

1-1 By: Nelson S.B. No. 888
1-2 (In the Senate - Filed February 17, 2009; March 9, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 26, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 26, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 888 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to establishing a pill splitting program to reduce health
1-11 plan costs for certain public employees.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter E, Chapter 1551, Insurance Code, is
1-14 amended by adding Section 1551.225 to read as follows:

1-15 Sec. 1551.225. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

1-16 (a) In this section:

1-17 (1) "Eligible prescription pill" means a prescription
1-18 medication delivered in pill form that is appropriate for
1-19 splitting, as determined under Subsection (c), and is listed on the
1-20 applicable drug formulary, if any, described by Section 1551.218.

1-21 (2) "Pill splitting" means dividing an eligible
1-22 prescription pill to obtain a prescribed dose.

1-23 (b) The board of trustees by rule shall design and establish
1-24 a voluntary pill splitting program. The pill splitting program
1-25 must:

1-26 (1) include a copayment reduction incentive for
1-27 individuals covered by the group benefits program who participate
1-28 in the pill splitting program; and

1-29 (2) require an individual who participates in the pill
1-30 splitting program to:

1-31 (A) obtain a prescription for an eligible
1-32 prescription pill authorizing pill splitting from the prescribing
1-33 physician before participating; and

1-34 (B) personally split the eligible prescription
1-35 pill.

1-36 (c) With the assistance of the advisory committee
1-37 established under Section 554.0055, Occupations Code, the board of
1-38 trustees shall:

1-39 (1) establish a list of eligible prescription pills;

1-40 (2) periodically update the list of eligible
1-41 prescription pills; and

1-42 (3) make the list of eligible prescription pills
1-43 available to all persons covered by a health benefit plan under the
1-44 group benefits program.

1-45 (d) The board of trustees shall report at least annually to
1-46 the Legislative Budget Board and the governor on the design of the
1-47 pill splitting program, the medications included on the list of
1-48 eligible prescription pills, participation in the program, and cost
1-49 savings resulting from the program.

1-50 SECTION 2. Subchapter D, Chapter 1575, Insurance Code, is
1-51 amended by adding Section 1575.171 to read as follows:

1-52 Sec. 1575.171. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

1-53 (a) In this section:

1-54 (1) "Eligible prescription pill" means a prescription
1-55 medication delivered in pill form that is appropriate for
1-56 splitting, as determined under Subsection (c), and is listed on the
1-57 applicable drug formulary, if any, described by Section 1575.170.

1-58 (2) "Pill splitting" means dividing an eligible
1-59 prescription pill to obtain a prescribed dose.

1-60 (b) The trustee by rule shall design and establish a
1-61 voluntary pill splitting program. The pill splitting program must:

1-62 (1) include a copayment reduction incentive for
1-63 individuals covered by the group program who participate in the
1-64 pill splitting program; and

1-65 (2) require an individual who participates in the pill

2-1 splitting program to:
2-2 (A) obtain a prescription for an eligible
2-3 prescription pill authorizing pill splitting from the prescribing
2-4 physician before participating; and
2-5 (B) personally split the eligible prescription
2-6 pill.
2-7 (c) With the assistance of the advisory committee
2-8 established under Section 554.0055, Occupations Code, the trustee
2-9 shall:
2-10 (1) establish a list of eligible prescription pills;
2-11 (2) periodically update the list of eligible
2-12 prescription pills; and
2-13 (3) make the list of eligible prescription pills
2-14 available to all persons covered by a health benefit plan under the
2-15 group program.
2-16 (d) The trustee shall report at least annually to the
2-17 Legislative Budget Board and the governor on the design of the pill
2-18 splitting program, medications included on the list of eligible
2-19 prescription pills, participation in the program, and cost savings
2-20 resulting from the program.
2-21 SECTION 3. Subchapter C, Chapter 1579, Insurance Code, is
2-22 amended by adding Section 1579.109 to read as follows:
2-23 Sec. 1579.109. ESTABLISHMENT OF PILL SPLITTING PROGRAM.
2-24 (a) In this section:
2-25 (1) "Eligible prescription pill" means a prescription
2-26 medication delivered in pill form that is appropriate for
2-27 splitting, as determined under Subsection (c), and is listed on the
2-28 applicable drug formulary, if any, described by Section 1579.106.
2-29 (2) "Pill splitting" means dividing an eligible
2-30 prescription pill to obtain a prescribed dose.
2-31 (b) The trustee by rule shall design and establish a
2-32 voluntary pill splitting program. The pill splitting program must:
2-33 (1) include a copayment reduction incentive for
2-34 individuals covered by a health coverage plan under this subchapter
2-35 who participate in the pill splitting program; and
2-36 (2) require an individual who participates in the pill
2-37 splitting program to:
2-38 (A) obtain a prescription for an eligible
2-39 prescription pill authorizing pill splitting from the prescribing
2-40 physician before participating; and
2-41 (B) personally split the eligible prescription
2-42 pill.
2-43 (c) With the assistance of the advisory committee
2-44 established under Section 554.0055, Occupations Code, the trustee
2-45 shall:
2-46 (1) establish a list of eligible prescription pills;
2-47 (2) periodically update the list of eligible
2-48 prescription pills; and
2-49 (3) make the list of eligible prescription pills
2-50 available to all persons covered by a health coverage plan under the
2-51 uniform group coverage program.
2-52 (d) The trustee shall report at least annually to the
2-53 Legislative Budget Board and the governor on the design of the pill
2-54 splitting program, medications included in the list of eligible
2-55 prescription pills, participation in the program, and cost savings
2-56 resulting from the program.
2-57 SECTION 4. Subchapter C, Chapter 1601, Insurance Code, is
2-58 amended by adding Section 1601.111 to read as follows:
2-59 Sec. 1601.111. ESTABLISHMENT OF PILL SPLITTING PROGRAM.
2-60 (a) In this section:
2-61 (1) "Eligible prescription pill" means a prescription
2-62 medication delivered in pill form that is appropriate for
2-63 splitting, as determined under Subsection (c), and is listed on the
2-64 applicable drug formulary, if any, established for group health
2-65 benefit coverage under a uniform program.
2-66 (2) "Pill splitting" means dividing an eligible
2-67 prescription pill to obtain a prescribed dose.
2-68 (b) Each system by rule shall design and establish a
2-69 voluntary pill splitting program. The pill splitting program must:
2-70 (1) include a copayment reduction incentive for
2-71 individuals covered by a health benefit plan provided under this

