

By: Van de Putte

S.B. No. 1127

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of test results of samples of compounded products.

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

SECTION 1. Section 556.053, Occupations Code, is amended to read as follows:

Sec. 556.053. EXTENT OF INSPECTION; CONFIDENTIALITY.

(a) Except as otherwise provided in an inspection warrant, the person authorized to represent the board may:

(1) inspect and copy documents, including records or reports, required to be kept or made under this subtitle, Chapter 481 or 483, Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.) or rules adopted under one of those laws;

(2) inspect, within reasonable limits and in a reasonable manner, a facility's storage, equipment, security, prescription drugs or devices, components used in compounding, finished and unfinished products, or records; or

(3) perform an inventory of any stock of prescription drugs or devices, components used in compounding, or finished and unfinished products in a facility and obtain samples of those substances.

(b) Reports, records, formulas, and test results of samples of products compounded by pharmacies obtained by the board may be

1 provided to the pharmacy that compounded the product but otherwise  
2 are confidential and do not constitute public information for  
3 purposes of Chapter 552, Government Code. The board may create,  
4 use, or disclose statistical information from the test results of  
5 samples of compounded products.

6 (c) The board may disclose information confidential under  
7 Subsection (b):

8 (1) in a disciplinary hearing before the board or in a  
9 subsequent trial or appeal of a board action or order;

10 (2) to a pharmacist licensing or disciplinary  
11 authority of another jurisdiction; or

12 (3) under a court order.

13 (d) The board shall require a pharmacy to recall a  
14 compounded product and may release the results of the tests of the  
15 samples of the compounded product if the board determines that:

16 (1) the test results indicate a patient safety problem  
17 that may involve potential harm to a patient; and

18 (2) the release of the test results is necessary to  
19 protect the public.

20 (e) The board shall release the test results described by  
21 Subsection (d) if a pharmacy is unable to or does not recall the  
22 compounded product within 48 hours after the board's request under  
23 that subsection.

24 SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.