

BILL ANALYSIS

Senate Research Center
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S.B. 546
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Despite a few exceptions, doctors are not allowed to dispense drugs at their offices. This policy causes a patient the inconvenience of travelling to a pharmacist, which can be particularly cumbersome at late hours when the pharmacy is closed, or in areas without a facility nearby.

Under current law, doctors are prohibited from dispensing the drugs unless the patient has an immediate need. Chapter 558 (License to Practice Pharmacy), Health and Safety Code, states that in order to practice pharmacy, a person must obtain a pharmaceutical license. Therefore, doctors cannot distribute drugs as a pharmacy does. This requires the patient to travel to a separate location to fill a prescription.

This bill allows physicians to dispense dangerous drugs to patients and charge a fee for those drugs like a retail pharmacy without the stipulations required in Chapter 558. A benefit for the doctors is that the proceeds would fall outside of the control of managed care, which allows doctors to gain an increased profit from drug-selling.

As proposed, S.B. 546 amends current law relating to the dispensing of certain drugs by physicians.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 158.001(b), Occupations Code, as follows:

(b) Authorizes a physician to dispense dangerous drugs to the physician's patients and charge the patients for the drugs without complying with Chapter 558 (License to Practice Pharmacy). Deletes existing text providing that this section does not permit a physician to operate a retail pharmacy without complying with Chapter 558.

SECTION 2. Amends Section 551.004(b), Occupations Code, to provide that this subtitle does not prevent a practitioner from supplying dangerous drugs to a patient as provided by Section 158.001(b).

SECTION 3. Repealer: Section 158.003 (Dispensing of Dangerous Drugs in Certain Rural Areas), Occupations Code.

SECTION 4. Effective date: upon passage or September 1, 2011.