

1-1 By: Perry S.B. No. 1633  
 1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 24, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 24, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1633 By: Perry

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the provision of pharmacy services through a  
 1-22 telepharmacy system; establishing a remote dispensing site  
 1-23 license.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 562.110, Occupations Code, is amended by  
 1-26 amending Subsections (a), (b), (d), (e), and (f) and adding  
 1-27 Subsections (g), (h), and (i) to read as follows:

1-28 (a) In this section:

1-29 (1) "Provider pharmacy" means a Class A pharmacy that  
 1-30 provides pharmacy services through a telepharmacy system at a  
 1-31 remote dispensing site.

1-32 (2) "Remote dispensing site" means a location licensed  
 1-33 as a telepharmacy that is authorized by a provider pharmacy through  
 1-34 a telepharmacy system to store and dispense prescription drugs and  
 1-35 devices, including dangerous drugs and controlled substances.

1-36 (3) "Telepharmacy[~~, "telepharmacy]~~ system" means a  
 1-37 system that monitors the dispensing of prescription drugs and  
 1-38 provides for related drug use review and patient counseling  
 1-39 services by an electronic method, including the use of the  
 1-40 following types of technology:

1-41 (A) [~~(1)~~] audio and video;

1-42 (B) [~~(2)~~] still image capture; and

1-43 (C) [~~(3)~~] store and forward.

1-44 (b) A Class A or Class C pharmacy located in this state may  
 1-45 provide pharmacy services, including the dispensing of drugs,  
 1-46 through a telepharmacy system at locations separate from [~~in a~~  
 1-47 ~~facility that is not at the same location as]~~ the Class A or Class C  
 1-48 pharmacy.

1-49 (d) A telepharmacy system may be located only at:

1-50 (1) a health care facility in this state that is  
 1-51 regulated by this state or the United States; or

1-52 (2) a remote dispensing site.

1-53 (e) The board shall adopt rules regarding the use of a  
 1-54 telepharmacy system under this section, including:

1-55 (1) the types of health care facilities at which a  
 1-56 telepharmacy system may be located under Subsection (d)(1), which  
 1-57 must include the following facilities:

1-58 (A) a clinic designated as a rural health clinic  
 1-59 regulated under 42 U.S.C. Section 1395x(aa) [~~, as amended]~~; and

1-60 (B) a health center as defined by 42 U.S.C.

2-1 Section 254b[~~, as amended~~];  
 2-2 (2) the locations eligible to be licensed as remote  
 2-3 dispensing sites, which must include locations in medically  
 2-4 underserved areas, areas with a medically underserved population,  
 2-5 and health professional shortage areas determined by the United  
 2-6 States Department of Health and Human Services;  
 2-7 (3) licensing and operating requirements for remote  
 2-8 dispensing sites, including:  
 2-9 (A) a requirement that a remote dispensing site  
 2-10 license identify the provider pharmacy that will provide pharmacy  
 2-11 services at the remote dispensing site;  
 2-12 (B) a requirement that a provider pharmacy be  
 2-13 allowed to provide pharmacy services at not more than two remote  
 2-14 dispensing sites;  
 2-15 (C) a requirement that a pharmacist employed by a  
 2-16 provider pharmacy make at least monthly on-site visits to a remote  
 2-17 dispensing site or more frequent visits if specified by board rule;  
 2-18 (D) a requirement that each month the perpetual  
 2-19 inventory of controlled substances at the remote dispensing site be  
 2-20 reconciled to the on-hand count of those controlled substances at  
 2-21 the site by a pharmacist employed by the provider pharmacy;  
 2-22 (E) a requirement that a pharmacist employed by a  
 2-23 provider pharmacy be physically present at a remote dispensing site  
 2-24 when the pharmacist is providing services requiring the physical  
 2-25 presence of the pharmacist, including immunizations;  
 2-26 (F) a requirement that a remote dispensing site  
 2-27 be staffed by an on-site pharmacy technician who is under the  
 2-28 continuous supervision of a pharmacist employed by the provider  
 2-29 pharmacy;  
 2-30 (G) a requirement that all pharmacy technicians  
 2-31 at a remote dispensing site be counted for the purpose of  
 2-32 establishing the pharmacist-pharmacy technician ratio of the  
 2-33 provider pharmacy, which, notwithstanding Section 568.006, may not  
 2-34 exceed three pharmacy technicians for each pharmacist providing  
 2-35 supervision;  
 2-36 (H) a requirement that, before working at a  
 2-37 remote dispensing site, a pharmacy technician must:  
 2-38 (i) have worked at least one year at a  
 2-39 retail pharmacy during the three years preceding the date the  
 2-40 pharmacy technician begins working at the remote dispensing site;  
 2-41 and  
 2-42 (ii) have completed a board-approved  
 2-43 training program on the proper use of a telepharmacy system; and  
 2-44 (I) any additional training or practice  
 2-45 experience requirements for pharmacy technicians at a remote  
 2-46 dispensing site;  
 2-47 (4) the areas that qualify under Subsection (f);  
 2-48 (5) [~~3~~] recordkeeping requirements; and  
 2-49 (6) [~~4~~] security requirements.  
 2-50 (f) A telepharmacy system located at a health care facility  
 2-51 under Subsection (d)(1) may not be located in a community in which a  
 2-52 Class A or Class C pharmacy is located as determined by board rule.  
 2-53 If a Class A or Class C pharmacy is established in a community in  
 2-54 which a telepharmacy system has been located under this section,  
 2-55 the telepharmacy system may continue to operate in that community.  
 2-56 (g) A telepharmacy system located at a remote dispensing  
 2-57 site under Subsection (d)(2) may not dispense a controlled  
 2-58 substance listed in Schedule II as established by the commissioner  
 2-59 of state health services under Chapter 481, Health and Safety Code,  
 2-60 and may not be located within 25 miles by road of a Class A pharmacy.  
 2-61 (h) If a Class A pharmacy is established within 25 miles by  
 2-62 road of a remote dispensing site that is currently operating, the  
 2-63 remote dispensing site may continue to operate at that location.  
 2-64 (i) The board by rule shall require and develop a process  
 2-65 for a remote dispensing site to apply for classification as a Class  
 2-66 A pharmacy if the average number of prescriptions dispensed each  
 2-67 day the remote dispensing site is open for business is more than  
 2-68 125, as calculated each calendar year.  
 2-69 SECTION 2. The Texas State Board of Pharmacy shall adopt

3-1 rules under Section 562.110, Occupations Code, as amended by this  
3-2 Act, not later than January 1, 2018.

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

3-4

\* \* \* \* \*