3-1 chapter who participate in the program; and
3-2 (2) require an individual who participates in the
3-3 program to:

3-4 (A) obtain a prescription for an eligible
3-5 prescription pill authorizing pill splitting from the prescribing
3-6 physician before participating; and

3-7 (B) personally split the eligible prescription
3-8 pill.

3-9 (c) With the assistance of the advisory committee
3-10 established under Section 554.0055, Occupations Code, a system
3-11 shall:

3-12 (1) establish a list of eligible prescription pills;

3-13 (2) periodically update the list of eligible
3-14 prescription pills; and

3-15 (3) make the list of eligible prescription pills
3-16 available to all persons covered by a health benefit plan under a
3-17 uniform program.

3-18 (d) Each system shall report at least annually to the
3-19 Legislative Budget Board and the governor on the design of the pill
3-20 splitting program, medications included in the list of eligible
3-21 prescription pills, participation in the program, and cost savings
3-22 resulting from the program.

3-23 SECTION 5. The initial reports required by Sections
3-24 1551.225(d), 1575.171(d), 1579.109(d), and 1601.111(d), Insurance
3-25 Code, as added by this Act, are due not later than September 1,
3-26 2011.

3-27 SECTION 6. Subchapter A, Chapter 554, Occupations Code, is
3-28 amended by adding Section 554.0055 to read as follows:

3-29 Sec. 554.0055. PILL SPLITTING ADVISORY COMMITTEE. (a) The
3-30 board shall establish an advisory committee to recommend to a
3-31 governing body under Chapter 1551, 1575, 1579, or 1601, Insurance
3-32 Code, prescription pills that are appropriate for splitting and
3-33 would not be chemically destabilized or rendered therapeutically
3-34 ineffective if split.

3-35 (b) The advisory committee shall consist of:

3-36 (1) a pharmacist member of the board who serves as
3-37 presiding officer of the advisory committee;

3-38 (2) two community pharmacists;

3-39 (3) two health system pharmacists; and

3-40 (4) two physicians.

3-41 (c) The advisory committee shall develop and make available
3-42 for distribution to program participants under Chapter 1551, 1575,
3-43 1579, or 1601, Insurance Code, educational materials that must
3-44 include:

3-45 (1) plain-language instruction about safely and
3-46 effectively splitting an eligible prescription pill; and

3-47 (2) information about:

3-48 (A) pills that are eligible for splitting;

3-49 (B) characteristics of an individual suited to
3-50 participate in a pill splitting program; and

3-51 (C) ways to enroll and participate in a pill
3-52 splitting program.

3-53 (d) Section 2110.008, Government Code, does not apply to the
3-54 advisory committee.

3-55 SECTION 7. The changes in law made by this Act apply only to
3-56 health benefit plans provided under Chapters 1551, 1575, 1579, and
3-57 1601, Insurance Code, beginning with the 2009-2010 plan year. A
3-58 plan year before 2009-2010 is governed by the law as it existed
3-59 immediately before September 1, 2009, and that law is continued in
3-60 effect for that purpose.

3-61 SECTION 8. This Act takes effect immediately if it receives
3-62 a vote of two-thirds of all members elected to each house, as
3-63 provided by Section 39, Article III, Texas Constitution. If this
3-64 Act does not receive the vote necessary for immediate effect, this
3-65 Act takes effect September 1, 2009.

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