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By:  Schwertner, Buckingham S.B. No. 1161

A BILL TO BE ENTITLED

AN ACT

relating to patient choice in the dispensing of clinician-administered drugs.

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

SECTION 1.  Subchapter A, Chapter 1369, Insurance Code, is amended by adding Section 1369.0042 to read as follows:

Sec. 1369.0042.  PROHIBITION AGAINST LIMITING PATIENT CHOICE WITH CLINICIAN-ADMINISTERED DRUGS. (a) In this section:

(1)  "Administer" means to directly apply a drug to the body of a patient by injection, inhalation, ingestion, or any other means.

(2)  "Clinician-administered drug" means an outpatient prescription drug other than a vaccine that:

(A)  cannot reasonably be self-administered by the patient to whom the drug is prescribed or by an individual assisting the patient with the self-administration; and

(B)  is typically administered:

(i)  by a physician or other health care provider authorized under the laws of this state to administer the drug, including when acting under a physician's delegation and supervision; and

(ii)  in a physician's office, hospital outpatient infusion center, or other clinical setting.

(3)  "Physician" means an individual licensed to practice medicine in this state.

(4)  "Health care provider" means an individual who is licensed, certified, or otherwise authorized to provide health care services in this state.

(b)  An individual or group accident and health insurance policy, contract, or agreement governed by the laws of this state may not:

(1)  require clinician-administered drugs to be dispensed by a pharmacy selected by the health plan;

(2)  if a clinician-administered drug is otherwise covered, limit or exclude coverage for such drugs when not dispensed by a pharmacy selected by the health plan;

(3)  reimburse at a lesser amount clinician-administered drugs dispensed by a pharmacy not selected by the health plan; or

(4)  require that an enrollee covered under such a policy, contract, or agreement pay an additional fee, higher copay, higher coinsurance, second copay, second coinsurance, or any other form of price increase for clinician-administered drugs when not dispensed by a pharmacy selected by the health plan.

(c)  Nothing in this section may be construed as:

(1)  authorizing a person to administer a drug when otherwise prohibited under the laws of this state or federal law; or

(2)  modifying drug administration requirements under the laws of this state, including any requirements related to delegation and supervision of drug administration.

SECTION 2.  This Act takes effect September 1, 2021.