

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1658
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the wake of hurricanes Katrina and Rita, it became apparent that continued access to healthcare services in an emergency is vital, particularly access to prescription medications. Existing statute authorizes pharmacists to refill medications without a doctor's prescription. However, such a refill may only be made for a three-day period.

C.S.S.B. 1658 extends the three-day period to 30 days to provide more time for a patient to access his or her doctor in the event of a natural or manmade disaster.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 562.054, Occupations Code, as follows:

Sec. 562.054. EMERGENCY REFILLS. (a) Creates this subsection from existing text. Authorizes a pharmacist to exercise the pharmacist's professional judgment in refilling a prescription for a prescription drug, other than a controlled substance listed in Schedule II as established by the commissioner of state health services, rather than the commissioner of public health services, under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, without the authorization of the prescribing practitioner under certain circumstances.

(b) Authorizes a pharmacist, in the event of a natural or manmade disaster, to dispense not more than a 30-day supply of a prescription drug, other than a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, without the authorization of the prescribing practitioner under certain circumstances, notwithstanding Subsection (a).

(c) Provides that the prescribing practitioner is not liable for an act or omission by a pharmacist in dispensing a prescription drug under Subsection (b).

SECTION 2. Amends Section 481.074, Health and Safety Code, by adding Subsections (1-1) and (1-2), as follows:

(1-1) Authorizes a pharmacist, in the event of a natural or manmade disaster, to dispense not more than a 30-day supply of a prescription drug, other than a controlled substance listed in Schedule II, without the authorization of the prescribing practitioner under certain circumstances, notwithstanding Subsection (1).

(1-2) Provides that the prescribing practitioner is not liable for an act or omission by a pharmacist in dispensing a prescription drug under Subsection (1-1).

SECTION 3. Effective date: September 1, 2007.