

By: Buckingham

S.B. No. 1666

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

1 dispensing sites, which must include locations in medically
2 underserved areas, areas with a medically underserved population,
3 and health professional shortage areas determined by the United
4 States Department of Health and Human Services;

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

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

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

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

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

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

24 (F) a requirement that a remote dispensing site
25 be staffed by an on-site pharmacy technician who is under the
26 continuous supervision of a pharmacist employed by the provider
27 pharmacy;

1 (G) a requirement that all pharmacy technicians
2 at a remote dispensing site be counted for the purpose of
3 establishing the pharmacist-pharmacy technician ratio of the
4 provider pharmacy, which, notwithstanding Section 568.006, may not
5 exceed three pharmacy technicians for each pharmacist providing
6 supervision;

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

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

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

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

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

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

24 (5) recordkeeping requirements; and

25 (6) security requirements.

26 SECTION 2. Sections 562.110(g), (h), and (i) Occupations
27 Code, as added by Chapter 485 (H.B. 2561), Acts of the 85th

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1 Legislature, Regular Session, 2017, are repealed.

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