

1-1 By: Buckingham S.B. No. 683
 1-2 (In the Senate - Filed February 6, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 March 21, 2019, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 21, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the licensing and regulation of pharmacists and
 1-20 pharmacies.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 481.075(i), Health and Safety Code, is
 1-23 amended to read as follows:

1-24 (i) Each dispensing pharmacist shall:

1-25 (1) fill in on the official prescription form or note
 1-26 in the electronic prescription record each item of information
 1-27 given orally to the dispensing pharmacy under Subsection (h) and
 1-28 the date the prescription is filled, and:

1-29 (A) for a written prescription, fill in the
 1-30 dispensing pharmacist's signature; or

1-31 (B) for an electronic prescription,
 1-32 appropriately record the identity of the dispensing pharmacist in
 1-33 the electronic prescription record;

1-34 (2) retain with the records of the pharmacy for at
 1-35 least two years:

1-36 (A) the official prescription form or the
 1-37 electronic prescription record, as applicable; and

1-38 (B) the name or other patient identification
 1-39 required by Section 481.074(m) or (n); ~~and~~

1-40 (3) send all required information, including any
 1-41 information required to complete an official prescription form or
 1-42 electronic prescription record, to the board by electronic transfer
 1-43 or another form approved by the board not later than the next
 1-44 business day after the date the prescription is completely filled;
 1-45 and

1-46 (4) if the pharmacy does not dispense any controlled
 1-47 substance prescriptions during a period of seven consecutive days,
 1-48 send a report to the board indicating that the pharmacy did not
 1-49 dispense any controlled substance prescriptions during that
 1-50 period, unless the pharmacy has obtained a waiver or permission to
 1-51 delay reporting to the board.

1-52 SECTION 2. Sections 481.076(a) and (k), Health and Safety
 1-53 Code, are amended to read as follows:

1-54 (a) The board may not permit any person to have access to
 1-55 information submitted to the board under Section 481.074(q) or
 1-56 481.075 except:

1-57 (1) the board, the Texas Medical Board, the Texas
 1-58 Department of Licensing and Regulation, with respect to the
 1-59 regulation of podiatrists [~~State Board of Podiatric Medical~~
 1-60 ~~Examiners~~], the State Board of Dental Examiners, the State Board of
 1-61 Veterinary Medical Examiners, the Texas Board of Nursing, or the

2-1 Texas Optometry Board for the purpose of:

2-2 (A) investigating a specific license holder; or

2-3 (B) monitoring for potentially harmful

2-4 prescribing or dispensing patterns or practices under Section

2-5 [481.0762](#);

2-6 (2) an authorized officer or member of the department

2-7 or authorized employee of the board engaged in the administration,

2-8 investigation, or enforcement of this chapter or another law

2-9 governing illicit drugs in this state or another state;

2-10 (3) the department on behalf of a law enforcement or

2-11 prosecutorial official engaged in the administration,

2-12 investigation, or enforcement of this chapter or another law

2-13 governing illicit drugs in this state or another state;

2-14 (4) a medical examiner conducting an investigation;

2-15 (5) provided that accessing the information is

2-16 authorized under the Health Insurance Portability and

2-17 Accountability Act of 1996 (Pub. L. No. 104-191) and regulations

2-18 adopted under that Act:

2-19 (A) a pharmacist or a pharmacist-intern,

2-20 pharmacy technician, or pharmacy technician trainee, as defined by

2-21 Section [551.003](#), Occupations Code, acting at the direction of a

2-22 pharmacist, who is inquiring about a recent Schedule II, III, IV, or

2-23 V prescription history of a particular patient of the pharmacist;

2-24 or

2-25 (B) a practitioner who:

2-26 (i) is a physician, dentist, veterinarian,

2-27 podiatrist, optometrist, or advanced practice nurse or is a

2-28 physician assistant described by Section [481.002](#)(39)(D) or an

2-29 employee or other agent of a practitioner acting at the direction of

2-30 a practitioner; and

2-31 (ii) is inquiring about a recent Schedule

2-32 II, III, IV, or V prescription history of a particular patient of

2-33 the practitioner;

2-34 (6) a pharmacist or practitioner who is inquiring

2-35 about the person's own dispensing or prescribing activity or a

2-36 practitioner who is inquiring about the prescribing activity of an

2-37 individual to whom the practitioner has delegated prescribing

2-38 authority; or

2-39 (7) one or more states or an association of states with

2-40 which the board has an interoperability agreement, as provided by

2-41 Subsection (j).

2-42 (k) A person authorized to access information under

2-43 Subsection (a)(4) or (5) who is registered with the board for

2-44 electronic access to the information is entitled to directly access

2-45 the information available from other states pursuant to an

2-46 interoperability agreement described by Subsection (j).

2-47 SECTION 3. Section [481.0766](#)(a), Health and Safety Code, is

2-48 amended to read as follows:

2-49 (a) A wholesale distributor shall report to the board the

2-50 distribution of all Schedules II, III, IV, and V controlled

2-51 substances [~~information that the distributor is required to report~~

2-52 ~~to the Automation of Reports and Consolidated Orders System (ARCOS)~~

2-53 ~~of the Federal Drug Enforcement Administration for the distribution~~

2-54 ~~of a controlled substance] by the distributor to a person in this~~

2-55 state. The distributor shall report the information to the board in

2-56 the same format and with the same frequency as the information is

2-57 reported to the Federal Drug Enforcement Administration [ARCOS].

2-58 SECTION 4. Section [481.353](#)(a), Health and Safety Code, is

2-59 amended to read as follows:

2-60 (a) The work group shall meet when necessary as determined

2-61 by the board [~~at least quarterly~~].

2-62 SECTION 5. Section [560.051](#)(f), Occupations Code, is amended

2-63 to read as follows:

2-64 (f) A Class E pharmacy license or nonresident pharmacy

2-65 license may be issued to a pharmacy located in another state whose

2-66 primary business is to:

2-67 (1) [~~(A)~~] dispense a prescription drug or device under

2-68 a prescription drug order [~~+~~] and

2-69 [~~(B)~~] deliver the drug or device to a patient,

3-1 including a patient in this state, by United States mail, common
3-2 carrier, or delivery service;

3-3 (2) process a prescription drug order for a patient,
3-4 including a patient in this state; or

3-5 (3) perform another pharmaceutical service, as
3-6 defined by board rule.

3-7 SECTION 6. The following provisions of the Occupations Code
3-8 are repealed:

3-9 (1) Sections [554.016](#), [556.0555](#), [560.001\(c\)](#), [560.0525](#),
3-10 [561.003\(f\)](#), [562.101\(f-1\)](#), and [562.111](#); and

3-11 (2) Subchapter E, Chapter [562](#).

3-12 SECTION 7. This Act takes effect September 1, 2019.

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