

AN ACT

relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

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

SECTION 1. VENDOR DRUG PROGRAM; E-PRESCRIBING. (a) In this section:

(1) "Child health plan program" means the child health plan program under Chapter 62, Health and Safety Code.

(2) "Electronic media" has the meaning assigned by 45 C.F.R. Section 160.103.

(3) "E-prescribing" means the transmission using electronic media of prescription or prescription-related information between a practitioner, pharmacist, pharmacy benefit manager, or health plan, either directly or through an intermediary, including through a network. The term includes two-way transmissions between the point of care and the pharmacist.

(4) "Medicaid program" means the medical assistance program under Chapter 32, Human Resources Code.

(5) "Pharmacist," "pharmacy," and "practitioner" have the meanings assigned by Section 551.003, Occupations Code.

(6) "Prescription-related information" means information regarding eligibility for drug benefits, medication history, or related health or drug information for an individual who is receiving benefits under the Medicaid program or the child

1 health plan program.

2 (b) The Health and Human Services Commission shall develop
3 an e-prescribing implementation plan under the vendor drug program
4 for the Medicaid and child health plan programs designed to improve
5 patient safety and standardize electronic prescribing systems used
6 in the program. The plan must establish:

7 (1) e-prescribing standards with which pharmacists,
8 practitioners, pharmacy benefit managers, and health plans that
9 transmit, directly or through an intermediary, prescriptions for
10 Medicaid program recipients and child health plan program enrollees
11 and prescription-related information using electronic media must
12 comply; and

13 (2) time frames within which pharmacists,
14 practitioners, pharmacy benefit managers, and health plans must
15 comply with the standards established under Subdivision (1) of this
16 subsection.

17 (c) Not later than December 1, 2009, the Health and Human
18 Services Commission shall submit an initial report to the governor
19 and the Legislative Budget Board detailing the e-prescribing
20 implementation plan developed under this section. The report must
21 include the projected expenditures and cost savings anticipated for
22 the plan during the state fiscal year.

23 (d) Not later than December 1, 2010, the Health and Human
24 Services Commission shall submit a final report to the governor and
25 the Legislative Budget Board regarding the e-prescribing
26 implementation plan developed under this section. The report must
27 include expenditures associated with and cost savings realized from

1 the plan.

2 SECTION 2. EFFECTIVE DATE. This Act takes effect
3 immediately if it receives a vote of two-thirds of all the members
4 elected to each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 immediate effect, this Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1966 was passed by the House on May 7, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1966 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor