

BILL ANALYSIS

H.B. 3755
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Health and Human Services Commission runs the vendor drug program which processes prescription drug claims for Medicaid, CHIP, and other need-based health care programs. Current law and Texas State Board of Pharmacy rules and regulations allow a prescription for dangerous drugs or nonprescription drugs to be valid for a maximum of one year. However, the vendor drug program restricts the life of a prescription to six months, and state Medicaid requirements dictate that if a prescription is written for a period exceeding six months, a pharmacist must contact the prescribing health care provider in order to be able to continue to fill that prescription.

H.B. 3755 creates consistency between state Medicaid requirements and the Texas State Board of Pharmacy rules and regulations regarding the life of a prescription in an effort to streamline the administrative process for pharmacists. The bill does not affect the length of time a client is eligible for state assistance or interfere with a health care provider's discretion regarding the length of a prescription.

H.B. 3755 requires the executive commissioner of the Health and Human Services Commission to ensure that a prescription written under the Medicaid vendor drug program is valid for the lesser of the period for which the prescription is valid or one year.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practicable, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 3755 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission, in rules and standards governing the Medicaid vendor drug program, to ensure that a prescription written by an authorized health care provider under the Medicaid program is valid for the lesser of the period for which the prescription is written or one year. The bill exempts from its provisions a prescription for a controlled substance.

H.B. 3755 requires a state agency that is affected by a provision of the bill to request a federal

waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.