

1-1 By: Van de Putte S.B. No. 381
1-2 (In the Senate - Filed December 18, 2008; February 17, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 381 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of physicians to delegate to certain
1-11 pharmacists the implementation and modification of a patient's drug
1-12 therapy.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 157.101, Occupations Code, is amended by
1-15 adding Subsection (b-1) to read as follows:

1-16 (b-1) A delegation under Subsection (b) may include the
1-17 implementation or modification of a patient's drug therapy under a
1-18 protocol, including the authority to sign a prescription drug order
1-19 for dangerous drugs, if:

1-20 (1) the delegation follows a diagnosis, initial
1-21 patient assessment, and drug therapy order by the physician;

1-22 (2) the pharmacist practices in a hospital,
1-23 hospital-based clinic, or an academic health care institution;

1-24 (3) the hospital, hospital-based clinic, or academic
1-25 health care institution in which the pharmacist practices has
1-26 bylaws and a medical staff policy that permit a physician to
1-27 delegate to a pharmacist the management of a patient's drug
1-28 therapy;

1-29 (4) the pharmacist provides the name, address, and
1-30 telephone number of the pharmacist and of the delegating physician
1-31 on each prescription signed by the pharmacist; and

1-32 (5) the pharmacist provides a copy of the protocol to
1-33 the Texas State Board of Pharmacy.

1-34 SECTION 2. Subchapter A, Chapter 554, Occupations Code, is
1-35 amended by adding Section 554.017 to read as follows:

1-36 Sec. 554.017. LIST OF PHARMACISTS AUTHORIZED TO SIGN
1-37 PRESCRIPTION DRUG ORDERS. The board shall provide on its Internet
1-38 website a list of pharmacists who are authorized to sign a
1-39 prescription drug order under Section 157.101(b-1), including the
1-40 name of the pharmacist's delegating physician under the protocol
1-41 required under that subsection.

1-42 SECTION 3. Subchapter B, Chapter 554, Occupations Code, is
1-43 amended by adding Section 554.057 to read as follows:

1-44 Sec. 554.057. RULEMAKING; IMPLEMENTATION OF DRUG THERAPY
1-45 UNDER PROTOCOL. The board, with the advice of the Texas Medical
1-46 Board, shall adopt rules that allow a pharmacist to implement or
1-47 modify a patient's drug therapy pursuant to a physician's
1-48 delegation under Section 157.101(b-1).

1-49 SECTION 4. Not later than December 1, 2009, the Texas State
1-50 Board of Pharmacy shall adopt rules under Section 554.057,
1-51 Occupations Code, as added by this Act.

1-52 SECTION 5. This Act takes effect September 1, 2009.

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