

1-1 By: Bucy, et al. (Senate Sponsor - Miles) H.B. No. 1935  
 1-2 (In the Senate - Received from the House May 12, 2021;  
 1-3 May 12, 2021, read first time and referred to Committee on Health &  
 1-4 Human Services; May 20, 2021, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to emergency refills of insulin and insulin-related  
 1-20 equipment or supplies.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 562, Occupations Code, is  
 1-23 amended by adding Section 562.0541 to read as follows:

1-24 Sec. 562.0541. EMERGENCY REFILLS OF INSULIN AND  
 1-25 INSULIN-RELATED EQUIPMENT OR SUPPLIES. (a) In this section:

1-26 (1) "Insulin" includes an insulin analog and an  
 1-27 insulin-like medication, regardless of the activation period or  
 1-28 whether the solution is mixed before the prescription is dispensed.

1-29 (2) "Insulin-related equipment or supplies" includes  
 1-30 needles, syringes, cartridge systems, prefilled pen systems,  
 1-31 glucose meters, and test strips, but excludes insulin pumps.

1-32 (b) A pharmacist may provide an emergency refill of insulin  
 1-33 or insulin-related equipment or supplies if the pharmacist complies  
 1-34 with this section and rules adopted under this section.

1-35 (c) Notwithstanding Section 562.054(a) and subject to  
 1-36 Subsection (b) of this section, a pharmacist may exercise the  
 1-37 pharmacist's professional judgment in refilling a prescription for  
 1-38 insulin or insulin-related equipment or supplies without the  
 1-39 authorization of the prescribing practitioner if the pharmacist:

1-40 (1) is unable to contact the practitioner after  
 1-41 reasonable effort;

1-42 (2) is provided with documentation showing that the  
 1-43 patient was previously prescribed insulin or insulin-related  
 1-44 equipment or supplies by a practitioner;

1-45 (3) assesses the patient to determine whether the  
 1-46 emergency refill is appropriate;

1-47 (4) creates a record that documents the patient's  
 1-48 visit that includes a notation describing the documentation  
 1-49 provided under Subdivision (2); and

1-50 (5) makes a reasonable attempt to inform the  
 1-51 practitioner of the emergency refill at the earliest reasonable  
 1-52 time.

1-53 (d) The quantity of an emergency refill of insulin may not  
 1-54 exceed a 30-day supply. The quantity of an emergency refill of  
 1-55 insulin-related equipment or supplies may not exceed the lesser of  
 1-56 a 30-day supply or the smallest available package.

1-57 (e) The prescribing practitioner is not liable for an act or  
 1-58 omission by a pharmacist in dispensing an emergency refill of  
 1-59 insulin or insulin-related equipment or supplies under this  
 1-60 section.

1-61 SECTION 2. Section 1358.054, Insurance Code, is amended by

2-1 adding Subsection (a-1) to read as follows:

2-2       (a-1) A health benefit plan described by Subsection (a) must  
2-3 provide to each qualified enrollee coverage for emergency refills  
2-4 of diabetes equipment or diabetes supplies dispensed to the  
2-5 enrollee in accordance with Section 562.0541, Occupations Code, in  
2-6 the same manner as for a nonemergency refill of diabetes equipment  
2-7 or diabetes supplies.

2-8       SECTION 3. As soon as practicable after the effective date  
2-9 of this Act, the Texas State Board of Pharmacy shall adopt rules  
2-10 necessary to implement Section 562.0541, Occupations Code, as added  
2-11 by this Act.

2-12       SECTION 4. Section 1358.054, Insurance Code, as amended by  
2-13 this Act, applies only to a health benefit plan that is delivered,  
2-14 issued for delivery, or renewed on or after January 1, 2022.

2-15       SECTION 5. This Act takes effect September 1, 2021.

2-16

\* \* \* \* \*