A BILL TO BE ENTITLED

AN ACT

relating to the provision of pharmacy services through a telepharmacy system.

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

SECTION 1. Section 562.110(e), Occupations Code, is amended to read as follows:

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

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

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

(B) a health center as defined by 42 U.S.C. Section 254b;

(C) a federally qualified health center as defined by 42 U.S.C. Section 1396d(1)(2)(B);

(D) an ambulatory surgical center;

(E) a birthing center;

(F) a community health center;

(G) a hospital;

(H) an outpatient clinic; and

(I) a public health clinic;

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

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

(A) a requirement that a remote dispensing site
license identify the provider pharmacy that will provide pharmacy
services at the remote dispensing site;

(B) a requirement that a provider pharmacy be
allowed to provide pharmacy services at not more than two remote
dispensing sites;

(C) a requirement that a pharmacist employed by a
provider pharmacy make at least monthly on-site visits to a remote
dispensing site or more frequent visits if specified by board rule;

(D) a requirement that each month the perpetual
inventory of controlled substances at the remote dispensing site be
reconciled to the on-hand count of those controlled substances at
the site by a pharmacist employed by the provider pharmacy;

(E) a requirement that a pharmacist employed by a
provider pharmacy be physically present at a remote dispensing site
when the pharmacist is providing services requiring the physical
presence of the pharmacist, including immunizations;

(F) a requirement that a remote dispensing site
be staffed by an on-site pharmacy technician who is under the
continuous supervision of a pharmacist employed by the provider
pharmacy;
(G) a requirement that all pharmacy technicians at a remote dispensing site be counted for the purpose of establishing the pharmacist-pharmacy technician ratio of the provider pharmacy, which, notwithstanding Section 568.006, may not exceed three pharmacy technicians for each pharmacist providing supervision;

(H) a requirement that, before working at a remote dispensing site, a pharmacy technician must:

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

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

(I) a requirement that pharmacy technicians at a remote dispensing site may not perform extemporaneous sterile or nonsterile compounding but may prepare commercially available medications for dispensing, including the reconstitution of orally administered powder antibiotics; and

(J) any additional training or practice experience requirements for pharmacy technicians at a remote dispensing site;

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

(5) recordkeeping requirements; and

(6) security requirements.

SECTION 2. Sections 562.110(g), (h), and (i) Occupations Code, as added by Chapter 485 (H.B. 2561), Acts of the 85th
Legislature, Regular Session, 2017, are repealed.

SECTION 3. This Act takes effect September 1, 2019.