

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1643 by Williams (Relating to the monitoring of prescriptions for certain controlled substances; providing penalties.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Health and Safety Code to add pharmacy technicians acting at the direction of a pharmacist and nurses acting at the direction of a practitioner to those authorized to access prescription history.

The bill would specify the criteria constituting a health information exchange. The bill would authorize certain individuals to access prescription information through a health information exchange, provided security measures are in place to ensure against disclosure to unauthorized persons. The bill would change the requirement that DPS destroy the record of the identity of the patient in the system from 12 months to 36 months. The bill would create an offense for individuals who obtain unauthorized access to prescription information while it is being submitted to DPS.

The bill would create the Interagency Prescription Monitoring Work Group to evaluate the effectiveness of prescription monitoring and record-keeping relating to the regulation of dispensing controlled substances by prescription. The bill would require the Interagency Prescription Monitoring Work Group to meet at least quarterly for the purpose of providing the Legislature with recommendations by no later than December 1 of each even-numbered year on improving the regulation of dispensing controlled substances by prescription. The bill would require the Prescription Monitoring Work Group to engage proactively stakeholders, and solicit and take into account input from the public, while conducting its deliberations.

The bill would also amend the Occupations Code to proscribe the Texas Medical Board (TMB) from deciding whether to provide a physician with a pain management certificate in cases where the TMB is investigating the same physician in matters relating to controlled substances.

It is assumed the costs associated with implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 503 Texas Medical Board, 515 Board of Pharmacy, 529 Health and Human Services Commission

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