

By: Lozano

H.B. No. 762

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.226 to read as follows:

Sec. 1551.226. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

(a) In this section:

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

(2) "Manufacturer" has the meaning assigned by Section 431.401, Health and Safety Code.

(3) "Pill splitting" means dividing an eligible prescription pill to obtain a prescribed dose.

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

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

(2) require an individual who participates in the pill splitting program to:

1 (A) obtain a prescription for an eligible
2 prescription pill authorizing pill splitting from the prescribing
3 physician before participating; and

4 (B) personally split the eligible prescription
5 pill.

6 (c) As directed by the committee established under Section
7 554.0055, Occupations Code, the board of trustees shall:

8 (1) adopt the list of eligible prescription pills as
9 established and updated by the committee; and

10 (2) make the list of eligible prescription pills and
11 educational materials developed under Section 554.0055,
12 Occupations Code, available to all persons covered by a health
13 benefit plan under the group benefits program.

14 (d) A manufacturer is not subject to criminal prosecution or
15 liable for damages in a civil action for an injury, death, or loss
16 to a person or of property arising out of the program established
17 under this section. This section may not be construed to create or
18 affect a cause of action against a manufacturer.

19 (e) The board of trustees shall report at least annually to
20 the Legislative Budget Board and the governor on the design of the
21 pill splitting program, the medications included on the list of
22 eligible prescription pills, participation in the program, and cost
23 savings resulting from the program.

24 SECTION 2. Subchapter D, Chapter 1575, Insurance Code, is
25 amended by adding Section 1575.171 to read as follows:

26 Sec. 1575.171. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

27 (a) In this section:

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

5 (2) "Manufacturer" has the meaning assigned by Section
6 431.401, Health and Safety Code.

7 (3) "Pill splitting" means dividing an eligible
8 prescription pill to obtain a prescribed dose.

9 (b) The trustee by rule shall design and establish a
10 voluntary pill splitting program. The pill splitting program must:

11 (1) include a copayment reduction incentive for
12 individuals covered by the group program who participate in the
13 pill splitting program; and

14 (2) require an individual who participates in the pill
15 splitting program to:

16 (A) obtain a prescription for an eligible
17 prescription pill authorizing pill splitting from the prescribing
18 physician before participating; and

19 (B) personally split the eligible prescription
20 pill.

21 (c) As directed by the committee established under Section
22 554.0055, Occupations Code, the trustee shall:

23 (1) adopt the list of eligible prescription pills as
24 established and updated by the committee; and

25 (2) make the list of eligible prescription pills and
26 educational materials developed under Section 554.0055,
27 Occupations Code, available to all persons covered by a health

1 benefit plan under the group program.

2 (d) A manufacturer is not subject to criminal prosecution or
3 liable for damages in a civil action for an injury, death, or loss
4 to a person or of property arising out of the program established
5 under this section. This section may not be construed to create or
6 affect a cause of action against a manufacturer.

7 (e) The trustee shall report at least annually to the
8 Legislative Budget Board and the governor on the design of the pill
9 splitting program, medications included on the list of eligible
10 prescription pills, participation in the program, and cost savings
11 resulting from the program.

12 SECTION 3. Subchapter C, Chapter 1579, Insurance Code, is
13 amended by adding Section 1579.109 to read as follows:

14 Sec. 1579.109. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

15 (a) In this section:

16 (1) "Eligible prescription pill" means a prescription
17 medication delivered in pill form that is appropriate for
18 splitting, as determined under Subsection (c), and is listed on the
19 applicable drug formulary, if any, described by Section 1579.106.

20 (2) "Manufacturer" has the meaning assigned by Section
21 431.401, Health and Safety Code.

22 (3) "Pill splitting" means dividing an eligible
23 prescription pill to obtain a prescribed dose.

24 (b) The trustee by rule shall design and establish a
25 voluntary pill splitting program. The pill splitting program must:

26 (1) include a copayment reduction incentive for
27 individuals covered by a health coverage plan under this subchapter

1 who participate in the pill splitting program; and

2 (2) require an individual who participates in the pill
3 splitting program to:

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

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

9 (c) As directed by the committee established under Section
10 554.0055, Occupations Code, the trustee shall:

11 (1) adopt the list of eligible prescription pills as
12 established and updated by the committee; and

13 (2) make the list of eligible prescription pills and
14 educational materials developed under Section 554.0055,
15 Occupations Code, available to all persons covered by a health
16 coverage plan under the uniform group coverage program.

