

BILL ANALYSIS

Senate Research Center

C.S.S.B. 786
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Health & Human Services
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Committee Report (Substituted)

DIGEST

Currently, under the definition of "practice of pharmacy," a pharmacist is allowed to administer medications in certain situations; however, this administrative authority does not include administration of immunizations or vaccinations. Each year, approximately 60,000 Americans die of vaccine-preventable infections, and Texas' immunization rate of 71 percent ranks the state 38th in the nation. This legislation redefines "practice of pharmacy" to include the administration of immunizations and vaccinations under a physician's written protocol, in an effort to make vaccinations and immunizations more easily-accessible and improve the current health care delivery system. C.S.S.B. 786 requires a pharmacist to notify a physician 24 hours before administering a prescribed immunization or vaccination, and requires the Texas Board of Pharmacy to establish minimum education and continuing education standards for those pharmacists. In addition, this bill establishes prohibitions barring a managed care entity from requiring a physician to issue a protocol, or limiting benefits to enrollees, providing financial incentives to physicians, or imposing penalties on physicians in an effort to either encourage or discourage the issuance of a protocol.

PURPOSE

As proposed, C.S.S.B. 786 establishes the authority of pharmacists to administer immunizations and vaccinations.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Pharmacy in SECTION 2 (Section 17(y), Article 4542a-1, V.T.C.S., Texas Pharmacy Act); to the Texas State Board of Medical Examiners in SECTION 2 (Section 17(aa), Article 4542a-1, V.T.C.S.); and to the commissioner of health in SECTION 3 (Section 4, Article 21.53K, Insurance Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5(38), Article 4542a-1, V.T.C.S. (Texas Pharmacy Act), to redefine "practice of pharmacy" to mean administration of immunizations and vaccinations under a physician's written protocol, among other meanings.

SECTION 2. Amends Section 17, Article 4542a-1, V.T.C.S., by amending Subsection (a), and by adding Subsections (y), (z), and (aa), to establish that the Texas State Board of Pharmacy (board) is responsible for the regulation of the conditions under which a pharmacist is authorized to administer medications, including immunizations and vaccinations, which at a minimum shall include that the pharmacist possesses the necessary skill, education, and certification as specified by the board; and that the pharmacist administers immunizations or vaccinations under a physician's written protocol and meets the standards established by the board. Requires the board, by rule, to require pharmacists to notify a physician who prescribes an immunization or vaccination within 24 hours of administering the immunization or vaccination; and establish minimum education and continuing education standards for pharmacists who administer immunizations and vaccinations. Requires the standards to include Center for Disease Prevention and Control training, basic life support training, and hands-on training in techniques for administering immunizations and vaccinations. Sets forth the terms under which physician supervision is considered to be adequate for the purposes of this section. Requires the Texas State Board of Medical Examiners, by rule, to establish the minimum

content of a written order or protocol. Prohibits the order from permitting the delegation of medical diagnosis. Makes a conforming change.

SECTION 3. Amends Chapter 21E, Insurance Code, by adding Article 21.53K, as follows:

Art. 21.53K. PROVISION OF SERVICES RELATED TO IMMUNIZATIONS AND VACCINATIONS UNDER MANAGED CARE PLANS

Sec. 1. PROHIBITION. Prohibits a managed care entity from requiring a physician participating in a managed care plan to issue an immunization or vaccination protocol for an immunization or vaccination to be administered to an enrollee in the plan. Prohibits a managed care entity from limiting benefits, providing financial incentives, or imposing a financial or other penalty on a physician under certain circumstances involving the issuance of an immunization or vaccination protocol.

Sec. 2. RULES. Authorizes the commissioner of health to adopt rules to implement this article.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Makes application of this Act prospective to January 1, 1998 regarding a managed care plan.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Changes the relating clause to establish the authority of pharmacists to administer immunizations and vaccinations, rather than immunizations.

SECTION 1.

Amends Section 5(38), Article 4542a-1, V.T.C.S., to redefine "practice of pharmacy."

SECTION 2.

Amends Section 17, Article 4542a-1, V.T.C.S., to provide that the board is responsible for the regulation of the practice of pharmacy, including the specifications of conditions under which a pharmacist may administer medications, including immunizations and vaccinations; and the requirement that a pharmacist administer immunizations or vaccinations under a physician's written protocol and meet the standards established by the board, rather than the provision that nothing in this subdivision shall be construed to prohibit a pharmacist from administering immunizations. Sets forth the terms by which the board, by rule, is required to require pharmacists to notify a physician within a certain period after administering an immunization or vaccination, and is required to establish minimum education and continuing education standards for such pharmacists. Establishes the conditions under which physician supervision is considered to be adequate. Requires the Texas State Board of Medical Examiners, by rule, to establish the minimum content of a written order or protocol. Prohibits the order or protocol from permitting the delegation of medical diagnosis.

SECTION 3.

Amends Chapter 21E, Insurance Code, by adding Article 21.53K, entitled, "PROVISION OF SERVICES RELATED TO IMMUNIZATIONS AND VACCINATIONS UNDER MANAGED CARE PLANS."

Prohibits a managed care entity from requiring a physician to issue an immunization or vaccination protocol, and from limiting benefits, providing financial incentives, or imposing penalties related to the issuance of a protocol.

Authorizes the commissioner of health to adopt rules to implement this article.

SECTION 4.

Changes the effective date to September 1, 1997 from "upon passage."

SECTION 5.

Makes application of this Act prospective to January 1, 1998 regarding a managed care plan.