

SUBJECT: Allowing Medicaid to access certain prescription information

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — Klick, Campos, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith

0 nays

2 absent — Collier, Tinderholt

WITNESSES: For — (*Registered, but did not testify*: Jessica Lynch, Texas Association of Health Plans; Nora Belcher, Texas e-Health Alliance)

Against — None

On — (*Registered, but did not testify*: Priscilla Parrilla, Health and Human Services Commission)

BACKGROUND: Concerns have been raised that the Medicaid program cannot access prescription drug monitoring program data needed to submit certain required reports to the federal government.

DIGEST: HB 2767 would allow the Health and Human Services Commission (HHSC) or HHSC’s designee to access certain prescription information for the purpose of meeting federal standards for a prescription drug monitoring program. A person authorized to receive prescription information through HHSC could only access information necessary to comply with federal laws governing prescription drug monitoring programs for the purpose of administering the Medicaid program.

The bill would 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 purposes of complying with federal laws governing prescription drug monitoring programs. The agreement would have to include a provision requiring TSBP and HHSC

to timely share information to allow HHSC sufficient time to prepare and submit the annual report to the US Secretary of Health and Human Services described by federal law. TSBP and HHSC would be required to enter into the data-sharing agreement by January 1, 2024.

If a state agency determined that a waiver or authorization from a federal agency was necessary to implement the bill, the agency would be required to request the waiver and could delay implementation until the waiver or authorization was granted.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.