

By: Coleman

H.B. No. 2859

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prescriber and dispenser reporting and access to
3 patient prescription information under the Texas Controlled
4 Substances Act.

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

6 SECTION 1. Sections 481.074(c) and (q), Health and Safety
7 Code, are amended to read as follows:

8 (c) Not later than the next business [~~seventh~~] day after the
9 date a prescribing practitioner authorizes an emergency oral or
10 telephonically communicated prescription, the prescribing
11 practitioner shall send the information to the board as required by
12 Section 481.075 and cause a written or electronic prescription,
13 completed in the manner required by that section [~~Section 481.075~~],
14 to be delivered to the dispensing pharmacist at the pharmacy where
15 the prescription was dispensed. A written prescription may be
16 delivered in person or by mail. The envelope of a prescription
17 delivered by mail must be postmarked not later than the next
18 business [~~seventh~~] day after the date the prescription was
19 authorized. On receipt of a written prescription, the dispensing
20 pharmacy shall file the transcription of the telephonically
21 communicated prescription and the pharmacy copy and shall send
22 information to the board as required by Section 481.075. On receipt
23 of an electronic prescription, the pharmacist shall annotate the
24 electronic prescription record with the original authorization and

1 date of the emergency oral or telephonically communicated
2 prescription.

3 (q) Each dispensing pharmacist shall send all required
4 information, including any information required to complete the
5 Schedule III through V prescription forms, to the board by
6 electronic transfer or another form approved by the board not later
7 than the next business [~~seventh~~] day after the date the
8 prescription is completely filled.

9 SECTION 2. Sections 481.075(g) and (i), Health and Safety
10 Code, are amended to read as follows:

11 (g) Except for an oral prescription prescribed under
12 Section 481.074(b), the prescribing practitioner shall:

13 (1) legibly fill in, or direct a designated agent to
14 legibly fill in, on the official prescription form or in the
15 electronic prescription, each item of information required to be
16 provided by the prescribing practitioner under Subsection (e)(1),
17 unless the practitioner determines that:

18 (A) under rule adopted by the board for this
19 purpose, it is unnecessary for the practitioner or the
20 practitioner's agent to provide the patient identification number;
21 or

22 (B) it is not in the best interest of the patient
23 for the practitioner or practitioner's agent to provide information
24 regarding the intended use of the controlled substance or the
25 diagnosis for which it is prescribed; [~~and~~]

26 (2) sign the official prescription form and give the
27 form to the person authorized to receive the prescription or, in the

1 case of an electronic prescription, electronically sign or validate
2 the electronic prescription as authorized by federal law and
3 transmit the prescription to the dispensing pharmacy; and

4 (3) send all required information, including any
5 information required to complete an official prescription form or
6 electronic prescription record, to the board by electronic transfer
7 or another form approved by the board not later than the next
8 business day after the date the prescription is issued.

9 (i) Each dispensing pharmacist shall:

10 (1) fill in on the official prescription form or note
11 in the electronic prescription record each item of information
12 given orally to the dispensing pharmacy under Subsection (h) and
13 the date the prescription is filled, and:

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

16 (B) for an electronic prescription,
17 appropriately record the identity of the dispensing pharmacist in
18 the electronic prescription record;

19 (2) retain with the records of the pharmacy for at
20 least two years:

21 (A) the official prescription form or the
22 electronic prescription record, as applicable; and

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

25 (3) send all required information, including any
26 information required to complete an official prescription form or
27 electronic prescription record, to the board by electronic transfer

1 or another form approved by the board not later than the next
2 business [~~seventh~~] day after the date the prescription is
3 completely filled.

4 SECTION 3. Section 481.076, Health and Safety Code, is
5 amended by adding Subsection (c-1) to read as follows:

6 (c-1) To avoid duplicate entries, the system described by
7 Subsection (c) must be capable of associating a report by a
8 practitioner issuing a prescription with a report by a pharmacist
9 subsequently dispensing the substance under that same
10 prescription.

11 SECTION 4. Subchapter C, Chapter 481, Health and Safety
12 Code, is amended by adding Section 481.0762 to read as follows:

13 Sec. 481.0762. DUTIES OF PRESCRIBERS, PHARMACISTS, AND
14 RELATED HEALTH CARE PRACTITIONERS. (a) A person authorized to
15 receive information under Section 481.076(a)(5), before
16 prescribing or dispensing a controlled substance to a patient,
17 shall access that information with respect to the patient.

18 (b) A violation of this section is grounds for disciplinary
19 action by the regulatory agency that issued a license,
20 certification, or registration to the person who committed the
21 violation.

22 SECTION 5. The change in law made by this Act applies only
23 to a prescription issued or completely filled on or after January 1,
24 2018. A prescription issued or completely filled before January 1,
25 2018, is covered by the law as it existed immediately before the
26 effective date of this Act, and the former law is continued in
27 effect for that purpose.

1 SECTION 6. This Act takes effect September 1, 2017.