

By: Schwertner

S.B. No. 1412

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of certain prescribers and dispensers of controlled substances and to the regulatory agencies that issue a license, certification, or registration to the prescribers or dispensers.

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

SECTION 1. Section 481.076(a), Health and Safety Code, is amended to read as follows:

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

(1) an investigator for the board, the Texas Medical Board, the Texas State Board of Podiatric Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas Optometry Board;

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

(3) the department on behalf of a law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

1 (4) a medical examiner conducting an investigation;

2 (5) a pharmacist or a pharmacy technician, as defined
3 by Section 551.003, Occupations Code, acting at the direction of a
4 pharmacist or a practitioner who is a physician, dentist,
5 veterinarian, podiatrist, optometrist, or advanced practice nurse
6 or is a physician assistant described by Section 481.002(39)(D) or
7 an employee or other agent of a practitioner acting at the direction
8 of a practitioner and is inquiring about a recent Schedule II, III,
9 IV, or V prescription history of a particular patient of the
10 practitioner, provided that the person accessing the information is
11 authorized to do so under the Health Insurance Portability and
12 Accountability Act of 1996 (Pub. L. No. 104-191) and rules adopted
13 under that Act;

14 (5-a) a practitioner inquiring about a recent Schedule
15 II, III, IV, or V prescription history of a particular patient of
16 the practitioner, provided that the practitioner is authorized to
17 do so under the Health Insurance Portability and Accountability Act
18 of 1996 (Pub. L. No. 104-191) and rules adopted under that Act;

19 (6) a pharmacist or practitioner who is inquiring
20 about the person's own dispensing or prescribing activity; or

21 (7) one or more states or an association of states with
22 which the board has an interoperability agreement, as provided by
23 Subsection (j).

24 SECTION 2. Subchapter C, Chapter 481, Health and Safety
25 Code, is amended by adding Section 481.0762 to read as follows:

26 Sec. 481.0762. DUTIES OF PHARMACISTS AND PRACTITIONERS.

27 (a) A person authorized to access information under Section

1 481.076(a)(5) or (5-a) shall access that information to review a
2 patient's recent prescription history regarding opioids,
3 benzodiazepines, barbiturates, and carisoprodol before prescribing
4 or dispensing any of those drugs to the patient.

5 (b) Each regulatory agency with jurisdiction over a person
6 authorized to access information under Section 481.076(a)(5) or
7 (5-a) may monitor the prescribing or dispensing actions of the
8 person.

9 (c) A violation of Subsection (a) is grounds for
10 disciplinary action by the regulatory agency that issued a license,
11 certification, or registration to the person who committed the
12 violation.

13 SECTION 3. The change in law made by this Act applies only
14 to a prescription issued on or after the effective date of this Act.
15 A prescription issued before the effective date of this Act is
16 governed by the law in effect on the date the prescription is
17 issued, and the former law is continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2017.