

BILL ANALYSIS

Senate Research Center
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S.B. 195
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Prescription Program (TPP), also known as "Prescription Access in Texas," collects prescription data on all Schedule II, III, IV and V controlled substances dispensed by pharmacies in Texas. It was created in 1982 and placed at the Department of Public Safety of the State of Texas (DPS) to monitor and prevent the diversion of prescription drugs. Access to the database is statutorily restricted. Pharmacists and practitioners may access TPP to inquire about patients and verify their prescription records. TPP also provides law enforcement and policymakers with useful information about prescription trends.

S.B. 195:

- Transfers TPP from DPS to the Texas State Board of Pharmacy (TSBP).
- Authorizes TSBP to enter into an interoperability agreement with other states to share information via a central database (such as the National Association of Boards of Pharmacy Prescription Monitoring Program, InterConnect).
- Enables practitioners to auto-enroll in TPP upon renewal of their occupational license or registration.

As proposed, S.B. 195 amends current law relating to information relating to prescriptions for certain controlled substances.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 4 (Section 481.0761, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 481.074(c), (p), and (q), Health and Safety Code, as follows:

(c) and (p) Changes references to director of public safety (director) to Texas State Board of Pharmacy (TSBP).

(q) Requires each dispensing pharmacist to send all required information to the TSBP by electronic transfer or another form approved by TSBP, rather than send all information required by the director to the director by electronic transfer or another form approved by the director.

SECTION 2. Amends Section 481.075(i), Health and Safety Code, to make conforming changes.

SECTION 3. Amends Section 481.076, Health and Safety Code, as follows:

Sec. 481.076. New heading: OFFICIAL PRESCRIPTION INFORMATION; DUTIES OF TEXAS STATE BOARD OF PHARMACY. (a) Prohibits TSBP, rather than the director, from permitting any person to have access to information submitted to TSBP under Section 481.074(q) or 481.075 except:

- (1) Makes conforming changes.

(2) an authorized officer or member of Department of Public Safety of the State of Texas (DPS) or authorized employee or member of TSBP engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(3) Makes conforming changes and redesignates existing Paragraph (A) as Subdivision (3).

(4) Makes conforming changes and redesignates existing Paragraph (B) as Subdivision (4).

(5) Makes conforming changes and redesignates existing Paragraph (C) as Subdivision (5); or

(6) one or more states or an association of states with which TSBP has an interoperability agreement, as provided by Subsection (j) to being exempt from being prohibited by the board from permitting any person to have access to information to the board under Section 481.074(q) and 481.075.

(a-1)-(i) Makes conforming changes.

(j) Provides that TSBP may enter into an interoperability agreement with one or more states or an association of states authorizing TSBP to access prescription monitoring information maintained or collected by the other state or states or the association, including information maintained on a central database such as the National Association of Boards of Pharmacy Prescription Monitoring Program InterConnect. Provides that, pursuant to an interoperability agreement, TSBP may authorize the prescription monitoring program of one or more states or an association of states to access information submitted to TSBP under Sections 481.074(q) and 481.075, including by submitting or sharing information through a central database such as the National Association of Boards of Pharmacy Prescription Monitoring Program InterConnect.

(k) Provides that a person authorized to access information under Subsection (a)(4) who is registered with TSBP for electronic access to the information is entitled to directly access the information available from other states pursuant to an interoperability agreement described by Subsection (j).

(l) Defines "board" in this section.

SECTION 4. Amends Section 481.0761, Health and Safety Code, by amending Subsections (a), (c), (d), (e), and (f) and adding Subsections (c-1) and (g), as follows:

(a) and (c) Makes conforming changes.

(c-1) Provides that TSBP by rule may establish compatibility protocols for electronic data transfer hardware, software, or format, including any necessary modifications for participation in a database described by Section 481.076(j); makes conforming changes.

(d)-(f) Makes conforming changes.

(g) Authorizes TSBP to adopt rules providing for a person authorized to access information under Section 481.076(a)(4) to be enrolled in electronic access to the information described by Section 481.076(a) at the time the person obtains or renews the person's applicable professional or occupational license or registration.

SECTION 5. (a) Makes application of this Act prospective to January 1, 2016.

(b) Provides that TSBP may enter into an interoperability agreement described by Section 481.076(j), as added by this Act, before January 1, 2016, but the agreement may not go into effect until on or after January 1, 2016.

SECTION 6. (a) Requires DPS to transfer the appropriate records received by DPS under Sections 481.074, 481.076, and 481.0761, Health and Safety Code, to TSBP not later than January 1, 2016.

(b) Requires TSBP to adopt any rules required by Chapter 481, Health and Safety Code, as amended by this Act, not later than December 1, 2016.

(c) Provides that a rule, form, policy, procedure, or decision adopted under Chapter 481, Health and Safety Code, as it existed before amendment by this Act, continues in effect as a rule, form, policy, procedure, or decision and remains in effect until amended or replaced.

(d) Provides that a reference in law or an administrative rule to the public safety director of DPS relating to rulemaking authority given and duties transferred to TSBP by this Act is a reference to TSBP.

SECTION 7. Effective date: upon passage or September 1, 2015.