

## **BILL ANALYSIS**

Senate Research Center  
87R16233 KKR-D

H.B. 1935  
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Health & Human Services  
5/17/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows for only a three-day emergency refill of insulin and insulin-related equipment and supplies, which can be problematic for people with diabetes, as their daily insulin needs vary. The difference in receiving a refill or not can have significant and potentially fatal health implications for patients in need. H.B. 1935 seeks to resolve the issue and expand access to lifesaving medications by giving pharmacists the authority to dispense a 30-day emergency supply of insulin and insulin-related equipment and supplies if specific criteria are met.

H.B. 1935 amends current law relating to emergency refills of insulin and insulin-related equipment or supplies.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 562, Occupations Code, by adding Section 562.0541, as follows:

Sec. 562.0541. EMERGENCY REFILLS OF INSULIN AND INSULIN-RELATED EQUIPMENT OR SUPPLIES. (a) Defines "insulin" and "insulin-related equipment or supplies."

(b) Authorizes a pharmacist to provide an emergency refill of insulin or insulin-related equipment or supplies if the pharmacist complies with this section and rules adopted under this section.

(c) Authorizes a pharmacist, notwithstanding Section 562.054(a) (relating to authorizing a pharmacist to exercise judgment in refilling a prescription under certain conditions) and subject to Subsection (b) of this section, to exercise the pharmacist's professional judgment in refilling a prescription for insulin or insulin-related equipment or supplies without the authorization of the prescribing practitioner if the pharmacist:

(1) is unable to contact the practitioner after reasonable effort;

(2) is provided with documentation showing that the patient was previously prescribed insulin or insulin-related equipment or supplies by a practitioner;

(3) assesses the patient to determine whether the emergency refill is appropriate;

(4) creates a record that documents the patient's visit that includes a notation describing the documentation provided under Subdivision (2); and

(5) makes a reasonable attempt to inform the practitioner of the emergency refill at the earliest reasonable time.

(d) Prohibits the quantity of an emergency refill of insulin from exceeding a 30-day supply. Prohibits the quantity of an emergency refill of insulin-related equipment or supplies from exceeding the lesser of a 30-day supply or the smallest available package.

(e) Provides that the prescribing practitioner is not liable for an act or omission by a pharmacist in dispensing an emergency refill of insulin or insulin-related equipment or supplies under this section.

SECTION 2. Amends Section 1358.054, Insurance Code, by adding Subsection (a-1), as follows:

(a-1) Requires that a health benefit plan described by Subsection (a) (relating to a health benefit plan that provides coverage for the treatment of diabetes and associated conditions) provide to each qualified enrollee coverage for emergency refills of diabetes equipment or diabetes supplies dispensed to the enrollee in accordance with Section 562.0541, Occupations Code, in the same manner as for a nonemergency refill of diabetes equipment or diabetes supplies.

SECTION 3. Requires the Texas State Board of Pharmacy, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement Section 562.0541, Occupations Code, as added by this Act.

SECTION 4. Provides that Section 1358.054 (Coverage Required), Insurance Code, as amended by this Act, applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022.

SECTION 5. Effective date: September 1, 2021.