

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

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

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

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

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

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

14 (1) the pharmacist possesses the necessary skill,  
15 education, and certification as specified by the board to  
16 administer the immunization or vaccination;

17 (2) within a reasonable time after administering an  
18 immunization or vaccination, the pharmacist notifies the licensed  
19 health care provider responsible for the patient's care that the  
20 immunization or vaccination was administered; and

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

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

25 (a) The board by rule shall require a pharmacist to notify a  
26 physician who prescribes an immunization or vaccination [within 24  
27 hours] after the pharmacist administers the immunization or

1 vaccination. The physician shall prescribe the period for providing  
2 notice and the form of the notice in the physician's written  
3 protocol. The period for providing notice may not be later than the  
4 14th day after the date the immunization or vaccination is  
5 administered.

6 (c) Supervision by a physician is adequate if the delegating  
7 physician:

8 (1) is responsible for formulating or approving an  
9 order or protocol, including the physician's order, standing  
10 medical order, or standing delegation order, and periodically  
11 reviews the order or protocol and the services provided to a patient  
12 under the order or protocol;

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

16 (3) is geographically located to be easily accessible  
17 to the pharmacy where an immunization or vaccination is  
18 administered;

19 (4) (5) receives, as appropriate, a periodic status  
20 report on the patient, including any problem or complication  
21 encountered; and

22 (5) (6) is available through direct  
23 telecommunication for consultation, assistance, and direction.

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

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