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H.B. No. 1966

A BILL TO BE ENTITLED

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  
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.