

## **BILL ANALYSIS**

C.S.H.B. 1891  
By: Goolsby  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Many prescription care recipients in Texas find the process of receiving their prescriptions by mail cumbersome and difficult to identify whether a prescription is a sample or their specifically issued prescription. C.S.H.B. 1891 requires that pharmaceutical companies doing business in Texas and offering a patient assistance program to affix a symbol to each shipment that indicates the shipment is not a sample and that it is intended for the patient whose full name must be clearly legible on the invoice and prescription bottle.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 and SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 1891 amends the heading to Subchapter J, Chapter 531, Government Code, to read as follows: SUBCHAPTER J. PATIENT ASSISTANCE PROGRAMS.

The bill requires the executive commissioner of the Health and Human Services Commission, to the extent permitted by federal law, to adopt rules requiring a pharmaceutical company that does business in this state and that offers a patient assistance program to: include the patient's full name in clearly legible type on the invoice and prescription bottle; have the patient's prescription shipped to a pharmacist designated by the patient for medication counseling and oversight; direct pharmacist to contact the patient by telephone when the prescription arrives.

The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules as required by Section 531.354, Government Code, as added by this Act no later than January 1, 2008.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1891 modifies the original by removing the requirements of a pharmaceutical company that does business in this state and that offers a patient assistance program to: affix a symbol to each prescription shipment delivered through the program that indicates the shipment is not a sample and intended for a patient participating in the program; log all prescriptions dispensed by the pharmaceutical company and received by a physician through the program; ship prescriptions directly to the patient when possible; and contact the patient by telephone when the prescription is shipped.

The substitute adds the requirements of a pharmaceutical company that does business in this state and that offers a patient assistance program to: have the patient's prescription shipped to a pharmacist designated by the patient for medication counseling and oversight; direct pharmacist to contact the patient by telephone when the prescription arrives.