

By: Heflin

H.B. No. 1924

A BILL TO BE ENTITLED

AN ACT

relating to the performance of pharmacy services in certain rural areas.

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

SECTION 1. Subchapter C, Chapter 562, Occupations Code, is amended by adding Section 562.1011 to read as follows:

Sec. 562.1011. OPERATION OF CLASS C PHARMACY IN CERTAIN RURAL HOSPITALS. (a) In this section:

(1) "Nurse" has the meaning assigned by Section 301.002. The term includes a nurse who is also registered as a pharmacy technician.

(2) "Rural hospital" means a licensed hospital with 100 beds or fewer that:

(A) is located in a county with a population of 50,000 or less; or

(B) has been designated by the Centers for Medicare and Medicaid Services as a critical access hospital, rural referral center, or sole community hospital.

(b) If a practitioner orders a prescription drug or device for a patient in a rural hospital when the hospital pharmacist is not on duty or when the institutional pharmacy is closed, a nurse or practitioner may withdraw the drug or device from the pharmacy in sufficient quantity to fill the order.

(c) At the time the nurse or practitioner withdraws a drug

1 or device from an institutional pharmacy under Subsection (b), the  
2 nurse or practitioner shall make a record of the withdrawal that  
3 contains:

- 4 (1) the name of the patient;
- 5 (2) the name of the device or drug;
- 6 (3) the dosage of the drug, strength of the drug, and  
7 dosage form;
- 8 (4) the quantity withdrawn;
- 9 (5) the time and date of the withdrawal; and
- 10 (6) the signature of the person making the withdrawal.

11 (d) The original medication order or a copy of the order may  
12 substitute for the record of withdrawal if the medication order  
13 contains all of the information required by Subsection (c).

14 (e) The hospital pharmacist shall verify the withdrawal of a  
15 drug or device under Subsection (b) and perform a drug regimen  
16 review not later than the seventh day after the date of the  
17 withdrawal.

18 (f) In a rural hospital that uses a floor stock method of  
19 drug distribution, a nurse or practitioner may withdraw a  
20 prescription drug or device from the institutional pharmacy in the  
21 original manufacturer's container or a prepackaged container.

22 (g) At the time a nurse or practitioner withdraws a drug or  
23 device from an institutional pharmacy under Subsection (f), the  
24 nurse or practitioner shall make a record of the withdrawal that  
25 contains:

- 26 (1) the name of the drug or device;
- 27 (2) the strength of the drug and dosage form;

1           (3) the quantity of the drug or device withdrawn;

2           (4) the location of the floor stock;

3           (5) the time and date of the withdrawal; and

4           (6) the signature of the person making the withdrawal.

5           (h) The hospital pharmacist shall verify the withdrawal of a  
6 drug or device under Subsection (f) and perform a drug regimen  
7 review not later than the seventh day after the date of the  
8 withdrawal.

9           (i) This section does not restrict or prohibit the board  
10 from adopting a rule governing the withdrawal of a drug or device by  
11 a nurse or practitioner from an institutional pharmacy not located  
12 in a rural hospital.

13           (j) This section expires January 1, 2012.

14           SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.