By: Shaheen H.B. No. 1028

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, Occupations Code, is amended by amending Subsection (e) and adding Subsection (e-1) 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);~~

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

(3) [~~(6)~~] security requirements.

(e-1) The board may not adopt a rule imposing any mileage restriction related to the location of a telepharmacy system or remote dispensing site.

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 The following provisions of the Occupations Code are repealed:

(1) Sections 562.110(f), (f-1), (i), and (j);

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

2017; and

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

SECTION 3. This Act takes effect September 1, 2027.