

By: Macias

H.B. No. 1369

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for filling prescriptions for nursing home residents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter N, Chapter 242, Health and Safety Code, is amended by adding Section 242.6015 to read as follows:

Sec. 242.6015. LIMIT ON FILLING PRESCRIPTIONS. Before an institution may fill a prescription for a resident of the institution, the institution shall determine whether the patient is covered by a health insurance policy or other private health benefit plan that provides prescription drug benefits, including coverage provided in accordance with Medicare Part D, that would cover the prescribed medication. If the resident has coverage for prescription drug benefits, the institution may fill the prescription only if:

(1) the institution:

(A) is a network provider under the resident's policy or plan; or

(B) receives written authorization from the resident or the resident's legally authorized representative to fill the prescription; or

(2) it is immediately necessary to administer the prescribed medication to prevent imminent probable death or substantial bodily harm to the resident.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007.