

1-1 By: Martinez Fischer, et al. H.B. No. 4402
1-2 (Senate Sponsor - Van de Putte)
1-3 (In the Senate - Received from the House May 7, 2009;
1-4 May 7, 2009, read first time and referred to Committee on State
1-5 Affairs; May 19, 2009, reported favorably by the following vote:
1-6 Yeas 8, Nays 0; May 19, 2009, sent to printer.)

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

1-9 relating to a study regarding insurance coverage of prescription
1-10 drugs provided under a health benefit plan.

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

1-12 SECTION 1. Subchapter B, Chapter 1369, Insurance Code, is
1-13 amended by adding Section 1369.0551 to read as follows:

1-14 Sec. 1369.0551. STUDY. (a) The department shall conduct a
1-15 study to evaluate the ways in which pharmacy benefit managers use
1-16 prescription drug information to manage therapeutic drug
1-17 interchange programs and other drug substitution recommendations
1-18 made by pharmacy benefit managers or other similar entities. The
1-19 study must include information regarding pharmacy benefit
1-20 managers:

1-21 (1) intervening in the delivery or transmission of a
1-22 prescription from a prescribing health care practitioner to a
1-23 pharmacist for purposes of influencing the prescribing health care
1-24 practitioner's choice of therapy;

1-25 (2) recommending that a prescribing health care
1-26 practitioner change from the originally prescribed medication to
1-27 another medication, including generic substitutions and
1-28 therapeutic interchanges;

1-29 (3) changing a drug or device prescribed by a health
1-30 care practitioner without the consent of the prescribing health
1-31 care practitioner;

1-32 (4) changing a patient cost-sharing obligation for the
1-33 cost of a prescription drug or device, including placing a drug or
1-34 device on a higher formulary tier than the initial contracted
1-35 benefit level; and

1-36 (5) removing a drug or device from a group health
1-37 benefit plan formulary without providing proper enrollee notice.

1-38 (b) Not later than August 1, 2010, the department shall
1-39 submit to the governor, the lieutenant governor, the speaker of the
1-40 house of representatives, and the appropriate standing committees
1-41 of the legislature a report regarding the results of the study
1-42 required by Subsection (a), together with any recommendations for
1-43 legislation.

1-44 (c) This section expires September 1, 2010.

1-45 SECTION 2. This Act takes effect September 1, 2009.

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