

By: Hupp

H.B. No. 2145

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting changes in certain prescription drug orders  
3 without the approval of the prescribing health care practitioner.

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

5 SECTION 1. Subchapter E, Chapter 1551, Insurance Code, is  
6 amended by adding Section 1551.2197 to read as follows:

7 Sec. 1551.2197. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
8 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
9 "pharmacy," "practitioner," and "prescription drug order" have the  
10 meanings assigned by Section 551.003, Occupations Code.

11 (b) A pharmacy or pharmacist may not change a drug or other  
12 medication dispensed under a prescription drug order issued by a  
13 practitioner for a participant in the group benefits program  
14 without the approval of that practitioner.

15 (c) This section does not apply to a generic substitution  
16 made in compliance with Subchapter A, Chapter 562, Occupations  
17 Code.

18 SECTION 2. Subchapter D, Chapter 1575, Insurance Code, is  
19 amended by adding Section 1575.171 to read as follows:

20 Sec. 1575.171. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
21 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
22 "pharmacy," "practitioner," and "prescription drug order" have the  
23 meanings assigned by Section 551.003, Occupations Code.

24 (b) A pharmacy or pharmacist may not change a drug or other

1 medication dispensed under a prescription drug order issued by a  
2 practitioner for a participant in the group program without the  
3 approval of that practitioner.

4 (c) This section does not apply to a generic substitution  
5 made in compliance with Subchapter A, Chapter 562, Occupations  
6 Code.

7 SECTION 3. Subchapter C, Chapter 1579, Insurance Code, is  
8 amended by adding Section 1579.109 to read as follows:

9 Sec. 1579.109. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
10 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
11 "pharmacy," "practitioner," and "prescription drug order" have the  
12 meanings assigned by Section 551.003, Occupations Code.

13 (b) A pharmacy or pharmacist may not change a drug or other  
14 medication dispensed under a prescription drug order issued by a  
15 practitioner for a participant in the program without the approval  
16 of that practitioner.

17 (c) This section does not apply to a generic substitution  
18 made in compliance with Subchapter A, Chapter 562, Occupations  
19 Code.

20 SECTION 4. This Act applies to health benefit plans  
21 provided under Chapters 1551, 1575, and 1579, Insurance Code,  
22 beginning with the 2005-2006 plan year.

23 SECTION 5. This Act takes effect September 1, 2005.