

- SUBJECT:** Electronically prescribing Schedule II controlled substances
- COMMITTEE:** Public Health —favorable, without amendment
- VOTE:** 11 ayes — Kolkhorst, Naishtat, Alvarado, Coleman, S. Davis, Gonzales, S. King, Laubenberg, Schwertner, Truitt, Zerwas
- 0 nays
- SENATE VOTE:** On final passage, March 24 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but did not testify:* Nora Belcher, Texas e-Health Alliance; Dan Finch, Texas Medical Association; Michael Gutierrez; Cheri Huddleston, Texas Pharmacy Business Council, Texas Pharmacy Association - Academy of Compounding Pharmacists, Injured Workers' Pharmacy; Karen Reagan, Walgreen Co.; Andrew Smith, University Health System; Stacy Wilson, Central Health and Community Care; Michael Wright, Texas Pharmacy Association; Chris Yanas, Teaching Hospitals of Texas)
- Against — None
- On — Gay Dodson, Texas State Board of Pharmacy
- BACKGROUND:** Schedule II controlled substances are drugs such as Ritalin®, Adderall® and Oxycontin® that have high potential for abuse and addiction and must be prescribed using an official paper form. In cases of emergencies in which a practitioner orally prescribes a Schedule II drug, the practitioner must transmit a written prescription to the pharmacy within seven days. Current statute requires the inclusion of specified prescriber information on the form, as well as the signatures of both the prescriber and the dispensing pharmacist.
- DIGEST:** SB 594 would allow Schedule II drugs to be prescribed via an electronic prescription. For emergency prescriptions communicated orally, the bill also would require pharmacists to annotate on the electronic record the original date of the oral communication and the identity of the dispensing pharmacist. The bill would require the prescriber's electronic signature or

other secure, federally authorized method of validation on the electronic prescription. Physicians could not delegate the authority to issue an electronic prescription.

The bill would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

SB 594 is needed to allow the safe, cost-effective use of electronic prescribing for commonly used drugs. It would conform Texas law to federal provisions, and it would put into place all the safety features currently used on written Schedule II prescriptions.

The use of electronic prescribing by physicians and other prescribers is growing as a means not only to quickly, safely, and accurately transmit prescriptions to pharmacies but also as a means to create an electronic record of a patient's drug use and protect against prescribing that would cause negative interactions or duplicative therapies. Almost all pharmacies can now receive electronic prescriptions.

On June 1, 2010, federal Drug Enforcement Administration regulation took effect that newly allowed practitioners the option of electronically writing prescriptions for controlled substances and for pharmacies to receive, dispense, and archive these electronic prescriptions. SB 594 simply would align state law with the federal regulation.

**OPPONENTS  
SAY:**

No apparent opposition.