

BILL ANALYSIS

Senate Research Center
79R17815 PB-D

C.S.H.B. 2145
By: Hupp (Deuell)
Health & Human Services
5/17/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Pharmacy Practice Act forbids a prescription to be changed without the approval of the prescribing practitioner. Abuses of this Act are surfacing in lawsuits in several states, including Texas.

C.S.H.B. 2145 adds language to the Insurance Code forbidding prescriptions to be changed without the approval of the prescribing practitioner.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 1551, Insurance Code, by adding Section 1551.2197, as follows:

Sec. 1551.2197. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS PROHIBITED. (a) Defines "drug," "pharmacist," "pharmacy," "practitioner," and "prescription drug order."

(b) Prohibits a pharmacy or pharmacist from changing a drug or other medication dispensed under a prescription drug order issued by a practitioner for a participant in the state employees group benefits program without the approval of that practitioner.

(c) Provides that this section does not apply to a generic substitution.

SECTION 2. Amends Subchapter D, Chapter 1575, Insurance Code, by adding Section 1575.171, as follows:

Sec. 1575.171. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS PROHIBITED. (a) Defines "drug," "pharmacist," "pharmacy," "practitioner," and "prescription drug order."

(b) Prohibits a pharmacy or pharmacist from changing a drug or other medication dispensed under a prescription drug order issued by a practitioner for a participant in the Texas Public School Employees Group Insurance Program without the approval of that practitioner.

(c) Provides that this section does not apply to a generic substitution.

SECTION 3. Amends Subchapter C, Chapter 1579, Insurance Code, by adding Section 1579.109, as follows:

Sec. 1579.109. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS PROHIBITED. (a) Defines "drug," "pharmacist," "pharmacy," "practitioner," and "prescription drug order."

(b) Prohibits a pharmacy or pharmacist from changing a drug or other medication dispensed under a prescription drug order issued by a practitioner for a participant in the Texas Public School Employees Uniform Group Insurance Program without the approval of that practitioner.

(c) Provides that this section does not apply to a generic substitution.

SECTION 4. Amends Subchapter D, Chapter 1601, Insurance Code, by adding Section 1601.156, as follows:

Sec. 1601.156. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS PROHIBITED. (a) Defines "drug," "pharmacist," "pharmacy," "practitioner," and "prescription drug order."

(b) Prohibits a pharmacy or pharmacist from changing a drug or other medication dispensed under a prescription drug order issued by a practitioner for a participant in The University of Texas System and The Texas A&M University System Employees Uniform Group Insurance Program without the approval of that practitioner.

(c) Provides that this section does not apply to a generic substitution.

SECTION 5. Makes application of this Act prospective to the 2005-2006 health benefit plan year.

SECTION 6. Effective date: September 1, 2005.