

By: Hupp

H.B. No. 2147

A BILL TO BE ENTITLED

AN ACT

1
2 relating to required patient counseling regarding mail order
3 prescription plans for certain public employees and retirees.

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 1551.2196 to read as follows:

7 Sec. 1551.2196. REQUIRED PATIENT COUNSELING ON MAIL ORDER
8 PRESCRIPTION PLANS. (a) In this section, "patient counseling" has
9 the meaning assigned by Section 551.003(26), Occupations Code.

10 (b) If the board of trustees or a health benefit plan issuer
11 under this chapter provides pharmacy benefits under a coverage plan
12 through a mail order prescription plan, the board or health benefit
13 plan issuer shall ensure that patient counseling from a pharmacist
14 licensed by the Texas State Board of Pharmacy is available to each
15 participant in the group benefits program who receives pharmacy
16 benefits for more than one prescription through the mail order
17 prescription plan.

18 (c) A health benefit plan issuer who violates Subsection (b)
19 is subject to sanctions as provided by Chapter 82.

20 SECTION 2. Subchapter D, Chapter 1575, Insurance Code, is
21 amended by adding Section 1575.168 to read as follows:

22 Sec. 1575.168. REQUIRED PATIENT COUNSELING ON MAIL ORDER
23 PRESCRIPTION PLANS. (a) In this section, "patient counseling" has
24 the meaning assigned by Section 551.003(26), Occupations Code.

1 (b) If the trustee or a health benefit plan issuer under
2 this chapter provides pharmacy benefits under a coverage plan
3 through a mail order prescription plan, the trustee or health
4 benefit plan issuer shall ensure that patient counseling from a
5 pharmacist licensed by the Texas State Board of Pharmacy is
6 available to each participant in the group program who receives
7 pharmacy benefits for more than one prescription through the mail
8 order prescription plan.

9 (c) A health benefit plan issuer who violates Subsection (b)
10 is subject to sanctions as provided by Chapter 82.

11 SECTION 3. Subchapter C, Chapter 1579, Insurance Code, is
12 amended by adding Section 1579.108 to read as follows:

13 Sec. 1579.108. REQUIRED PATIENT COUNSELING ON MAIL ORDER
14 PRESCRIPTION PLANS. (a) In this section, "patient counseling" has
15 the meaning assigned by Section 551.003(26), Occupations Code.

16 (b) If the trustee or a health coverage plan issuer under
17 this chapter provides pharmacy benefits under a coverage plan
18 through a mail order prescription plan, the trustee or health
19 coverage plan issuer shall ensure that patient counseling from a
20 pharmacist licensed by the Texas State Board of Pharmacy is
21 available to each participant in the program who receives pharmacy
22 benefits for more than one prescription through the mail order
23 prescription plan.

24 (c) A health coverage plan issuer who violates Subsection
25 (b) is subject to sanctions as provided by Chapter 82.

26 SECTION 4. This Act applies to health benefit plans
27 provided under Chapters 1551, 1575, and 1579, Insurance Code,

1 beginning with the 2005-2006 plan year.

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