

BILL ANALYSIS

S.B. 381
By: Van de Putte
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires a pharmacist to implement or modify a patient's drug therapy as required by the patient's test results and as ordered by the physician in a physician protocol. The purpose of S.B. 381 is to allow a pharmacist working in a hospital, hospital-based clinic, or academic health care institution to carry out the supervising physician's orders and provide greater ease for patients in certain healthcare settings who receive services at an urban hospital or clinic but live in a rural area or who use a mail order pharmacy to fill new prescriptions.

S.B. 381 authorizes a physician to delegate the implementation or modification of a patient's drug therapy, including the authority to sign a prescription drug order for dangerous drugs, to a qualified pharmacist if certain conditions are met. The bill requires the Texas State Board of Pharmacy to provide on its Internet website a list of pharmacists authorized to sign prescriptions and the name of the pharmacist's delegating physician.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTIONS 3 and 4 of this bill.

ANALYSIS

S.B. 381 amends the Occupations Code to authorize the delegation by a physician to a properly qualified and trained pharmacist of certain acts under a patient's drug therapy management to include the implementation or modification of the drug therapy under a protocol, including the authority to sign a prescription drug order for dangerous drugs, if the delegation follows a diagnosis, initial patient assessment, and drug therapy order by the physician; the pharmacist practices in a hospital, hospital-based clinic, or an academic health care institution; the hospital, hospital-based clinic, or academic health care institution in which the pharmacist practices has bylaws and a medical staff policy that permit a physician to delegate to a pharmacist the management of a patient's drug therapy; the pharmacist provides the name, address, and telephone number of the pharmacist and of the delegating physician on each prescription signed by the pharmacist; and the pharmacist provides a copy of the protocol to the Texas State Board of Pharmacy. The bill requires the pharmacy board to provide on its Internet website a list of pharmacists who are authorized to sign a prescription drug order, including the name of the pharmacist's delegating physician.

S.B. 381 requires the pharmacy board, with the advice of the Texas Medical Board, to adopt rules that allow a pharmacist to implement or modify a patient's drug therapy pursuant to a physician's delegation. The bill requires the pharmacy board to adopt the rules not later than December 1, 2009.

EFFECTIVE DATE

September 1, 2009.