

1-1 By: Davis of Harris, et al. H.B. No. 1966
1-2 (Senate Sponsor - Nelson)
1-3 (In the Senate - Received from the House May 8, 2009;
1-4 May 8, 2009, read first time and referred to Committee on Health
1-5 and Human Services; May 14, 2009, reported favorably by the
1-6 following vote: Yeas 6, Nays 0; May 14, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to an e-prescribing implementation plan under the Medicaid
1-10 and child health plan programs.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. VENDOR DRUG PROGRAM; E-PRESCRIBING. (a) In this
1-13 section:

1-14 (1) "Child health plan program" means the child health
1-15 plan program under Chapter 62, Health and Safety Code.

1-16 (2) "Electronic media" has the meaning assigned by 45
1-17 C.F.R. Section 160.103.

1-18 (3) "E-prescribing" means the transmission using
1-19 electronic media of prescription or prescription-related
1-20 information between a practitioner, pharmacist, pharmacy benefit
1-21 manager, or health plan, either directly or through an
1-22 intermediary, including through a network. The term includes
1-23 two-way transmissions between the point of care and the pharmacist.

1-24 (4) "Medicaid program" means the medical assistance
1-25 program under Chapter 32, Human Resources Code.

1-26 (5) "Pharmacist," "pharmacy," and "practitioner" have
1-27 the meanings assigned by Section 551.003, Occupations Code.

1-28 (6) "Prescription-related information" means
1-29 information regarding eligibility for drug benefits, medication
1-30 history, or related health or drug information for an individual
1-31 who is receiving benefits under the Medicaid program or the child
1-32 health plan program.

1-33 (b) The Health and Human Services Commission shall develop
1-34 an e-prescribing implementation plan under the vendor drug program
1-35 for the Medicaid and child health plan programs designed to improve
1-36 patient safety and standardize electronic prescribing systems used
1-37 in the program. The plan must establish:

1-38 (1) e-prescribing standards with which pharmacists,
1-39 practitioners, pharmacy benefit managers, and health plans that
1-40 transmit, directly or through an intermediary, prescriptions for
1-41 Medicaid program recipients and child health plan program enrollees
1-42 and prescription-related information using electronic media must
1-43 comply; and

1-44 (2) time frames within which pharmacists,
1-45 practitioners, pharmacy benefit managers, and health plans must
1-46 comply with the standards established under Subdivision (1) of this
1-47 subsection.

1-48 (c) Not later than December 1, 2009, the Health and Human
1-49 Services Commission shall submit an initial report to the governor
1-50 and the Legislative Budget Board detailing the e-prescribing
1-51 implementation plan developed under this section. The report must
1-52 include the projected expenditures and cost savings anticipated for
1-53 the plan during the state fiscal year.

1-54 (d) Not later than December 1, 2010, the Health and Human
1-55 Services Commission shall submit a final report to the governor and
1-56 the Legislative Budget Board regarding the e-prescribing
1-57 implementation plan developed under this section. The report must
1-58 include expenditures associated with and cost savings realized from
1-59 the plan.

1-60 SECTION 2. EFFECTIVE DATE. This Act takes effect
1-61 immediately if it receives a vote of two-thirds of all the members
1-62 elected to each house, as provided by Section 39, Article III, Texas
1-63 Constitution. If this Act does not receive the vote necessary for
1-64 immediate effect, this Act takes effect September 1, 2009.

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