

By: Van de Putte

S.B. No. 1720

A BILL TO BE ENTITLED

AN ACT

relating to drug therapy management by pharmacists.

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

SECTION 1. Subsection (a) and (b), Section 157.101, Chapter 157, Occupations Code are amended as follows. (a) In this section: [7]

(1) "Carrying out or signing a prescription" means the signing of a prescription or a medication order by a pharmacist after that person has been designated to the board by the delegating physician as a person authorized to sign a prescription or medication order.

(2) "Controlled substance" has the meaning assigned to that term by Section 481.002, Health and Safety Code.

(3) "Dangerous drug" has the meaning assigned to that term by Section 483.001, Health and Safety Code.

(4) "Pharmacist" has the meaning assigned by Section 551.003.

(b) A physician may delegate to a properly qualified and trained pharmacist acting under adequate physician supervision the performance of specific acts of drug therapy management authorized by the physician through the physician's order, standing medical order, standing delegation order, or other order or protocol as defined by board rule. Drug therapy management may include delegation of the carrying out or signing of a prescription.

1 SECTION 2. Subchapter C., Chapter 157, Occupations Code is  
2 amended by adding a new section 157.102 as follows.

3 Sec. 157.102. Prescription Drug Orders (a) A physician's  
4 authority to delegate the carrying out or signing of a prescription  
5 under this subchapter is limited to:

6 (1) dangerous drugs; and

7 (2) controlled substances to the extent provided by  
8 Subsection (b).

9 (b) A physician may delegate the carrying out or signing of  
10 a prescription for a controlled substance only if:

11 (1) the prescription is for a controlled substance  
12 listed in Schedules III, IV, or V as established by the commissioner  
13 of public health under Chapter 481, Health and Safety Code;

14 (2) the prescription is for a period not to exceed 30  
15 days;

16 (3) with regard to the refill of a prescription, the  
17 refill is authorized after consultation with the delegating  
18 physician and the consultation is noted in the patient's chart; and

19 (4) with regard to a prescription for a child less than  
20 two years of age, the prescription is made after consultation with  
21 the delegating physician and the consultation is noted in the  
22 patient's chart.

23 (c) the following information must be provided on each  
24 prescription subject to this subchapter:

25 (1) the patient's name and address;

26 (2) the drug to be dispensed;

27 (3) directions to the patient regarding the taking of

1 the drug and the dosage;

2 (4) the intended use of the drug, if appropriate;

3 (5) the name, address, and telephone number of the  
4 physician;

5 (6) the name, address, telephone number, and  
6 identification number of the pharmacist carrying out or signing the  
7 prescription;

8 (7) the date; and

9 (8) the number of refills permitted.

10 SECTION 3. This Act takes effect September 1, 2005.