

BILL ANALYSIS

Senate Research Center
79R15171 E

C.S.H.B. 836
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law allows a pharmacist to fill a drug prescription with a generically equivalent compound prior to the patient picking up the medicine. Also, current law allows a patient to refuse the substitution made by the pharmacy. In some cases, the patient is unaware that the prescription has been substituted. Additionally, most patients are not equipped with the necessary medical knowledge to make a determination as to whether their physician specifically sought to have the prescription filled with a certain drug. In other words, the substitution may be contrary to a physician's treatment plan. Further, it is also unlikely that a patient will decline the substitution after it has been filled because it would require an additional wait as the prescription is processed for a second time.

C.S.H.B. 836 seeks to enhance communication between a pharmacist and a patient by allowing the patient the choice, prior to the filling of the prescription, to state the patient's drug preference and provide the consumer with opportunity to consult with his or her physician as to drug preference. This bill also allows a person to pay the cash price for a prescription if the cash price is less than the person's co-pay price.

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 Subchapter A, Chapter 562, Occupations Code, by adding Section 562.003, as follows:

Sec. 562.003. DISCLOSURE OF PRICE; PATIENT'S OPTION. Requires a pharmacist to offer a patient the option of paying for the drug at the lower price instead of paying the amount of the copayment if the price of a drug to the patient is lower than the amount of the patient's copayment under the patient's prescription drug insurance plan.

SECTION 2. Amends Section 562.009(a), Occupations Code, as follows:

(a) Sets forth certain requirements for a pharmacist before delivery of a prescription for a generically equivalent drug. Makes modifications to existing list of requirements for a pharmacist. Deletes existing text pertaining to a generically equivalent drug by this chapter.

SECTION 3. Amends Section 562.009, Occupations Code, by adding Subsection (b-1), to require, in addition to the requirements of Subsection (a), a pharmacist to display in a prominent place that is in clear public view where prescriptions drugs are dispensed, a sign in block letters not less than one inch in height in both English and Spanish stating certain information pertaining to generically equivalent drugs. Sets forth specific language for this sign.

SECTION 4. Amends Section 562.009(b), Occupations Code, by adding Subsection (b), to set forth certain exceptions to the provisions of Subsection (a) and to delete existing text pertaining to placement of a sign in the pharmacy.

SECTION 5. Amends Section 562.009, Occupation Code, by adding Subsection (c), to provide that a pharmacy that supplies a prescription by mail is considered to have complied with the provisions of Subsection (a) if the pharmacy includes on the form completed by the patient or the patient's agents language, that clearly and conspicuously states certain information.

SECTION 6. Effective date: September 1, 2005.