

## **BILL ANALYSIS**

Senate Research Center

S.B. 381  
By: Van de Putte  
Health & Human Services  
9/2/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, pharmacists are allowed by law to implement or modify a patient's drug therapy as required by the patient's test results and as ordered by the physician in a physician protocol. The purpose of this legislation is to allow pharmacists working in a hospital, hospital-based clinic, or academic healthcare institution to carry out their supervising physician's orders and provide greater ease for patients in certain healthcare settings who receive services at an urban hospital or clinic but live in a rural area or who utilize a mail order pharmacy to fill new prescriptions.

S.B. 381 requires the Texas State Board of Pharmacy (TSBP) to provide on its Internet website a list of pharmacists authorized to sign prescriptions and the name of the pharmacist's delegating physician. S.B. 381 authorizes pharmacists working in a hospital, hospital-based clinic, or academic healthcare institution to sign the new prescription form and give it to the patient on behalf of the physician, as dictated by the physician protocol. However, the pharmacist is only allowed to do this if the physician delegation follows a diagnosis, initial patient assessment, and drug therapy order by the physician. The pharmacist is also required to provide the contact information of the pharmacist and the delegating physician on each prescription, and to send a copy of the protocol to TSBP.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 3 (Section 554.057, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 157.101, Occupations Code, by adding Subsection (b-1), as follows:

(b-1) Authorizes a delegation under Subsection (b) to include the implementation or modification of a patient's drug therapy under a protocol, including the authority to sign a prescription drug order for dangerous drugs if the delegation follows a diagnosis, initial patient assessment, and drug therapy order by the physician; the pharmacist practices in a hospital, hospital-based clinic, or an academic health care institution; the hospital, hospital-based clinic, or academic health care institution in which the pharmacist practices has bylaws and a medical staff policy that permit a physician to delegate to a pharmacist the management of a patient's drug therapy; the pharmacist provides the name, address, and telephone number of the pharmacist and of the delegating physician on each prescription signed by the pharmacist; and the pharmacist provides a copy of the protocol to the Texas State Board of Pharmacy (TSBP).

SECTION 2. Amends Subchapter A, Chapter 554, Occupations Code, by adding Section 554.017, as follows:

Sec. 554.017. LIST OF PHARMACISTS AUTHORIZED TO SIGN PRESCRIPTION DRUG ORDERS. Requires TSBP to provide on its Internet website a list of pharmacists who are authorized to sign a prescription drug order under Section 157.101(b-1), including the name of the pharmacist's delegating physician under the protocol required under that subsection.

SECTION 3. Amends Subchapter B, Chapter 554, Occupations Code, by adding Section 554.057, as follows:

Sec. 554.057. RULEMAKING; IMPLEMENTATION OF DRUG THERAPY UNDER PROTOCOL. Requires TSBP, with the advice of the Texas Medical Board, to adopt rules that allow a pharmacist to implement or modify a patient's drug therapy pursuant to a physician's delegation under Section 157.101(b-1).

SECTION 4. Requires TSBP, not later than December 1, 2009, to adopt rules under Section 554.057, Occupations Code, as added by this Act.

SECTION 5. Effective date: September 1, 2009.