

## **BILL ANALYSIS**

H.B. 2049  
By: Howard  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Strep and influenza commonly afflict Texans every year. It has been suggested there is a need to make access to treatments for these illnesses more efficient, especially for low-income Texans, who often visit pharmacies rather than physicians' clinics to seek treatment. H.B. 2049 seeks to address this issue by authorizing pharmacists to administer treatment for strep and influenza under an appropriate physician-approved protocol if a patient tests positive for those diseases at the pharmacy location.

### **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 rulemaking authority is expressly granted to the Texas Medical Board and to the Texas State Board of Pharmacy in SECTIONS 2 and 4 of this bill.

### **ANALYSIS**

H.B. 2049 amends the Occupations Code to authorize a pharmacist to furnish to a patient, as provided by a physician's written protocol, a prescription drug to treat an acute condition that is identified through one of the following tests that is classified as a waived clinical laboratory test under certain federal regulations:

- a rapid strep test or rapid antigen detection test used in the identification of group A streptococcus (GAS); or
- a rapid influenza diagnostic test used in the identification of influenza types A and B.

H.B. 2049 requires the Texas Medical Board (TMB) to adopt rules jointly with the Texas State Board of Pharmacy (TSBP) to establish the minimum content of the required written protocol. The bill does the following with respect to the written protocol:

- authorizes the protocol to permit a pharmacist to furnish a prescription drug to a patient without an established physician-patient relationship;
- requires the protocol to require notice to the patient's primary care physician, if any, as identified by the patient;
- requires the protocol to prescribe the period for providing the notice and the form of the notice, in accordance with prevailing practices for the provision of notice to a patient's primary care physician; and
- sets the deadline for providing the notice at the 14th day after the date the drug is furnished by the pharmacist.

H.B. 2049 prohibits a pharmacist from furnishing an applicable prescription drug under such a written protocol before completing a training program that is approved by the TSBP and is

relevant to the condition treated by the drug. The bill requires the TSBP to adopt rules jointly with the TMB to establish the minimum content of the training program.

H.B. 2049 amends the Health and Safety Code to remove the definition of "practice of pharmacy" for purposes of the Texas Dangerous Drug Act and to define that term instead by reference to the definition provided by the Texas Pharmacy Act.

H.B. 2049 effective September 1, 2021, requires the TSBP and the TMB, not later than January 1, 2022, to adopt the rules required by the bill's provisions relating to the written protocol and the training program required for a pharmacist to furnish certain drugs to a patient.

**EFFECTIVE DATE**

Except as otherwise provided, January 1, 2022.