

By: Hopson

H.B. No. 2053

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a pharmacist to dispense a Schedule II controlled substance pursuant to a facsimile copy of an official prescription.

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

SECTION 1. Sections 481.074(o) and (p), Health and Safety Code, are amended to read as follows:

(o) A pharmacist may dispense a Schedule II controlled substance pursuant to a facsimile copy of an official prescription completed in the manner required by Section 481.075 and transmitted by the practitioner or the practitioner's agent to the pharmacy if:

(1) the prescription is written for:

(A) a Schedule II narcotic or nonnarcotic substance for a patient in a long-term care facility (LTCF), and the practitioner notes on the prescription "LTCF patient";

(B) a Schedule II narcotic product to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion; or

(C) a Schedule II narcotic substance for a patient with a medical diagnosis documenting a terminal illness or a patient enrolled in a hospice care program certified or paid for by Medicare under Title XVIII, Social Security Act (42 U.S.C. Section 1395 et seq.), as amended, or a hospice program that is

1 licensed under Chapter 142, and the practitioner or the
2 practitioner's agent notes on the prescription "terminally ill" or
3 "hospice patient"; and

4 (2) after transmitting the prescription, the
5 prescribing practitioner or the practitioner's agent:

6 (A) writes across the face of the official
7 prescription "VOID--sent by fax to (name and telephone number of
8 receiving pharmacy)"; and

9 (B) files the official prescription in the
10 patient's medical records instead of delivering it to the patient
11 [promptly complies with Subsection (p)].

12 (p) ~~[Not later than the seventh day after the date a~~
13 ~~prescribing practitioner transmits the facsimile copy of the~~
14 ~~official prescription to the pharmacy, the prescribing~~
15 ~~practitioner shall deliver in person or mail the official written~~
16 ~~prescription to the dispensing pharmacist at the pharmacy where the~~
17 ~~prescription was dispensed. The envelope of a prescription~~
18 ~~delivered by mail must be postmarked not later than the seventh day~~
19 ~~after the date the official prescription was written.]~~ On receipt
20 of the prescription, the dispensing pharmacy shall file the
21 facsimile copy of the prescription ~~[with the official prescription]~~
22 and shall send information to the director as required by Section
23 481.075.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2053

1 Act takes effect September 1, 2005.