

By: Flores

S.B. No. 749

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of a medication and the ordering and
3 administration of an immunization or vaccination by a pharmacist.

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

5 SECTION 1. Section 551.003(33), Occupations Code, is
6 amended to read as follows:

7 (33) "Practice of pharmacy" means:

8 (A) providing an act or service necessary to
9 provide pharmaceutical care;

10 (B) interpreting or evaluating a prescription
11 drug order or medication order;

12 (C) participating in drug or device selection as
13 authorized by law, and participating in drug administration, drug
14 regimen review, or drug or drug-related research;

15 (D) providing patient counseling;

16 (E) being responsible for:

17 (i) dispensing a prescription drug order or
18 distributing a medication order;

19 (ii) compounding or labeling a drug or
20 device, other than labeling by a manufacturer, repackager, or
21 distributor of a nonprescription drug or commercially packaged
22 prescription drug or device;

23 (iii) properly and safely storing a drug or
24 device; or

1 (iv) maintaining proper records for a drug
2 or device;

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

7 (G) subject to Section 554.052(c-1), ordering or
8 administering an immunization or vaccination to a patient who is at
9 least three years of age; or

10 (H) if the patient is younger than three years of
11 age and is referred to a pharmacist by a physician, administering an
12 immunization or vaccination to a patient under a physician's
13 written protocol.

14 SECTION 2. The heading to Section 554.004, Occupations
15 Code, is amended to read as follows:

16 Sec. 554.004. ADMINISTRATION OF MEDICATION; ORDERING AND
17 ADMINISTRATION OF IMMUNIZATION OR VACCINATION.

18 SECTION 3. Section 554.004(a), Occupations Code, is amended
19 to read as follows:

20 (a) The board shall specify conditions under which a
21 pharmacist may administer medication and order or administer [~~7~~
22 ~~including~~] an immunization or [~~and~~] vaccination. The conditions
23 for ordering or administering an immunization or vaccination must
24 ensure that:

25 (1) [~~a licensed health care provider authorized to~~
26 ~~administer the medication is not reasonably available to administer~~
27 ~~the medication;~~

1 ~~[(2) failure to administer the medication, other than~~
2 ~~an immunization or vaccination, might result in a significant delay~~
3 ~~or interruption of a critical phase of drug therapy;~~

4 ~~[(3)]~~ the pharmacist possesses the necessary skill,
5 education, and certification as specified by the board to order or
6 administer the immunization or vaccination ~~[medication]~~;

7 (2) ~~[(4)]~~ within a reasonable time after
8 administering an immunization or vaccination that is prescribed by
9 a licensed health care provider ~~[medication]~~, the pharmacist
10 notifies the licensed health care provider responsible for the
11 patient's care that the immunization or vaccination ~~[medication]~~
12 was administered;

13 ~~[(5) the pharmacist may not administer medication to a~~
14 ~~patient at the patient's residence, except at a licensed nursing~~
15 ~~home or hospital;~~

16 ~~[(6) the pharmacist administers an immunization or~~
17 ~~vaccination under a physician's written protocol and meets the~~
18 ~~standards established by the board,] and~~

19 (3) ~~[(7)]~~ the authority of a pharmacist to administer
20 an immunization or vaccination ~~[medication]~~ may ~~[not]~~ be delegated
21 to a certified pharmacy technician.

22 SECTION 4. Sections 554.052(a), (b), (c), and (c-1),
23 Occupations Code, are amended to read as follows:

24 (a) The board by rule shall require a pharmacist to notify a
25 physician who prescribes an immunization or vaccination not later
26 than the 14th day ~~[within 24 hours]~~ after the date the pharmacist
27 administers the immunization or vaccination.

1 (b) The board shall establish minimum education and
2 continuing education standards for a pharmacist who orders or
3 administers an immunization or vaccination. The standards must
4 include federal Centers for Disease Control and Prevention
5 training, basic life support training, and hands-on training in
6 techniques for administering immunizations and vaccinations.

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

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

14 (2) [~~except as provided by Subsection (c-1),~~] has
15 established a physician-patient relationship with each patient who
16 is younger than three [~~under 14~~] years of age and referred the
17 patient to the pharmacist;

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

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

24 (5) is available through direct telecommunication for
25 consultation, assistance, and direction.

26 (c-1) A pharmacist may order or administer an immunization
27 or [~~influenza~~] vaccination to a patient who is at least three [~~over~~

1 ~~seven]~~ years of age without an established physician-patient
2 relationship if the immunization or vaccination is:

3 (1) authorized or approved by the United States Food
4 and Drug Administration or listed in the routine immunization
5 schedule recommended by the federal Advisory Committee on
6 Immunization Practices published by the federal Centers for Disease
7 Control and Prevention; and

8 (2) ordered or administered in accordance with the
9 federal Advisory Committee on Immunization Practices
10 vaccine-specific recommendations.

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