

## **BILL ANALYSIS**

S.B. 594  
By: Van de Putte  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Electronic prescribing is becoming more common among many prescribers and pharmacists. In Texas, prescribers are not currently allowed to electronically prescribe Schedule II controlled substances due to state law and previous federal regulations. Those federal regulations have since been changed to allow the electronic prescription such controlled substances however, and interested parties feel that, as electronic prescribing technology is a critical prerequisite for adoption of electronic health records, steps need to be taken to promote electronic prescribing to ensure that Texans benefit from new and improved health care practices. S.B. 594 seeks to revise Texas statutes to allow for the federally-approved process of electronic prescribing for Schedule II controlled substances prescriptions under certain circumstances.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the director of the Department of Public Safety in SECTION 3 of this bill.

### **ANALYSIS**

S.B. 594 amends the Health and Safety Code to include the option for a practitioner to record a prescription of a controlled substance listed in Schedule II in an electronic prescription that includes the information otherwise required to be contained in an official written prescription form. The bill requires the quantity of the controlled substance prescribed to be shown numerically, if the prescription is electronic, and requires an electronic prescription to contain the prescribing practitioner's electronic signature or other secure method of validation authorized by federal law. The bill requires the prescribing practitioner to electronically sign or validate an electronic prescription as authorized by federal law and to transmit the prescription to the dispensing pharmacy. The bill requires a dispensing pharmacist to appropriately record the identity of the dispensing pharmacist in an electronic prescription record. The bill requires a pharmacist, on receipt of an electronic prescription submitted by a prescribing practitioner who authorized an emergency oral or telephonically communicated prescription, to annotate the electronic prescription record with the original authorization and date of the emergency oral or telephonically communicated prescription. The bill makes conforming changes to reflect the option for a prescribing practitioner to use an electronic prescription in provisions of law relating to prescriptions of controlled substances, the official prescription program under the Texas Controlled Substances Act, and rules adopted by the director of the Department of Public Safety for purposes of providing a patient's identification number on the official prescription form or record.

S.B. 594 amends the Government Code to make a conforming change to provisions of law exempting official prescription program information from public information requirements.

S.B. 594 amends the Occupations Code to make a conforming change to provisions relating to the delegation of certain obstetric services by a physician.

**EFFECTIVE DATE**

September 1, 2011.