

By: Heflin

H.B. No. 1924

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 562.101(d), Occupations Code, is amended to read as follows:

(d) A Class C pharmacy that is in an institution with 100 beds or fewer is required to have the services of a pharmacist on a part-time or consulting basis according to the needs of the institution, except as provided by Section 562.1011.

SECTION 2. Subchapter C, Chapter 562, Occupations Code, is amended by adding Section 562.1011 to read as follows:

Sec. 562.1011. SUPERVISION OF CLASS C PHARMACY IN CERTAIN RURAL HOSPITALS. (a) In this section, "rural hospital" means a licensed hospital with 100 beds or fewer that:

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

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

(b) The board shall adopt rules to certify a pharmacy technician who applies under this section. The board shall require a pharmacy technician to pass an examination approved by the board to qualify for the certification.

1       (c) The board by rule shall establish training standards for  
2 certified pharmacy technicians for the use of an automated  
3 medication supply system. A certified pharmacy technician must  
4 have proper training on the use of the system and demonstrate  
5 comprehensive knowledge of the written policies and procedures for  
6 operating the system before having access to the system.

7       (d) At the request of a rural hospital, the board shall  
8 authorize the hospital to allow a pharmacy technician who is  
9 certified under this section and employed by the hospital to  
10 perform the duties described by Subsection (e) if the hospital:

11           (1) has entered into a contract with a pharmacist to be  
12 present at the hospital at least once a week; and

13           (2) can communicate at all times with a pharmacist to  
14 clarify a medication order, drug interaction, drug allergy, or  
15 dosing instruction.

16       (e) A certified pharmacy technician employed by an  
17 authorized rural hospital may enter a medication order in a patient  
18 profile or pharmacy system subject to documented verification by a  
19 licensed nurse or remote order review by a pharmacist. The pharmacy  
20 technician may, without electronic or direct supervision by a  
21 pharmacist, but subject to documented verification by a licensed  
22 nurse:

23           (1) fill a medication cart used in the hospital;

24           (2) replace medication to a manual floor stock system;

25           (3) prepare, package, or label a prescription drug  
26 under a medication order;

27           (4) distribute a routine order for stock supplies to a

1 patient care area; and

2 (5) access an automated medication supply system.

3 SECTION 3. The Texas State Board of Pharmacy shall adopt the  
4 rules required by Section 562.1011, Occupations Code, as added by  
5 this Act, not later than December 1, 2009.

6 SECTION 4. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2009.