

By: Klick

H.B. No. 2462

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of certain complaint and investigation information by the Texas State Board of Pharmacy to the United States Food and Drug Administration.

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

SECTION 1. Section 555.010, Occupations Code, is amended to read as follows:

Sec. 555.010. CONFIDENTIALITY; AUTHORIZED DISCLOSURE. (a) Subject to Subsection (b), the ~~[The]~~ identity of a person who reports to or assists the board under Section 555.002(c) and a document that could disclose the identity of that person are confidential and are not considered public information for the purposes of Chapter 552, Government Code.

(b) The identity of a person described by Subsection (a) and a document that could disclose the identity of that person may be disclosed to the United States Food and Drug Administration under a memorandum of understanding described by Section 503A, Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 353a(b)(3)(B)), entered into as provided by that section.

SECTION 2. Section 565.055(c), Occupations Code, is amended to read as follows:

(c) Notwithstanding Subsection (b), information or material compiled by the board in connection with an investigation may be disclosed:

1 (1) during any proceeding conducted by the State
2 Office of Administrative Hearings, to the board, or a panel of the
3 board, or in a subsequent trial or appeal of a board action or
4 order;

5 (2) to a person providing a service to the board,
6 including an expert witness, investigator, or employee of an entity
7 that contracts with the board, related to a disciplinary proceeding
8 against an applicant or license holder, or a subsequent trial or
9 appeal, if the information is necessary for preparation for, or a
10 presentation in, the proceeding;

11 (3) to an entity in another jurisdiction that:

12 (A) licenses or disciplines pharmacists or
13 pharmacies; or

14 (B) registers or disciplines pharmacy
15 technicians or pharmacy technician trainees;

16 (4) to a pharmaceutical or pharmacy peer review
17 committee as described under Chapter 564;

18 (5) to a law enforcement agency;

19 (6) to a person engaged in bona fide research, if all
20 information identifying a specific individual has been deleted;
21 ~~[or]~~

22 (7) to an entity that administers a board-approved
23 pharmacy technician certification examination; or

24 (8) to the United States Food and Drug Administration
25 under a memorandum of understanding described by Section 503A,
26 Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section
27 353a(b)(3)(B)), entered into as provided by that section.

1 SECTION 3. This Act takes effect September 1, 2023.