

BILL ANALYSIS

Senate Research Center
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S.B. 1013
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1997, the Texas Legislature authorized pharmacists who complete required training (20 hours) to provide immunizations in the pharmacy setting under a physician's written protocol. For those under 14 years of age, a patient-physician relationship must exist, and the physician must write a prescription for the vaccination. In 2009, the legislature lowered the minimum patient age from 14 years to seven years for flu shots administered by a pharmacist under a physician's written protocol. When a pharmacist provides an immunization under a physician's written protocol, they are required to notify the delegating physician within 24 hours of administrations of the injection. In addition, the pharmacist must notify the patient's primary care physician with 14 days of the immunization.

In order to increase access to immunizations, S.B. 1013 broadens the types of immunizations (e.g., tetanus, diphtheria, and Tdap) that may be administered by pharmacists to children ages seven to 14.

As proposed, S.B. 1013 amends current law relating to the administration of an immunization or vaccination by a pharmacist.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas State Board of Pharmacy is modified in SECTION 3 (Section 554.052, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 554.004, Occupations Code, to read as follows:

Sec. 554.004. ADMINISTRATION OF IMMUNIZATION OR VACCINATION.

SECTION 2. Amends Section 554.004(a), Occupations Code, as follows:

(a) Requires the Texas State Board of Pharmacy (TSBP) to specify conditions under which a pharmacist is authorized to administer an immunization or vaccination. Requires that the conditions ensure that:

- (1) the pharmacist possesses the necessary skill, education, and certification as specified by TSBP to administer the immunization or vaccination;
- (2) within a reasonable time after administering an immunization or vaccination, the pharmacist notifies the licensed health care provider responsible for the patient's care that the immunization or vaccination was administered;
- (3) the pharmacist may not administer an immunization or vaccination to a patient at the patient's residence, except at a licensed nursing home or hospital;
- (4) the pharmacist administers an immunization or vaccination under a physician's written protocol and meets the standards established by TSBP; and

(5) the authority of a pharmacist to administer an immunization or vaccination may not be delegated.

Deletes text requiring TSBP to specify conditions under which a pharmacist may administer medication, including an immunization and vaccination. Deletes text requiring that the conditions ensure that a licensed health care provider authorized to administer the medication is not reasonably available to administer the medication; failure to administer the medication, other than an immunization or vaccination, might result in a significant delay or interruption of a critical phase of drug therapy; the pharmacist possesses the necessary skill, education, and certification as specified by TSBP to administer the medication; within a reasonable time after administering medication, the pharmacist notifies the licensed health care provider responsible for the patient's care that the medication was administered; the pharmacist is prohibited from administering medication to a patient at the patient's residence, except at a licensed nursing home or hospital; and the authority of a pharmacist to administer medication is prohibited from being delegated.

SECTION 3. Amends Sections 554.052(a) and (c), Occupations Code, as follows:

(a) Requires TSBP by rule to require a pharmacist to notify a physician who prescribes an immunization or vaccination after the pharmacist administers the immunization or vaccination, rather than requires TSBP by rule to require a pharmacist to notify a physician who prescribes an immunization or vaccination within 24 hours after the pharmacist administers the immunization or vaccination. Requires the physician to prescribe the period for providing notice and the form of the notice under a written protocol. Prohibits the period for providing notice from being later than the 14th day after the date the immunization or vaccination is administered.

(c) Provides that supervision by a physician is adequate if the delegating physician:

(1) is responsible for formulating or approving an order or protocol, including the physician's order, standing medical order, or standing delegation order, and periodically reviews the order or protocol and the services provided to a patient under the order or protocol;

(2) has established a physician-patient relationship with each patient under seven years of age and referred the patient to the pharmacist, rather than has established a physician-patient relationship with each patient under 14 years of age and referred the patient to the pharmacist except as provided by Subsection (c-1);

(3) is geographically located to be easily accessible to the pharmacy where an immunization or vaccination is administered;

(4) receives, as appropriate, a periodic status report on the patient, including any problem or complication encountered; and

(5) is available through direct telecommunication for consultation, assistance, and direction.

SECTION 4. Repealer: Section 554.052(c-1) (relating to authorizing a pharmacist to administer an influenza vaccination to a patient over seven years of age without an established physician-patient relationship), Occupations Code.

SECTION 5. Effective date: September 1, 2013.