

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

1 practice medicine in this state.

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

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

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

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

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

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

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

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

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

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