

BILL ANALYSIS

Senate Research Center
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S.B. 1643
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas prescription program (program) was created by the Texas Legislature in 1982 to monitor Schedule II controlled substance prescriptions. The 80th Legislature expanded the program to include the monitoring of Schedule III through Schedule V controlled substance prescriptions.

Diversion of prescription drugs is a significant abuse problem, and this program was created to be an efficient, cost-effective tool for investigating and preventing drug diversion. Although controlled substances have valid medical uses, they also have potential for abuse and addiction. The program seeks to control misuse by following controlled substances to the point of ultimate use.

S.B. 1643 makes several changes to the program, by changing the definition of "patient," adding "method of payment" to the information the dispensing pharmacist must send to the Department of Public Safety of the State of Texas when a prescription for a controlled substance is filled, adding delegate access to the electronic database for pharmacy technicians and nurses, and creating an interagency prescription monitoring workgroup.

As proposed, S.B. 1643 amends current law relating to the monitoring of prescriptions for certain controlled substances.

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 481.002(32), Health and Safety Code, to redefine "patient."

SECTION 2. Amends Sections 481.075(e) and (i), Health and Safety Code, as follows:

(e) Requires that each official prescription form or electronic prescription used to prescribe a Schedule II controlled substance contain certain information, including information provided by the dispensing pharmacist, including the date the prescription is filled and the method of payment used to pay for the prescription.

(i) Requires each dispensing pharmacist to complete certain required tasks, including to fill in on the official prescription form or note in the electronic prescription record each item of information given orally to the dispensing pharmacy under Subsection (h), the date the prescription is filled, and the method of payment used to pay for the prescription, and for a written prescription, fill in the dispensing pharmacist's signature or for an electronic prescription, appropriately record the identity of the dispensing pharmacist in the electronic prescription record.

SECTION 3. Amends Section 481.076(a), Health and Safety Code, as follows:

(a) Prohibits the director of the Department of Public Safety of the State of Texas (DPS) or an employee of DPS designated by the director (director) from permitting any person to have access to information submitted to the director under Section 481.074(q) (relating to requiring each dispensing pharmacist to send certain information required by the director to the director by electronic transfer or another form approved by the director not later than the seventh day after the date the prescription is completely filled) or 481.075 (Official Prescription Program) except certain individuals, including if the director finds that proper need has been shown to the director, a pharmacist or a pharmacy technician, as defined by Section 551.003 (Definitions), Occupations Code, acting at the direction of a pharmacist or a practitioner who is a physician, dentist, veterinarian, podiatrist, or advanced practice nurse or is a physician assistant described by Section 481.002(39)(D) (defining "practitioner" as an advanced practice nurse or physician assistant to whom a physician has delegated the authority to carry out or sign prescription drug orders under certain sections) or a nurse licensed under Chapter 301 (Nurses), Occupations Code, acting at the direction of a practitioner and is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner.

SECTION 4. Amends Chapter 481, Health and Safety Code, by adding Subchapter I, as follows:

SUBCHAPTER I. INTERAGENCY PRESCRIPTION MONITORING WORK GROUP

Sec. 481.351. INTERAGENCY PRESCRIPTION MONITORING WORK GROUP. Provides that the interagency prescription monitoring work group is created to evaluate the effectiveness of prescription monitoring under this chapter (Texas Controlled Substances Act) and offer recommendations to improve the effectiveness and efficiency of recordkeeping and other functions related to the regulation of dispensing controlled substances by prescription.

Sec. 481.352. MEMBERS. Provides that the work group is composed of:

- (1) the director or the director's designee;
- (2) the commissioner of state health services or the commissioner's designee;
- (3) the executive director of the Texas State Board of Pharmacy or the executive director's designee; and
- (4) the executive director of the Texas Medical Board or the executive director's designee.

Sec. 481.353. MEETINGS; REPORT. (a) Requires the work group to meet at least quarterly.

- (b) Requires the work group, not later than December 1 of each even-numbered year, to submit to the legislature its recommendations relating to prescription monitoring.

SECTION 5. Effective date: September 1, 2013.