

BILL ANALYSIS

S.B. 994
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Electronic prescribing, also known as e-prescribing, allows a physician to transmit a prescription electronically to a patient's pharmacy. Texas currently allows e-prescribing for certain in-state controlled substances; however, current statute prohibits pharmacies from accepting e-prescriptions for certain controlled substances from out-of-state physicians.

As proposed, S.B. 994 allows electronic prescriptions for certain controlled substances to be submitted by certain physicians and allows pharmacies within Texas to dispense those prescriptions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Sections 481.074(g) and (h), Health and Safety Code, as follows:

(g) Prohibits a person from dispensing certain controlled substances without a written, oral, or telephonically or electronically communicated prescription of a practitioner defined by Section 481.002(39)(A) or (D). Requires a prescription under this subsection to comply with other applicable state and federal laws.

(h) Authorizes a pharmacist to dispense a controlled substance listed in Schedule III, IV, or V under a written, oral, or telephonically or electronically communicated prescription issued by a practitioner defined by Section 481.002(39)(C) and only if the pharmacist determines that the prescription was issued for a valid medical purpose and in the course of professional practice. Prohibits a prescription issued under this subsection from being filled or refilled later than six months after the date the prescription is issued and prohibits it from being refilled more than five times, unless the prescription is renewed by the practitioner.

SECTION 2. Makes the application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.