By:  Dutton H.B. No. 3458

A BILL TO BE ENTITLED

AN ACT

relating to the administration of an immunization or vaccination by a pharmacist.

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

SECTION 1.  Section 554.004(a), Occupations Code, is amended to read as follows:

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

(1)  a licensed health care provider authorized to administer the medication is not reasonably available to administer the medication;

(2)  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;

(3)  the pharmacist possesses the necessary skill, education, and certification as specified by the board to administer the medication;

(4)  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;

(5)  the pharmacist may not administer medication to a

patient at the patient's residence, except at a licensed nursing home or hospital; and

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

[~~(7)~~] the authority of a pharmacist to administer medication may not be delegated.

SECTION 2.  Subchapter A, Chapter 554, Occupations Code, is amended by adding Section 554.0041 to read as follows:

Sec. 554.0041.  ADMINISTRATION OF IMMUNIZATION OR VACCINATION. The board shall specify conditions under which a pharmacist may administer an immunization or vaccination. The conditions must ensure that:

(1)  the pharmacist possesses the necessary skill, education, and certification as specified by the board 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; and

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

SECTION 3.  Sections 554.052(a), (c) and (c-1), Occupations Code, are amended to read as follows:

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

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

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

[~~(4)~~] (5)  receives, as appropriate, a periodic status report on the patient, including any problem or complication encountered; and

[~~(5)~~] (6)  is available through direct telecommunication for consultation, assistance, and direction.

(c-1)  A pharmacist may administer [~~an influenza vaccination~~] an immunization or vaccination to a patient who is at least [~~over~~] seven years of age without an established physician-patient relationship.

SECTION 4.  This Act takes effect September 1, 2019.