

SUBJECT: Amending provisions related to insulin refills and disciplinary action

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Klick, Campos, Collier, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith, Tinderholt
0 nays

WITNESSES: For — Aimee Lusson, Texas Federation of Drug Stores (*Registered, but did not testify*; Nicole Kralj, National Association of Chain Drug Stores; Januari Fox, Prism Health North Texas; Timothy Ottinger, St. Luke's Health; David Reynolds, Texas Chapter American College of Physicians Services; Janis Carter, Texas Federation of Drug Stores; Steve Wohleb, Texas Hospital Association; Karen Reagan, Texas Pharmacy Association; Adam Leggett, Texas Pharmacy Business Council; and 11 individuals)

Against — None

On — (*Registered, but did not testify*: Eamon Briggs, Megan Holloway, Texas State Board of Pharmacy; Venus Alemanji)

BACKGROUND: Concerns have been raised that current statute regarding limits on emergency insulin refills may not be flexible enough to consider an individual's dosage requirements.

DIGEST: CSHB 2088 would specify that the quantity of an emergency refill of insulin could not exceed a 30-day supply unless the smallest commercially available package exceeded a 30-day supply. A pharmacist could dispense multiple packages of insulin for an emergency refill if the total quantity dispensed did not exceed a 30-day supply.

Unless compliance would violate statutes or rules in the state in which the pharmacy was located, the Texas State Board of Pharmacy could discipline applicants for or holders of nonresident pharmacy licenses for violating certain provisions related to prescribing prescription drugs.

The bill would allow the Texas State Board of Pharmacy to take disciplinary action against an applicant for or the holder of a current or expired pharmacy technician or pharmacy technician trainee registration who engaged in fraud, deceit, or misrepresentation when practicing as a pharmacy technician or pharmacy technician trainee. The bill would remove the board's authority to take action against an applicant or registrant for selling an abusable volatile chemical without a permit.

To the extent of any conflict, CSHB 2088 would prevail over another act of the 88th Legislature relating to nonsubstantive additions to and corrections in enacted codes.

The bill would take effect September 1, 2023, and would apply only to disciplinary action regarding conduct that occurred on or after the effective date.