

BILL ANALYSIS

H.B. 2145
By: Hupp
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Pharmacy Practice Act forbids a prescription to be changed without the approval of the prescribing practitioner. Prescription Benefit Managers (PBMs) have become involved in activities that many perceive as the business of insurance and the practice of medicine pharmacy such as utilization review, formulary development, and the operation of PBM owned and operated mail order pharmacies, in direct competition with retail community pharmacies. There is a serious concern that decisions that can have a serious impact on the drug therapy and the health of the beneficiaries of health plans are being made on the basis of rebates that may increase the profit of PBMs and increase cost to the sponsors of the health plans.

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

Assigns meanings of "drug," "pharmacist," "pharmacy," "practitioner," and "prescription drug order" and seeks to make it illegal for any pharmacy or pharmacist, no matter what the location, to change a drug or other medication dispensed under a prescription order drug order issued by a practitioner for a participant in the Texas Employees Group Benefits Act, Texas Public School Employees Group Benefits Program, and the Texas School Employees Uniform Group Health Coverage benefit programs without the approval of that practitioner, and does not apply to a generic substitution.

EFFECTIVE DATE

September 1, 2005.