

By: Perry
(Oliverson, et al.)

S.B. No. 1633

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of pharmacy services through a
3 telepharmacy system; establishing a remote dispensing site
4 license.

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

6 SECTION 1. Section 562.110, Occupations Code, is amended by
7 amending Subsections (a), (b), (d), (e), and (f) and adding
8 Subsections (g), (h), and (i) to read as follows:

9 (a) In this section:

10 (1) "Provider pharmacy" means a Class A pharmacy that
11 provides pharmacy services through a telepharmacy system at a
12 remote dispensing site.

13 (2) "Remote dispensing site" means a location licensed
14 as a telepharmacy that is authorized by a provider pharmacy through
15 a telepharmacy system to store and dispense prescription drugs and
16 devices, including dangerous drugs and controlled substances.

17 (3) "Telepharmacy[~~, "telepharmacy~~] system" means a
18 system that monitors the dispensing of prescription drugs and
19 provides for related drug use review and patient counseling
20 services by an electronic method, including the use of the
21 following types of technology:

22 (A) [~~(1)~~] audio and video;

23 (B) [~~(2)~~] still image capture; and

24 (C) [~~(3)~~] store and forward.

1 (b) A Class A or Class C pharmacy located in this state may
2 provide pharmacy services, including the dispensing of drugs,
3 through a telepharmacy system at locations separate from [~~in a~~
4 ~~facility that is not at the same location as~~] the Class A or Class C
5 pharmacy.

6 (d) A telepharmacy system may be located only at:

7 (1) a health care facility in this state that is
8 regulated by this state or the United States; or

9 (2) a remote dispensing site.

10 (e) The board shall adopt rules regarding the use of a
11 telepharmacy system under this section, including:

12 (1) the types of health care facilities at which a
13 telepharmacy system may be located under Subsection (d)(1), which
14 must include the following facilities:

15 (A) a clinic designated as a rural health clinic
16 regulated under 42 U.S.C. Section 1395x(aa) [~~as amended~~]; and

17 (B) a health center as defined by 42 U.S.C.
18 Section 254b [~~as amended~~];

19 (2) the locations eligible to be licensed as remote
20 dispensing sites, which must include locations in medically
21 underserved areas, areas with a medically underserved population,
22 and health professional shortage areas determined by the United
23 States Department of Health and Human Services;

24 (3) licensing and operating requirements for remote
25 dispensing sites, including:

26 (A) a requirement that a remote dispensing site
27 license identify the provider pharmacy that will provide pharmacy

- 1 services at the remote dispensing site;
- 2 (B) a requirement that a provider pharmacy be
3 allowed to provide pharmacy services at not more than two remote
4 dispensing sites;
- 5 (C) a requirement that a pharmacist employed by a
6 provider pharmacy make at least monthly on-site visits to a remote
7 dispensing site or more frequent visits if specified by board rule;
- 8 (D) a requirement that each month the perpetual
9 inventory of controlled substances at the remote dispensing site be
10 reconciled to the on-hand count of those controlled substances at
11 the site by a pharmacist employed by the provider pharmacy;
- 12 (E) a requirement that a pharmacist employed by a
13 provider pharmacy be physically present at a remote dispensing site
14 when the pharmacist is providing services requiring the physical
15 presence of the pharmacist, including immunizations;
- 16 (F) a requirement that a remote dispensing site
17 be staffed by an on-site pharmacy technician who is under the
18 continuous supervision of a pharmacist employed by the provider
19 pharmacy;
- 20 (G) a requirement that all pharmacy technicians
21 at a remote dispensing site be counted for the purpose of
22 establishing the pharmacist-pharmacy technician ratio of the
23 provider pharmacy, which, notwithstanding Section 568.006, may not
24 exceed three pharmacy technicians for each pharmacist providing
25 supervision;
- 26 (H) a requirement that, before working at a
27 remote dispensing site, a pharmacy technician must:

1 (i) have worked at least one year at a
2 retail pharmacy during the three years preceding the date the
3 pharmacy technician begins working at the remote dispensing site;
4 and

5 (ii) have completed a board-approved
6 training program on the proper use of a telepharmacy system; and

7 (I) any additional training or practice
8 experience requirements for pharmacy technicians at a remote
9 dispensing site;

10 (4) the areas that qualify under Subsection (f);

11 (5) [~~3~~] recordkeeping requirements; and

12 (6) [~~4~~] security requirements.

13 (f) A telepharmacy system located at a health care facility
14 under Subsection (d)(1) may not be located in a community in which a
15 Class A or Class C pharmacy is located as determined by board rule.
16 If a Class A or Class C pharmacy is established in a community in
17 which a telepharmacy system has been located under this section,
18 the telepharmacy system may continue to operate in that community.

19 (g) A telepharmacy system located at a remote dispensing
20 site under Subsection (d)(2) may not dispense a controlled
21 substance listed in Schedule II as established by the commissioner
22 of state health services under Chapter 481, Health and Safety Code,
23 and may not be located within 25 miles by road of a Class A pharmacy.

24 (h) If a Class A pharmacy is established within 25 miles by
25 road of a remote dispensing site that is currently operating, the
26 remote dispensing site may continue to operate at that location.

27 (i) The board by rule shall require and develop a process

1 for a remote dispensing site to apply for classification as a Class
2 A pharmacy if the average number of prescriptions dispensed each
3 day the remote dispensing site is open for business is more than
4 125, as calculated each calendar year.

5 SECTION 2. The Texas State Board of Pharmacy shall adopt
6 rules under Section 562.110, Occupations Code, as amended by this
7 Act, not later than January 1, 2018.

8 SECTION 3. This Act takes effect September 1, 2017.