

By: Laubenberg

H.B. No. 2938

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administration of an immunization or vaccination by
3 a pharmacist.

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

5 SECTION 1. The heading to Section 554.004, Occupations
6 Code, is amended to read as follows:

7 Sec. 554.004. ADMINISTRATION OF IMMUNIZATION OR
8 VACCINATION [~~MEDICATION~~].

9 SECTION 2. Section 554.004(a), Occupations Code, is amended
10 to read as follows:

11 (a) The board shall specify conditions under which a
12 pharmacist may administer [~~medication, including~~] an immunization
13 or [~~and~~] vaccination. The conditions must ensure that:

14 (1) [~~a licensed health care provider authorized to~~
15 ~~administer the medication is not reasonably available to administer~~
16 ~~the medication,~~

17 [~~(2) failure to administer the medication, other than~~
18 ~~an immunization or vaccination, might result in a significant delay~~
19 ~~or interruption of a critical phase of drug therapy,~~

20 [(3)] the pharmacist possesses the necessary skill,
21 education, and certification as specified by the board to
22 administer the immunization or vaccination [~~medication~~];

23 (2) [(4)] within a reasonable time after
24 administering an immunization or vaccination [~~medication~~], the

1 pharmacist notifies the licensed health care provider responsible
2 for the patient's care that the immunization or vaccination
3 ~~[medication]~~ was administered;

4 (3) ~~[(5)]~~ the pharmacist may not administer an
5 immunization or vaccination ~~[medication]~~ to a patient at the
6 patient's residence, except at a licensed nursing home or hospital;

7 (4) ~~[(6)]~~ the pharmacist administers an immunization
8 or vaccination under a physician's written protocol and meets the
9 standards established by the board; and

10 (5) ~~[(7)]~~ the authority of a pharmacist to administer
11 an immunization or vaccination ~~[medication]~~ may not be delegated.

12 SECTION 3. Sections 554.052(a) and (c), Occupations Code,
13 are amended to read as follows:

14 (a) The board by rule shall require a pharmacist to notify a
15 physician who prescribes an immunization or vaccination ~~[within 24~~
16 ~~hours]~~ after the pharmacist administers the immunization or
17 vaccination. The physician shall prescribe the period for providing
18 notice and the form of the notice under a written protocol. The
19 period for providing notice may not be later than the 14th day after
20 the date the immunization or vaccination is administered.

21 (c) Supervision by a physician is adequate if the delegating
22 physician:

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

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

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

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

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

13 SECTION 4. Section 554.052(c-1), Occupations Code, is
14 repealed.

15 SECTION 5. This Act takes effect September 1, 2013.