

1-1 By: Janek S.B. No. 625
1-2 (In the Senate - Filed February 13, 2007; February 27, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 26, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 March 26, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 625 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to restrictions on the interchange of transplant
1-11 immunosuppressant drugs.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 562, Occupations Code, is
1-14 amended by adding Section 562.0142 to read as follows:

1-15 Sec. 562.0142. TRANSPLANT IMMUNOSUPPRESSANT DRUG PRODUCT
1-16 SELECTION PROHIBITED. (a) In this section:

1-17 (1) "Immunosuppressant drug" means any drug
1-18 prescribed for immunosuppressant therapy following a transplant.

1-19 (2) "Interchange" means the substitution of one
1-20 version of the same immunosuppressant drug, including a generic
1-21 version for the prescribed brand, a brand version for the
1-22 prescribed generic version, a generic version by one manufacturer
1-23 for a generic version by a different manufacturer, a different
1-24 formulation of the prescribed immunosuppressant drug, or a
1-25 different immunosuppressant drug for the immunosuppressant drug
1-26 originally prescribed.

1-27 (b) Notwithstanding Section 562.014, a pharmacist may not
1-28 interchange an immunosuppressant drug or formulation of an
1-29 immunosuppressant drug, brand or generic for the treatment of a
1-30 patient following a transplant without prior notification of and
1-31 the signed informed consent of such interchange from the
1-32 prescribing physician.

1-33 (c) To comply with Subsection (b), a pharmacist may document
1-34 the notification of a prescribing physician and secure the informed
1-35 written consent of such physician by contacting the physician
1-36 orally or electronically to secure permission to interchange an
1-37 immunosuppressant drug or formulation of an immunosuppressant
1-38 drug, brand, or generic and reducing such consent to writing. If
1-39 the prescribing physician does not authorize a substitute, such
1-40 denial shall also be documented in the same manner and format. A
1-41 copy of such communication shall be forwarded to the physician and a
1-42 copy kept with the records of the pharmacist. Such documented
1-43 notification and consent under this subsection shall be considered
1-44 a statement that the prescription is "brand medically necessary"
1-45 and shall be considered part of the prescription, if applicable.

1-46 SECTION 2. Section 562.009, Occupations Code, is amended by
1-47 adding Subsection (e) to read as follows:

1-48 (e) If the prescription is for an "immunosuppressant drug"
1-49 as defined in Section 562.0142(a)(1), the pharmacist must comply
1-50 with the provisions of Section 562.0142.

1-51 SECTION 3. This Act takes effect immediately if it receives
1-52 a vote of two-thirds of all the members elected to each house, as
1-53 provided by Section 39, Article III, Texas Constitution. If this
1-54 Act does not receive the vote necessary for immediate effect, this
1-55 Act takes effect September 1, 2007.

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