, the practitioner must deliver in person or by mail a copy of the prescription to the pharmacist, an unnecessary step for health practitioners and pharmacies alike.

The bill provides that health practitioners no longer have to deliver a second copy of the prescription in person or by mail.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill requires a health practitioner who faxes a prescription request for a Schedule II controlled substance, after transmitting the prescription, to write "VOID--sent by fax" across the original prescription request and then file the official prescription in the patient's medical records instead of delivering it to the patient. The bill removes language that requires health practitioners to deliver in person or by mail the official written prescription to the pharmacist where the prescription was dispensed within seven days of writing the prescription.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.