

By: Howard of Travis

H.B. No. 3755

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the period for which a prescription written for a
3 Medicaid recipient is valid.

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

5 SECTION 1. Section 32.024, Human Resources Code, is amended
6 by amending Subsection (z-1) and adding Subsection (z-2) to read as
7 follows:

8 (z-1) In its rules and standards governing the vendor drug
9 program, the department, to the extent allowed by federal law and
10 laws regulating the writing and dispensing of prescription
11 medications, shall ensure that a prescription written by an
12 authorized health care provider under the medical assistance
13 program is valid for the lesser of the period for which the
14 prescription is written or one year. This subsection does not apply
15 to a prescription for a controlled substance, as defined by Chapter
16 481, Health and Safety Code.

17 (z-2) Subsections [~~Subsection~~] (z) and (z-1) do [~~does~~] not
18 affect any other limit on prescription medications otherwise
19 prescribed by department rule.

20 SECTION 2. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the

1 waiver or authorization is granted.

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