

**BILL ANALYSIS**

H.B. 2767  
By: Klick  
Public Health  
Committee Report (Unamended)

**BACKGROUND AND PURPOSE**

Federal law requires the Texas Medicaid program to use prescription monitoring program (PMP) data in the annual drug utilization review reports that the state must submit to the federal Centers for Medicare and Medicaid Services. State law requires all state-licensed pharmacies and prescribers to verify a patient's PMP history before dispensing or prescribing certain controlled substances and to report all such dispensed or prescribed substances. State law further specifies the individuals and entities with authorized access to PMP information, but the state's Medicaid program is not currently authorized to access this information. H.B. 2767 seeks to address this issue by allowing the Texas Medicaid program to access data from the PMP managed by the Texas State Board of Pharmacy.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

H.B. 2767 amends the Health and Safety Code to require the Texas State Board of Pharmacy (TSBP) to enter into and maintain a data-sharing agreement with the Health and Human Services Commission (HHSC) for the purpose of complying with federal law regarding state prescription drug monitoring programs not later than January 1, 2024. The bill requires the agreement to include a provision requiring the TSBP and HHSC to timely share information to allow HHSC sufficient time to prepare and submit to the U.S. Secretary of Health and Human Services the annual report described by that law. The bill includes the administration of Medicaid among the permitted uses of the official prescription information submitted to the TSBP and grants to HHSC or its designee access to such information for the purpose of meeting the federal law standards for a qualified prescription drug monitoring program. The bill restricts that access to the information necessary to comply with federal law prescription drug monitoring program requirements for the purpose of administering Medicaid.

H.B. 2767 provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.