

## **BILL ANALYSIS**

H.B. 2389  
By: Burkett  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that many tasks undertaken by a pharmacy technician, pharmacy technician trainee, or pharmacist-intern could be completed remotely, outside of the pharmacy at which the technician, trainee, or intern is employed. H.B. 2389 seeks to allow such a technician, trainee, or intern to work remotely under certain circumstances.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2389 amends the Occupations Code to define "direct supervision," for purposes of certain Texas Pharmacy Act provisions, as supervision by a pharmacist who directs the activities of a pharmacist-intern, pharmacy technician, or pharmacy technician trainee to a sufficient degree to ensure the activities are performed accurately, safely, and without risk of harm to patients, as specified by rule of the Texas State Board of Pharmacy. The bill specifies that the rules the board is required to establish for the use and the duties of a pharmacy technician and pharmacy technician trainee are for such a technician or trainee employed by a licensed pharmacy. The bill prohibits the board from adopting rules prohibiting a pharmacist, a pharmacist-intern, or a pharmacy technician employed by a pharmacy from accessing the pharmacy's database from a remote location to perform certain prescription processing functions, provided the pharmacy establishes controls to protect the privacy and security of confidential information.

### **EFFECTIVE DATE**

September 1, 2017.