

1-1 By: Hupp, et al. (Senate Sponsor - Deuell) H.B. No. 2145  
1-2 (In the Senate - Received from the House May 11, 2005;  
1-3 May 13, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; May 19, 2005, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8, Nays  
1-6 0; May 19, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2145 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to prohibiting changes in certain prescription drug orders  
1-11 without the approval of the prescribing health care practitioner.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter E, Chapter 1551, Insurance Code, is  
1-14 amended by adding Section 1551.2197 to read as follows:

1-15 Sec. 1551.2197. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
1-16 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
1-17 "pharmacy," "practitioner," and "prescription drug order" have the  
1-18 meanings assigned by Section 551.003, Occupations Code.

1-19 (b) A pharmacy or pharmacist may not change a drug or other  
1-20 medication dispensed under a prescription drug order issued by a  
1-21 practitioner for a participant in the group benefits program  
1-22 without the approval of that practitioner.

1-23 (c) This section does not apply to a generic substitution  
1-24 made in compliance with Subchapter A, Chapter 562, Occupations  
1-25 Code.

1-26 SECTION 2. Subchapter D, Chapter 1575, Insurance Code, is  
1-27 amended by adding Section 1575.171 to read as follows:

1-28 Sec. 1575.171. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
1-29 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
1-30 "pharmacy," "practitioner," and "prescription drug order" have the  
1-31 meanings assigned by Section 551.003, Occupations Code.

1-32 (b) A pharmacy or pharmacist may not change a drug or other  
1-33 medication dispensed under a prescription drug order issued by a  
1-34 practitioner for a participant in the group program without the  
1-35 approval of that practitioner.

1-36 (c) This section does not apply to a generic substitution  
1-37 made in compliance with Subchapter A, Chapter 562, Occupations  
1-38 Code.

1-39 SECTION 3. Subchapter C, Chapter 1579, Insurance Code, is  
1-40 amended by adding Section 1579.109 to read as follows:

1-41 Sec. 1579.109. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
1-42 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
1-43 "pharmacy," "practitioner," and "prescription drug order" have the  
1-44 meanings assigned by Section 551.003, Occupations Code.

1-45 (b) A pharmacy or pharmacist may not change a drug or other  
1-46 medication dispensed under a prescription drug order issued by a  
1-47 practitioner for a participant in the program without the approval  
1-48 of that practitioner.

1-49 (c) This section does not apply to a generic substitution  
1-50 made in compliance with Subchapter A, Chapter 562, Occupations  
1-51 Code.

1-52 SECTION 4. Subchapter D, Chapter 1601, Insurance Code, is  
1-53 amended by adding Section 1601.156 to read as follows:

1-54 Sec. 1601.156. CERTAIN CHANGES IN PRESCRIPTION DRUG ORDERS  
1-55 PROHIBITED. (a) In this section, "drug," "pharmacist,"  
1-56 "pharmacy," "practitioner," and "prescription drug order" have the  
1-57 meanings assigned by Section 551.003, Occupations Code.

1-58 (b) A pharmacy or pharmacist may not change a drug or other  
1-59 medication dispensed under a prescription drug order issued by a  
1-60 practitioner for a participant in a uniform program without the  
1-61 approval of that practitioner.

1-62 (c) This section does not apply to a generic substitution  
1-63 made in compliance with Subchapter A, Chapter 562, Occupations

2-1 Code.

2-2 SECTION 5. This Act applies to health benefit plans  
2-3 provided under Chapters 1551, 1575, 1579, and 1601, Insurance Code,  
2-4 beginning with the 2005-2006 plan year.

2-5 SECTION 6. This Act takes effect September 1, 2005.

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