17 (d) A manufacturer is not subject to criminal prosecution or
18 liable for damages in a civil action for an injury, death, or loss
19 to a person or of property arising out of the program established
20 under this section. This section may not be construed to create or
21 affect a cause of action against a manufacturer.

22 (e) The trustee shall report at least annually to the
23 Legislative Budget Board and the governor on the design of the pill
24 splitting program, medications included in the list of eligible
25 prescription pills, participation in the program, and cost savings
26 resulting from the program.

27 SECTION 4. Subchapter C, Chapter 1601, Insurance Code, is

1 amended by adding Section 1601.111 to read as follows:

2 Sec. 1601.111. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

3 (a) In this section:

4 (1) "Eligible prescription pill" means a prescription
5 medication delivered in pill form that is appropriate for
6 splitting, as determined under Subsection (c), and is listed on the
7 applicable drug formulary, if any, established for group health
8 benefit coverage under a uniform program.

9 (2) "Manufacturer" has the meaning assigned by Section
10 431.401, Health and Safety Code.

11 (3) "Pill splitting" means dividing an eligible
12 prescription pill to obtain a prescribed dose.

13 (b) Each system by rule shall design and establish a
14 voluntary pill splitting program. The pill splitting program must:

15 (1) include a copayment reduction incentive for
16 individuals covered by a health benefit plan provided under this
17 chapter who participate in the program; and

18 (2) require an individual who participates in the
19 program to:

20 (A) obtain a prescription for an eligible
21 prescription pill authorizing pill splitting from the prescribing
22 physician before participating; and

23 (B) personally split the eligible prescription
24 pill.

25 (c) As directed by the committee established under Section
26 554.0055, Occupations Code, a system shall:

27 (1) adopt the list of eligible prescription pills as

1 established and updated by the committee; and

2 (2) make the list of eligible prescription pills and
3 educational materials developed under Section 554.0055,
4 Occupations Code, available to all persons covered by a health
5 benefit plan under a uniform program.

6 (d) A manufacturer is not subject to criminal prosecution or
7 liable for damages in a civil action for an injury, death, or loss
8 to a person or of property arising out of the program established
9 under this section. This section may not be construed to create or
10 affect a cause of action against a manufacturer.

11 (e) Each system shall report at least annually to the
12 Legislative Budget Board and the governor on the design of the pill
13 splitting program, medications included in the list of eligible
14 prescription pills, participation in the program, and cost savings
15 resulting from the program.

16 SECTION 5. Subchapter A, Chapter 554, Occupations Code, is
17 amended by adding Section 554.0055 to read as follows:

18 Sec. 554.0055. PILL SPLITTING COMMITTEE. (a) The board
19 shall establish a committee to prepare and periodically update for
20 purposes of Sections 1551.226, 1575.171, 1579.109, and 1601.111,
21 Insurance Code, a list of prescription pills that are appropriate
22 for splitting and would not be chemically destabilized or rendered
23 therapeutically ineffective if split.

24 (b) The committee shall consist of:

25 (1) a pharmacist member of the board who serves as
26 presiding officer of the committee;

27 (2) two community pharmacists;

1 (3) two health system pharmacists; and

2 (4) two physicians.

3 (c) The committee shall develop and make available for
4 distribution to program participants under Chapter 1551, 1575,
5 1579, or 1601, Insurance Code, educational materials that must
6 include:

7 (1) plain-language instruction about safely and
8 effectively splitting an eligible prescription pill; and

9 (2) information about:

10 (A) pills that are eligible for splitting;

11 (B) characteristics of an individual suited to
12 participate in a pill splitting program; and

13 (C) ways to enroll and participate in a pill
14 splitting program.

15 SECTION 6. The initial reports required by Sections
16 1551.226(e), 1575.171(e), 1579.109(e), and 1601.111(e), Insurance
17 Code, as added by this Act, are due not later than September 1,
18 2013.

19 SECTION 7. The changes in law made by this Act apply only to
20 health benefit plans provided under Chapters 1551, 1575, 1579, and
21 1601, Insurance Code, beginning with the 2011-2012 plan year. A
22 plan year before 2011-2012 is governed by the law as it existed
23 immediately before September 1, 2011, and that law is continued in
24 effect for that purpose.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.