

By: Zedler

H.B. No. 4285

A BILL TO BE ENTITLED

AN ACT

relating to the authority of pharmacists to furnish certain medications.

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

SECTION 1. Section 483.001(11), Health and Safety Code, is amended to read as follows:

(11) "Practice of pharmacy" has the meaning assigned by Section 551.003, Occupations Code ~~[means:~~

~~[(A) provision of those acts or services necessary to provide pharmaceutical care,~~

~~[(B) interpretation and evaluation of prescription drug orders or medication orders,~~

~~[(C) participation in drug and device selection as authorized by law, drug administration, drug regimen review, or drug or drug-related research,~~

~~[(D) provision of patient counseling,~~

~~[(E) responsibility for:~~

~~[(i) dispensing of prescription drug orders or distribution of medication orders in the patient's best interest,~~

~~[(ii) compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged prescription drugs and devices,~~

1 ~~[(iii) proper and safe storage of drugs and~~
2 ~~devices; or~~

3 ~~[(iv) maintenance of proper records for~~
4 ~~drugs and devices. In this subdivision, "device" has the meaning~~
5 ~~assigned by Subtitle J, Title 3, Occupations Code; or~~

6 ~~[(F) performance of a specific act of drug~~
7 ~~therapy management for a patient delegated to a pharmacist by a~~
8 ~~written protocol from a physician licensed by the state under~~
9 ~~Subtitle B, Title 3, Occupations Code].~~

10 SECTION 2. Subchapter C, Chapter 157, Occupations Code, is
11 amended by adding Section 157.102 to read as follows:

12 Sec. 157.102. DELEGATION TO PHARMACIST TO FURNISH CERTAIN
13 DRUGS. (a) In this section:

14 (1) "Acute condition" means a condition or disease
15 that begins abruptly, intensifies rapidly, and is generally not
16 long-lasting.

17 (2) "Pharmacist" has the meaning assigned by Section
18 551.003.

19 (3) "Tobacco cessation drug" means a prescription drug
20 approved by the United States Food and Drug Administration for use
21 in the treatment of nicotine or smoking addiction.

22 (4) "Travel drug" means a prescription drug
23 recommended by the federal Centers for Disease Control and
24 Prevention for individuals traveling outside of the United States
25 for the prevention and management of a disease before a diagnosis of
26 the disease.

27 (5) "Waived clinical laboratory test" means a clinical

1 laboratory test that is classified as waived under federal
2 regulations issued under the Clinical Laboratory Improvement
3 Amendments of 1988 (42 U.S.C. Section 263a).

4 (6) "Written protocol" means a physician's written
5 order, standing medical order, standing delegation order, or other
6 order or protocol as defined by rule of the board.

7 (b) Notwithstanding any other law, a pharmacist may furnish
8 to a patient, as provided by a physician's written protocol, a
9 prescription drug that is:

10 (1) a drug to treat an acute condition that is
11 identified through performance of one of the following tests, if
12 the test is a waived clinical laboratory test:

13 (A) a rapid strep test or rapid antigen detection
14 test used in the identification of group A streptococcus (GAS); or

15 (B) a rapid influenza diagnostic test used in the
16 identification of influenza types A and B;

17 (2) a self-administered hormonal contraceptive;

18 (3) a travel drug;

19 (4) a prenatal vitamin supplement;

20 (5) a tobacco cessation drug;

21 (6) a vitamin D supplement; or

22 (7) a drug identified by the executive commissioner of
23 the Health and Human Services Commission by rule as necessary for
24 pharmacists to furnish to patients for public health purposes.

25 (c) The board shall adopt rules jointly with the Texas State
26 Board of Pharmacy to establish the minimum content of the written
27 protocol required under Subsection (b). The written protocol may

1 permit a pharmacist to furnish a prescription drug to a patient
2 without an established physician-patient relationship.

3 (d) A written protocol under this section must require
4 notice to the patient's primary care physician, as identified by
5 the patient if the patient has a primary care physician, and
6 prescribe the period for providing the notice and the form of the
7 notice, in accordance with prevailing practices for the provision
8 of notice to a patient's primary care physician. The period for
9 providing the notice for furnishing a drug under Subsection (b)(1)
10 may not be later than the 14th day after the date the drug is
11 furnished by the pharmacist.

12 SECTION 3. Section 551.003(33), Occupations Code, is
13 amended to read as follows:

14 (33) "Practice of pharmacy" means:

15 (A) providing an act or service necessary to
16 provide pharmaceutical care;

17 (B) interpreting or evaluating a prescription
18 drug order or medication order;

19 (C) participating in drug or device selection as
20 authorized by law, and participating in drug administration, drug
21 regimen review, or drug or drug-related research;

22 (D) providing patient counseling;

23 (E) being responsible for:

24 (i) dispensing a prescription drug order or
25 distributing a medication order;

26 (ii) compounding or labeling a drug or
27 device, other than labeling by a manufacturer, repackager, or

1 distributor of a nonprescription drug or commercially packaged
2 prescription drug or device;

3 (iii) properly and safely storing a drug or
4 device; or

5 (iv) maintaining proper records for a drug
6 or device;

7 (F) performing for a patient a specific act of
8 drug therapy management delegated to a pharmacist by a written
9 protocol from a physician licensed in this state in compliance with
10 Subtitle B; ~~[or]~~

11 (G) administering an immunization or vaccination
12 under a physician's written protocol; or

13 (H) furnishing a prescription drug to a patient
14 under a physician's written protocol under Section 157.102.

15 SECTION 4. Subchapter B, Chapter 562, Occupations Code, is
16 amended by adding Section 562.058 to read as follows:

17 Sec. 562.058. TRAINING REQUIRED TO INITIATE DRUG ORDER OR
18 FURNISH CERTAIN DRUGS. (a) A pharmacist may not furnish a
19 prescription drug under Section 157.102 unless the pharmacist has
20 completed a training program that is approved by the board and is
21 relevant to the condition treated by the drug.

22 (b) The board shall adopt rules jointly with the Texas
23 Medical Board to establish the minimum content of the training
24 program required under Subsection (a).

25 SECTION 5. Not later than January 1, 2020, the Texas State
26 Board of Pharmacy and the Texas Medical Board shall adopt the rules
27 required under Sections 157.102 and 562.058, Occupations Code, as

1 added by this Act.

2 SECTION 6. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect January 1, 2020.

4 (b) Section 5 of this Act takes effect September 1, 2019.