

By: Davis of Harris

H.B. No. 1443

Substitute the following for H.B. No. 1443:

By: Delisi

C.S.H.B. No. 1443

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the interchange of transplant immunosuppressant drugs.

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

SECTION 1. Subchapter A, Chapter 562, Occupations Code, is amended by adding Section 562.0142 to read as follows:

Sec. 562.0142. TRANSPLANT IMMUNOSUPPRESSANT DRUG PRODUCT SELECTION PROHIBITED. (a) In this section:

(1) "Immunosuppressant drug" means:

(A) any drug prescribed for immunosuppressant therapy following a transplant;

(2) "Interchange" means the substitution of one version of the same immunosuppressant drug, including a generic version for the prescribed brand, a brand version for the prescribed generic version, a generic version by one manufacturer for a generic version by a different manufacturer, a different formulation of the prescribed immunosuppressant drug or a different immunosuppressant drug for the immunosuppressant drug originally prescribed.

(b) Notwithstanding Section 562.014, Occupations Code, a pharmacist may not interchange an immunosuppressant drug or formulation of an immunosuppressant drug, brand or generic, for the treatment of a patient following a transplant without prior notification of and the signed informed consent of such interchange from the prescribing physician.

1 (c) To comply with Subsection (b), a pharmacist may document
2 the notification of a prescribing physician and secure the informed
3 written consent of such physician by contacting the physician
4 orally or electronically to secure permission to interchange an
5 immunosuppressant drug or formulation of an immunosuppressant
6 drug, brand or generic, and reducing such consent to writing. If
7 the prescribing physician does not authorize a substitute, such
8 denial shall also be documented in the same manner and format. A
9 copy of such communication shall be forwarded to the physician and a
10 copy kept with the records of the pharmacist. Such documented
11 notification and consent under this Subsection shall be considered
12 as a statement that the prescription is "brand medically necessary"
13 and shall be considered part of the prescription, if applicable.

14 SECTION 2. Subchapter A, Chapter 562, Occupations Code, is
15 amended by adding Section 562.009 (e) to read as follows:

16 Sec. 562.009 (e) If the prescription is for an
17 "immunosuppressant drug" as defined in Sec. 562.0142 (1), the
18 pharmacist must comply with the provisions of Sec. 562.0142.

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