

BILL ANALYSIS

Senate Research Center

S.B. 1633
By: Perry
Health & Human Services
7/26/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1633 addresses an access to pharmacy issue that exists in several parts of the state. Many small communities cannot support a local pharmacy because the low volume of prescriptions cannot justify a pharmacy staffed by a pharmacist.

S.B. 1633 creates a "remote dispensing site" license to allow a pharmacy to operate in underserved locations similar to a traditional pharmacy. The difference would be that a pharmacist at a provider pharmacy will remotely supervise a pharmacy technician located at the remote dispensing site. The pharmacy technicians would be required to have received additional training. The pharmacist at the provider site will also counsel the patient through an audio-video connection.

A provider pharmacy cannot oversee more than two remote dispensing sites and the providing pharmacist must visit the site at least once per month. S.B. 1633 contains location and prescription thresholds; when prescriptions exceed this threshold, averaged over a period of time, the site will be required to convert to a traditional pharmacy. (Original Author's / Sponsor's Statement of Intent)

S.B. 1633 amends current law relating to the supervision of pharmacist-interns, pharmacy technicians, and pharmacy technician trainees by a pharmacist and the provision of pharmacy services through a telepharmacy system and establishes a remote dispensing site license.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy (TSBP) in SECTION 3 (Section 562.110, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBP is modified in SECTION 2 (Section 554.053, Occupations Code) and SECTION 3 (Section 562.110, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 551.003, Occupations Code, by adding Subdivision (15-a), to define "direct supervision."

SECTION 2. Amends Section 554.053(a), Occupations Code, as follows:

- (a) Requires the Texas State Board of Pharmacy (TSBP) to establish rules for the use and the duties of a pharmacy technician and pharmacy technician trainee employed by a pharmacy licensed by TSBP.

SECTION 3. Amends Section 562.110, Occupations Code, by amending Subsections (a), (b), (d), (e), and (f) and adding Subsections (g), (h), (i), (j), and (k), as follows:

- (a) Defines "provider pharmacy" and "remote dispensing site" and makes nonsubstantive changes.

(b) Authorizes a Class A or Class C pharmacy located in this state to provide certain pharmacy services through a telepharmacy system at locations separated from, rather than in a facility that is not at the same location as, the Class A or Class C pharmacy.

(d) Authorizes a telepharmacy system to be located only at certain locations, including a remote dispensing site. Makes nonsubstantive changes.

(e) Requires TSBP to adopt rules regarding the use of a telepharmacy system under this section, including:

(1) makes a conforming change;

(2) the locations eligible to be licensed as remote dispensing sites, which are required to 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 certain requirements;

(4) creates this subdivision from existing text and makes no further changes to this subdivision;

(5) and (6) redesignates existing Subdivisions (3) and (4) as Subdivisions (5) and (6) and makes no further changes to these subdivisions.

(f) Prohibits a telepharmacy system located at a health care facility under Subsection (d)(1) (relating to a telepharmacy system located at a certain health care facility in this state), rather than a telepharmacy system, from being located in a certain community.

(g) Prohibits a telepharmacy system located at a remote dispensing site under Subsection (d)(2) from dispensing a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code.

(h) Prohibits a telepharmacy system located at a remote dispensing site under Subsection (d)(2), except as provided by Subsection (j), from being located within 25 miles by road of a Class A pharmacy.

(i) Authorizes the remote dispensing site, except as provided by Subsection (j), if a Class A pharmacy is established within 25 miles by road of a remote dispensing site that is currently operating, to continue to operate at that location.

(j) Prohibits a telepharmacy system located at a remote dispensing site under Subsection (d)(2) in a county with a population of at least 13,000 but not more than 14,000 from being located within 22 miles by road of a Class A pharmacy. Authorizes the remote dispensing site, if a Class A pharmacy is established within 22 miles by road of a remote dispensing site described by this subsection that is currently operating, to continue to operate at that location.

(k) Requires TSBP by rule to require and develop a process for a remote dispensing site to apply for classification as a Class A pharmacy if the average number of prescriptions dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year.

SECTION 4. Requires TSBP to adopt rules under Section 562.110 (Telepharmacy Systems), Occupations Code, as amended by this Act, not later than January 1, 2018.

SECTION 5. Effective date: September 1, 2017.