

By: Nichols, Patrick, Van de Putte

S.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a pharmacist to fill certain prescriptions in the event of a disaster.

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

SECTION 1. Section 562.054, Occupations Code, is amended to read as follows:

Sec. 562.054. EMERGENCY REFILLS. (a) A pharmacist may exercise the pharmacist's professional judgment in refilling a prescription for a prescription drug, other than a controlled substance listed in Schedule II as established by the commissioner of state ~~public~~ health services under Chapter 481, Health and Safety Code, without the authorization of the prescribing practitioner if:

(1) failure to refill the prescription might result in an interruption of a therapeutic regimen or create patient suffering;

(2) either:

(A) a natural or manmade disaster has occurred that prohibits the pharmacist from being able to contact the practitioner; or

(B) the pharmacist is unable to contact the practitioner after reasonable effort;

(3) the quantity of prescription drug dispensed does not exceed a 72-hour supply;

1 (4) the pharmacist informs the patient or the
2 patient's agent at the time of dispensing that the refill is being
3 provided without the practitioner's authorization and that
4 authorization of the practitioner is required for a future refill;
5 and

6 (5) the pharmacist informs the practitioner of the
7 emergency refill at the earliest reasonable time.

8 (b) Notwithstanding Subsection (a), in the event of a
9 natural or manmade disaster, a pharmacist may dispense not more
10 than a 30-day supply of a prescription drug, other than a controlled
11 substance listed in Schedule II as established by the commissioner
12 of state health services under Chapter 481, Health and Safety Code,
13 without the authorization of the prescribing practitioner if:

14 (1) failure to refill the prescription might result in
15 an interruption of a therapeutic regimen or create patient
16 suffering;

17 (2) the natural or manmade disaster prohibits the
18 pharmacist from being able to contact the practitioner;

19 (3) the governor has declared a state of disaster
20 under Chapter 418, Government Code; and

21 (4) the board, through the executive director, has
22 notified pharmacies in this state that pharmacists may dispense up
23 to a 30-day supply of a prescription drug.

24 (c) The prescribing practitioner is not liable for an act or
25 omission by a pharmacist in dispensing a prescription drug under
26 Subsection (b).

27 SECTION 2. Section 481.074, Health and Safety Code, is

1 amended by adding Subsections (1-1) and (1-2) to read as follows:

2 (1-1) Notwithstanding Subsection (1), in the event of a
3 natural or manmade disaster, a pharmacist may dispense not more
4 than a 30-day supply of a prescription drug, other than a controlled
5 substance listed in Schedule II, without the authorization of the
6 prescribing practitioner if:

7 (1) failure to refill the prescription might result in
8 an interruption of a therapeutic regimen or create patient
9 suffering;

10 (2) the natural or manmade disaster prohibits the
11 pharmacist from being able to contact the practitioner;

12 (3) the governor has declared a state of disaster
13 under Chapter 418, Government Code; and

14 (4) the Texas State Board of Pharmacy, through its
15 executive director, has notified pharmacies in this state that
16 pharmacists may dispense up to a 30-day supply of a prescription
17 drug.

18 (1-2) The prescribing practitioner is not liable for an act
19 or omission by a pharmacist in dispensing a prescription drug under
20 Subsection (1-1).

21 SECTION 3. This Act takes effect September 1, 2007.