

By: Davis of Dallas

H.B. No. 1008

A BILL TO BE ENTITLED

AN ACT

relating to the establishment by the Department of State Health Services of a program for the transfer of certain unused drugs to public hospitals.

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

SECTION 1. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Section 1001.086 to read as follows:

Sec. 1001.086. UNUSED DRUGS TRANSFER PROGRAM. (a) To the extent allowed by federal law, the department shall establish a program under which:

(1) a hospital, a nursing facility, or another health facility may transfer to the department, or an entity designated by the department, unused drugs that the hospital, nursing facility, or health facility received reimbursement for the cost of under the Medicaid program; and

(2) the department, or the entity designated by the department, distributes to public hospitals the unused drugs transferred to the department or entity under Subdivision (1).

(b) In operating the program established under Subsection (a), the department may not, under any circumstances, pay a hospital, a nursing facility, or a health facility for the unused drugs transferred to the department or an entity designated by the department.

(c) The executive commissioner may adopt any rules

1 necessary to implement the program in Subsection (a), including  
2 rules that provide for:

3 (1) the types of unused drugs that may be transferred  
4 to the department or an entity designated by the department;

5 (2) the procedures for transferring unused drugs to  
6 the department or the entity designated by the department;

7 (3) the procedures for allocating and distributing the  
8 unused drugs to public hospitals; and

9 (4) the qualifications for an entity to be designated  
10 by the department to receive and distribute unused drugs under the  
11 program, including demonstrated expertise in handling, storing,  
12 and assessing prescription and nonprescription drugs and  
13 coordinating with the state's public hospital system.

14 SECTION 2. As soon as practicable after the effective date  
15 of this Act, the Department of State Health Services shall  
16 establish the unused drugs transfer program as required under  
17 Section 1001.086, Health and Safety Code, as added by this Act, and  
18 the executive commissioner of the Health and Human Services  
19 Commission shall adopt any rules necessary to implement the  
20 program.

21 SECTION 3. If before implementing any provision of this Act  
22 a state agency determines that a waiver or authorization from a  
23 federal agency is necessary for implementation of that provision,  
24 the agency affected by the provision shall request the waiver or  
25 authorization and may delay implementing that provision until the  
26 waiver or authorization is granted.

27 SECTION 4. This Act takes effect September 1, 2015.