

By: Jetton

H.B. No. 2079

A BILL TO BE ENTITLED

AN ACT

relating to the authority of pharmacists to order and furnish certain prescription drugs.

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. Section 551.003(33), Occupations Code, is
11 amended to read as follows:

- 12 (33) "Practice of pharmacy" means:
- 13 (A) providing an act or service necessary to
14 provide pharmaceutical care;
 - 15 (B) interpreting or evaluating a prescription
16 drug order or medication order;
 - 17 (C) participating in drug or device selection as
18 authorized by law, and participating in drug administration, drug
19 regimen review, or drug or drug-related research;
 - 20 (D) providing patient counseling;
 - 21 (E) being responsible for:
 - 22 (i) dispensing a prescription drug order or
23 distributing a medication order;
 - 24 (ii) compounding or labeling a drug or
25 device, other than labeling by a manufacturer, repackager, or
26 distributor of a nonprescription drug or commercially packaged
27 prescription drug or device;

1 (iii) properly and safely storing a drug or
2 device; or

3 (iv) maintaining proper records for a drug
4 or device;

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

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

11 (H) ordering or furnishing a prescription drug to
12 treat an acute condition in accordance with Section 562.058.

13 SECTION 3. Subchapter B, Chapter 562, Occupations Code, is
14 amended by adding Section 562.058 to read as follows:

15 Sec. 562.058. ORDERING AND FURNISHING CERTAIN PRESCRIPTION
16 DRUGS. (a) In this section:

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

20 (2) "Waived clinical laboratory test" means a clinical
21 laboratory test that is classified as waived under federal
22 regulations issued under the Clinical Laboratory Improvement
23 Amendments of 1988 (42 U.S.C. Section 263a).

24 (b) Notwithstanding any other law, a pharmacist may order
25 and furnish to a patient a prescription drug to treat an acute
26 condition that is identified through performance of one of the
27 following tests, if the test is a waived clinical laboratory test:

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

3 (2) a rapid influenza diagnostic test used in the
4 identification of influenza types A and B; or

5 (3) a rapid diagnostic test for SARS-CoV-2 or a
6 related virus used in the identification of COVID-19 or a related
7 illness.

8 (c) The board shall adopt rules to permit a pharmacist to
9 order and furnish a prescription drug under this section to a
10 patient without an established physician-patient relationship.

11 (d) A pharmacist who orders and furnishes a prescription
12 drug under this section must provide notice to the patient's
13 primary care physician, as identified by the patient if the patient
14 has a primary care physician, not later than the 14th day after the
15 date the drug is ordered and furnished by the pharmacist.

16 (e) The board by rule shall establish requirements to ensure
17 that a pharmacist possesses the necessary skill and training to
18 order and furnish prescription drugs under this section.

19 SECTION 4. Not later than January 1, 2024, the Texas State
20 Board of Pharmacy shall adopt the rules required under Section
21 562.058, Occupations Code, as added by this Act.

22 SECTION 5. This Act takes effect September 1, 2023.