

BILL ANALYSIS

C.S.H.B. 3273
By: Roberts
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that state law relating to the licensing of pharmacies, pharmacists, and pharmacy technicians needs clarification. C.S.H.B. 3273 seeks to provide this clarification.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 6 of this bill.

ANALYSIS

C.S.H.B. 3273 amends the Occupations Code to require the Texas State Board of Pharmacy to revoke a pharmacy license issued under the Texas Pharmacy Act if the pharmacy has not begun operations as a pharmacy within six months after the date the pharmacy license is issued. The bill prohibits the board from issuing a license renewal certificate for a pharmacy that the board determines, on inspection of the address of the pharmacy on file with the board, is not operating at that location.

C.S.H.B. 3273 authorizes the board to discipline an applicant for or the holder of a pharmacy license if the board finds that the applicant or license holder has been convicted of or placed on deferred adjudication community supervision or deferred disposition or the applicable federal equivalent for a misdemeanor under statutory provisions relating to simulated controlled substances or under statutory provisions relating to over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine. The bill requires the board, in establishing rules regarding standards for recognition and approval of a training program for pharmacy technicians, to require that a pharmacy technician have completed a training program that meets criteria established by board rule. The bill repeals statutory provisions relating to the designation of and requirements for Canadian pharmacies that dispense a prescription drug to a Texas resident under a prescription drug order.

C.S.H.B. 3273 amends the Health and Safety Code to require a pharmacy to notify the board that the pharmacy did not fill a prescription that required the submission of certain information under statutory provisions relating to prescriptions for controlled substances or the official prescription program for a seven-day period if any pharmacist who is an owner or employee of the pharmacy is not required to submit such information to the board for that period. The bill requires the pharmacy to send the notice not later than the seventh day after the last day of the period. The bill requires the board by rule to establish a standardized process for a pharmacy to transmit the required notification electronically. The bill changes the frequency with which the interagency

prescription monitoring work group is required to meet from at least quarterly to as necessary at the call of the chair of the work group.

C.S.H.B. 3273 repeals the following provisions of the Occupations Code:

- Section 554.016
- Section 556.0555
- Section 560.001(c)
- Section 560.0525
- Section 562.111
- Subchapter E, Chapter 562

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3273 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 551.003(9), Occupations Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. The heading to Section 554.004, Occupations Code, is amended to read as follows: Sec. 554.004. <u>ADMINISTRATION OF IMMUNIZATIONS AND VACCINATIONS</u> [MEDICATION] .	No equivalent provision.
SECTION 3. Section 554.004(a), Occupations Code, is amended to read as follows: (a) The board shall specify conditions under which a pharmacist may administer <u>immunizations and vaccinations</u> [medication, including an immunization and vaccination] . The conditions must ensure that: (1) [a licensed health care provider authorized to administer the medication is not reasonably available to administer the medication; [(2) failure to administer the medication, other than an immunization or vaccination, might result in a significant delay or interruption of a critical phase of drug therapy; [(3) the pharmacist possesses the necessary	No equivalent provision.

skill, education, and certification as specified by the board to administer the immunization or vaccination [~~medication~~];
(2) [(4)] within a reasonable time after administering an immunization or vaccination [~~medication~~], the pharmacist notifies the licensed health care provider responsible for the patient's care that the immunization or vaccination [~~medication~~] was administered;
(3) [(5)] ~~the pharmacist may not administer medication to a patient at the patient's residence, except at a licensed nursing home or hospital;~~
[(6)] the pharmacist administers an immunization or vaccination under a physician's written protocol and meets the standards established by the board; and
(4) [(7)] the authority of a pharmacist to administer immunizations or vaccinations [~~medication~~] may not be delegated.

SECTION 4. Subchapter C, Chapter 560, Occupations Code, is amended.

SECTION 5. Chapter 561, Occupations Code, is amended.

SECTION 6. Section 565.002(a), Occupations Code, is amended.

SECTION 7. Section 568.001(a), Occupations Code, is amended.

SECTION 8. Subchapter C, Chapter 481, Health and Safety Code, is amended.

SECTION 9. Section 481.353(a), Health and Safety Code, is amended.

SECTION 10. (a) Sections 554.016, 556.0555, 560.001(c), 560.0525, and 562.111, Occupations Code, are repealed.
(b) Subchapter E, Chapter 562, Occupations Code, is repealed.

SECTION 11. Section 565.002(a), Occupations Code, as amended by this Act, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurred before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section,

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

conduct occurred before the effective date of this Act if any part of the conduct occurred before that date.

SECTION 12. This Act takes effect September 1, 2017.

SECTION 10. Same as introduced version.