

BILL ANALYSIS

Senate Research Center
80R5431 BEF-D

S.B. 409
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Nearly two percent of the Texas population has epilepsy and one-third of those patients have medically refractory epilepsy (i.e., epilepsy that is poorly controlled by antiepileptic medications). Current law allows a pharmacist to make a substitution of a patient's prescribed medication which can cause breakthrough, or unexpected, seizures. However, many people with epilepsy report regularly to the Epilepsy Foundation that they have experienced breakthrough seizures after long periods of seizure control when a formulation of their customary medication was changed. This might occur when a brand name product becomes generic, when a new version of a product is developed, or when a pharmacist obtains the drug from a different manufacturer.

As proposed, S.B. 409 requires notification and signed informed consent before a pharmacist is allowed to change an epileptic patient's medication. The bill applies this requirement to the initial medication dispensed as well as any refills provided.

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 562.0141, as follows:

Sec. 562.0141. SELECTION OF ANTIEPILEPTIC AND ANTISEIZURE DRUGS. (a) Prohibits a pharmacist, except as provided by Subsection (b), from dispensing a drug for the treatment of epilepsy or for the treatment or prevention of seizures unless the drug is the specific formulation and manufactured by the specific manufacturer that is prescribed by the patient's physician.

(b) Authorizes a pharmacist to substitute a drug that is generically equivalent for the treatment of epilepsy or for the treatment or prevention of seizures if, before making the substitution, the pharmacist obtains a signed authorization from the prescribing physician.

SECTION 2. Effective date: September 1, 2007.