

House Bill 1935
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

(3) assesses the patient to determine whether the emergency refill is appropriate;

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

(5) makes a reasonable attempt to inform the practitioner of the emergency refill at the earliest reasonable time.

SENATE VERSION (IE)

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

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

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

(2) "Insulin-related equipment or supplies" includes needles, syringes, cartridge systems, prefilled pen systems, glucose meters, continuous glucose monitor supplies and test strips, but excludes insulin pumps. [FA1]

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

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

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

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

(3) assesses the patient to determine whether the emergency refill is appropriate;

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

(5) makes a reasonable attempt to inform the practitioner of the emergency refill at the earliest reasonable time.

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

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

SECTION 2. Section 1358.054, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

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

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

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

SENATE VERSION (IE)

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

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

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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SECTION 5. This Act takes effect September 1, 2021.

SENATE VERSION (IE)

SECTION 5. Same as House version.

CONFERENCE