

Amend CSSB 409 on third reading by adding the following appropriately numbered SECTION and renumbering existing SECTIONS as appropriate:

SECTION ____ . Section 562.014, Occupations Code, is amended to read as follows:

Sec. 562.014. APPLICATION TO NARROW THERAPEUTIC INDEX DRUGS. (a) Except as provided by this section, drug selection as authorized by this subchapter does not apply to the refill of a prescription for a narrow therapeutic index drug. The board, in consultation with the Texas [~~State Board of~~] Medical Board [~~Examiners~~], shall by rule establish a list of narrow therapeutic index drugs to which this subsection applies. A prescription for a narrow therapeutic index drug may be refilled only by using the same drug product by the same manufacturer that the pharmacist last dispensed under the prescription, unless otherwise agreed to by the prescribing practitioner [~~physician~~]. If a pharmacist does not have the same drug product by the same manufacturer in stock to refill the prescription, the pharmacist may dispense a drug product that is generically equivalent if the pharmacist, before dispensing the generically equivalent drug product, notifies:

(1) the patient, at the time the prescription is dispensed, that a substitution of the prescribed drug product has been made; and

(2) the prescribing practitioner [~~physician~~] of the drug product substitution by telephone, facsimile, or mail, at the earliest reasonable time, but not later than 72 hours after dispensing the prescription.

(b) The board, in consultation with the Texas Medical Board, shall include all anti-epileptic drugs, as defined by Section 562.0141(a), in the list of narrow therapeutic index drugs.

(c) Notwithstanding any other provision of law, this section applies to the refill of a prescription for a narrow therapeutic index drug only if the prescribing practitioner indicates on the prescription or in the directions on the prescription that the drug is for the treatment of epilepsy or seizures, as those terms are defined by Section 562.0141(a).