

By: Shaheen

H.B. No. 594

A BILL TO BE ENTITLED

AN ACT

relating to the provision of telepharmacy services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 562.110(e), Occupations Code, is amended to read as follows:

(e) The board shall adopt rules regarding the use of a telepharmacy system under this section, including:

(1) ~~[the types of health care facilities at which a telepharmacy system may be located under Subsection (d)(1), which must include the following facilities:~~

~~[(A) a clinic designated as a rural health clinic regulated under 42 U.S.C. Section 1395x(aa),~~

~~[(B) a health center as defined by 42 U.S.C. Section 254b, and~~

~~[(C) a federally qualified health center as defined by 42 U.S.C. Section 1396d(1)(2)(B),~~

~~[(2) the locations eligible to be licensed as remote dispensing sites, which must include locations in medically underserved areas, areas with a medically underserved population, and health professional shortage areas determined by the United States Department of Health and Human Services,~~

~~[(3)]~~ licensing and operating requirements for remote dispensing sites, including:

(A) a requirement that a remote dispensing site

1 license identify the provider pharmacy that will provide pharmacy
2 services at the remote dispensing site;

3 (B) a requirement that a provider pharmacy be
4 allowed to provide pharmacy services at not more than two remote
5 dispensing sites;

6 (C) [~~a requirement that a pharmacist employed by~~
7 ~~a provider pharmacy make at least monthly on-site visits to a remote~~
8 ~~dispensing site or more frequent visits if specified by board rule;~~

9 [~~(D)~~] a requirement that each month the perpetual
10 inventory of controlled substances at the remote dispensing site be
11 reconciled to the on-hand count of those controlled substances at
12 the site by a pharmacist employed by the provider pharmacy;

13 (D) [~~(E)~~] a requirement that a pharmacist
14 employed by a provider pharmacy be physically present at a remote
15 dispensing site when the pharmacist is providing services requiring
16 the physical presence of the pharmacist, including immunizations;

17 (E) [~~(F)~~] a requirement that a remote dispensing
18 site be staffed by an on-site pharmacy technician who is under the
19 continuous supervision of a pharmacist employed by the provider
20 pharmacy;

21 (F) [~~(G)~~] a requirement that all pharmacy
22 technicians at a remote dispensing site be counted for the purpose
23 of establishing the pharmacist-pharmacy technician ratio of the
24 provider pharmacy, which, notwithstanding Section 568.006, may not
25 exceed three pharmacy technicians for each pharmacist providing
26 supervision;

27 (G) [~~(H)~~] a requirement that, before working at a

1 remote dispensing site, a pharmacy technician must:

2 (i) have worked at least one year at a
3 retail pharmacy during the three years preceding the date the
4 pharmacy technician begins working at the remote dispensing site;
5 and

6 (ii) have completed a board-approved
7 training program on the proper use of a telepharmacy system;

8 (H) [~~(I)~~] a requirement that pharmacy
9 technicians at a remote dispensing site may not perform
10 extemporaneous sterile or nonsterile compounding but may prepare
11 commercially available medications for dispensing, including the
12 reconstitution of orally administered powder antibiotics; and

13 (I) [~~(J)~~] any additional training or practice
14 experience requirements for pharmacy technicians at a remote
15 dispensing site;

16 (2) [~~(4)~~] the areas that qualify under Subsection (f);

17 (3) [~~(5)~~] recordkeeping requirements; and

18 (4) [~~(6)~~] security requirements.

19 SECTION 2. The following provisions of the Occupations Code
20 are repealed:

21 (1) Sections 562.110(g) and (h), as added by Chapter
22 485 (H.B. 2561), Acts of the 85th Legislature, Regular Session,
23 2017;

24 (2) Sections 562.110(g) and (h), as added by Chapter
25 929 (S.B. 1633), Acts of the 85th Legislature, Regular Session,
26 2017; and

27 (3) Sections 562.110(i) and (j).

1 SECTION 3. This Act takes effect September 1, 2023.