

By: Williams

S.B. No. 1643

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the monitoring of prescriptions for certain controlled
3 substances.

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

5 SECTION 1. Section 481.002(32), Health and Safety Code, is
6 amended to read as follows:

7 (32) "Patient" means a human for whom or an animal for
8 which a drug:

9 (A) is administered, dispensed, delivered, or
10 prescribed by a practitioner; or

11 (B) is intended to be administered, dispensed,
12 delivered, or prescribed by a practitioner.

13 SECTION 2. Sections 481.075(e) and (i), Health and Safety
14 Code, are amended to read as follows:

15 (e) Each official prescription form or electronic
16 prescription used to prescribe a Schedule II controlled substance
17 must contain:

18 (1) information provided by the prescribing
19 practitioner, including:

20 (A) the date the prescription is issued;

21 (B) the controlled substance prescribed;

22 (C) the quantity of controlled substance
23 prescribed, shown:

24 (i) numerically, followed by the number

1 written as a word, if the prescription is written; or

2 (ii) numerically, if the prescription is
3 electronic;

4 (D) the intended use of the controlled substance
5 or the diagnosis for which it is prescribed and the instructions for
6 use of the substance;

7 (E) the practitioner's name, address, and
8 Federal Drug Enforcement Administration number issued for
9 prescribing a controlled substance in this state;

10 (F) the name, address, and date of birth or age of
11 the person for whom the controlled substance is prescribed; and

12 (G) if the prescription is issued to be filled at
13 a later date under Section 481.074(d-1), the earliest date on which
14 a pharmacy may fill the prescription;

15 (2) information provided by the dispensing
16 pharmacist, including the date the prescription is filled and the
17 method of payment used to pay for the prescription; and

18 (3) for a written prescription, the signatures of the
19 prescribing practitioner and the dispensing pharmacist or for an
20 electronic prescription, the prescribing practitioner's electronic
21 signature or other secure method of validation authorized by
22 federal law.

23 (i) Each dispensing pharmacist shall:

24 (1) fill in on the official prescription form or note
25 in the electronic prescription record each item of information
26 given orally to the dispensing pharmacy under Subsection (h), ~~and~~
27 the date the prescription is filled, and the method of payment used

1 to pay for the prescription, and:

2 (A) for a written prescription, fill in the
3 dispensing pharmacist's signature; or

4 (B) for an electronic prescription,
5 appropriately record the identity of the dispensing pharmacist in
6 the electronic prescription record;

7 (2) retain with the records of the pharmacy for at
8 least two years:

9 (A) the official prescription form or the
10 electronic prescription record, as applicable; and

11 (B) the name or other patient identification
12 required by Section 481.074(m) or (n); and

13 (3) send all information required by the director,
14 including any information required to complete an official
15 prescription form or electronic prescription record, to the
16 director by electronic transfer or another form approved by the
17 director not later than the seventh day after the date the
18 prescription is completely filled.

19 SECTION 3. Section 481.076(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) The director may not permit any person to have access to
22 information submitted to the director under Section 481.074(q) or
23 481.075 except:

24 (1) an investigator for the Texas Medical Board, the
25 Texas State Board of Podiatric Medical Examiners, the State Board
26 of Dental Examiners, the State Board of Veterinary Medical
27 Examiners, the Texas Board of Nursing, or the Texas State Board of

1 Pharmacy;

2 (2) an authorized officer or member of the department
3 engaged in the administration, investigation, or enforcement of
4 this chapter or another law governing illicit drugs in this state or
5 another state; or

6 (3) if the director finds that proper need has been
7 shown to the director:

8 (A) a law enforcement or prosecutorial official
9 engaged in the administration, investigation, or enforcement of
10 this chapter or another law governing illicit drugs in this state or
11 another state;

12 (B) a pharmacist or a pharmacy technician, as
13 defined by Section 551.003, Occupations Code, acting at the
14 direction of a pharmacist or a practitioner who is a physician,
15 dentist, veterinarian, podiatrist, or advanced practice nurse or is
16 a physician assistant described by Section 481.002(39)(D) or a
17 nurse licensed under Chapter 301, Occupations Code, acting at the
18 direction of a practitioner and is inquiring about a recent
19 Schedule II, III, IV, or V prescription history of a particular
20 patient of the practitioner; or

21 (C) a pharmacist or practitioner who is inquiring
22 about the person's own dispensing or prescribing activity.

23 SECTION 4. Chapter 481, Health and Safety Code, is amended
24 by adding Subchapter I to read as follows:

25 SUBCHAPTER I. INTERAGENCY PRESCRIPTION MONITORING WORK GROUP

26 Sec. 481.351. INTERAGENCY PRESCRIPTION MONITORING WORK
27 GROUP. The interagency prescription monitoring work group is

1 created to evaluate the effectiveness of prescription monitoring
2 under this chapter and offer recommendations to improve the
3 effectiveness and efficiency of recordkeeping and other functions
4 related to the regulation of dispensing controlled substances by
5 prescription.

6 Sec. 481.352. MEMBERS. The work group is composed of:

7 (1) the director or the director's designee;

8 (2) the commissioner of state health services or the
9 commissioner's designee;

10 (3) the executive director of the Texas State Board of
11 Pharmacy or the executive director's designee; and

12 (4) the executive director of the Texas Medical Board
13 or the executive director's designee.

14 Sec. 481.353. MEETINGS; REPORT. (a) The work group shall
15 meet at least quarterly.

16 (b) Not later than December 1 of each even-numbered year,
17 the work group shall submit to the legislature its recommendations
18 relating to prescription monitoring.

19 SECTION 5. This Act takes effect September 1, 2013.