CHAPTER 413

H.B. No. 1966

AN ACT

relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. VENDOR DRUG PROGRAM; E-PRESCRIBING. (a) In this section:

(1) "Child health plan program" means the child health plan program under Chapter 62, Health and Safety Code.

(2) "Electronic media" has the meaning assigned by 45 C.F.R. Section 160.103.

(3) "E-prescribing" means the transmission using electronic media of prescription or prescription-related information between a practitioner, pharmacist, pharmacy benefit manager, or health plan, either directly or through an intermediary, including through a network. The term includes two-way transmissions between the point of care and the pharmacist.

(4) "Medicaid program" means the medical assistance program under Chapter 32, Human Resources Code.

(5) "Pharmacist," "pharmacy," and "practitioner" have the meanings assigned by Section 551.003, Occupations Code.

(6) "Prescription-related information" means information regarding eligibility for drug benefits, medication history, or related health or drug information for an individual who is receiving benefits under the Medicaid program or the child health plan program.

(b) The Health and Human Services Commission shall develop an e-prescribing implementation plan under the vendor drug program for the Medicaid and child health plan programs designed to improve patient safety and standardize electronic prescribing systems used in the program. The plan must establish:

(1) e-prescribing standards with which pharmacists, practitioners, pharmacy benefit managers, and health plans that transmit, directly or through an intermediary, prescriptions for Medicaid program recipients and child health plan program enrollees and prescription-related information using electronic media must comply; and

(2) time frames within which pharmacists, practitioners, pharmacy benefit managers, and health plans must comply with the standards established under Subdivision (1) of this subsection.

(c) Not later than December 1, 2009, the Health and Human Services Commission shall submit an initial report to the governor and the Legislative Budget Board detailing the e-prescribing implementation plan developed under this section. The report must include the projected expenditures and cost savings anticipated for the plan during the state fiscal year.

(d) Not later than December 1, 2010, the Health and Human Services Commission shall submit a final report to the governor and the Legislative Budget Board regarding the e-prescribing implementation plan developed under this section. The report must include expenditures associated with and cost savings realized from the plan.

SECTION 2. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.
CHAPTER 414

H.B. No. 1969

AN ACT
relating to the enforcement of certain provisions in a will or trust that forfeit or void devises or interests.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter IV, Texas Probate Code, is amended by adding Section 64 to read as follows:

Sec. 64. FORFEITURE CLAUSE. A provision in a will that would cause a forfeiture of a devise or void a devise or provision in favor of a person for bringing any court action, including contesting a will, is unenforceable if:

(1) probable cause exists for bringing the action; and

(2) the action was brought and maintained in good faith.

SECTION 2. Section 111.0035(b), Property Code, is amended to read as follows:

(b) The terms of a trust prevail over any provision of this subtitle, except that the terms of a trust may not limit:

(1) the requirements imposed under Section 112.081;

(2) the applicability of Section 114.007 to an exculpation term of a trust;

(3) the periods of limitation for commencing a judicial proceeding regarding a trust;

(4) a trustee's duty:

(A) with regard to an irrevocable trust, to respond to a demand for accounting made under Section 113.151 if the demand is from a beneficiary who, at the time of the demand:

(i) is entitled or permitted to receive distributions from the trust; or

(ii) would receive a distribution from the trust if the trust terminated at the time of the demand; and

(B) to act in good faith and in accordance with the purposes of the trust; [4-]

(5) the power of a court, in the interest of justice, to take action or exercise jurisdiction, including the power to:

(A) modify or terminate a trust or take other action under Section 112.054;

(B) remove a trustee under Section 113.082;

(C) exercise jurisdiction under Section 115.001;

(D) require, dispense with, modify, or terminate a trustee's bond; or

(E) adjust or deny a trustee's compensation if the trustee commits a breach of trust; or

(6) the applicability of Section 112.038.

SECTION 3. Subchapter B, Chapter 112, Property Code, is amended by adding Section 112.038 to read as follows:

Sec. 112.038. FORFEITURE CLAUSE. A provision in a trust that would cause a forfeiture of or void an interest for bringing any court action, including contesting a trust, is unenforceable if:

(1) probable cause exists for bringing the action; and