88R748 KKR-D

By:  Shaheen H.B. No. 594

A BILL TO BE ENTITLED

AN ACT

relating to the provision of telepharmacy services.

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);~~

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

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

[~~(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;

(D) [~~(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;

(E) [~~(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;

(F) [~~(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;

(G) [~~(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;

(H) [~~(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

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

(2) [~~(4)~~]  the areas that qualify under Subsection (f);

(3) [~~(5)~~]  recordkeeping requirements; and

(4) [~~(6)~~]  security requirements.

SECTION 2.  The following provisions of the Occupations Code are repealed:

(1)  Sections 562.110(g) and (h), as added by Chapter 485 (H.B. 2561), Acts of the 85th Legislature, Regular Session, 2017;

(2)  Sections 562.110(g) and (h), as added by Chapter 929 (S.B. 1633), Acts of the 85th Legislature, Regular Session, 2017; and

(3)  Sections 562.110(i) and (j).

SECTION 3.  This Act takes effect September 1, 2023.