

BILL ANALYSIS

Senate Research Center

S.B. 1620
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current policy does not expressly prohibit a breach of confidentiality of prescription information. As proposed, S.B. 1620 mandates that any prescription information with patient-identifiable or prescriber-identifiable data may not be sold, distributed, transferred, or licensed for any purpose. The bill also defines commercial purposes as including any purpose relating to marketing, advertising, or promotion of anything that could influence sales.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 563, Occupations Code, by adding Section 562.112, as follows:

Sec. 562.112. PRESCRIPTION INFORMATION TO BE KEPT CONFIDENTIAL. (a) Prohibits records relating to prescription information that contain patient-identifiable and prescriber-identifiable data from being licensed, transferred, used, or sold by certain persons or entities for any commercial purpose except for the limited purposes of pharmacy reimbursement, formulary compliance, care management, health care research, or utilization review by a health care provider, the patient's insurance provider, or the agent of either, or as otherwise provided by law.

(b) Defines "commercial purpose" for the purposes of this section.

(c) Requires that nothing in this section prohibit certain actions relating to prescriptions.

(d) Provides that a violation of this section is an unfair or deceptive trade practice under Chapter 17 (Deceptive Trade Practices), Business and Commerce, in addition to other appropriate remedies under this subtitle.

SECTION 2. Effective date: September 1, 2007.