

- SUBJECT:** Allowing pharmacist-interns and other pharmacy staff to work remotely
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Cortez, Guerra, Klick, Oliverson, Zedler
- 0 nays
- 1 absent — Collier
- WITNESSES:** For — Al Carter, CVS Pharmacy; Sheila Hemphill, Texas Right To Know; (*Registered, but did not testify:* Janis Carter, National Association of Chain Drug Stores; Bradford Shields, Texas Federation of Drug Stores; Coleman Hemphill, Texas Right To Know)
- Against — (*Registered, but did not testify:* David Gonzales, Alliance of Independent Pharmacies of Texas; Justin Hudman, Texas Pharmacy Association; Michael Wright, Texas Pharmacy Business Council)
- On — Allison Benz, Texas State Board of Pharmacy; (*Registered, but did not testify:* Gay Dodson, Texas State Board of Pharmacy)
- BACKGROUND:** Occupations Code, sec. 551.003, requires a pharmacy technician to work under the direct supervision of and be responsible to a pharmacist. A pharmacy technician trainee is defined as an individual who is registered with the Texas State Board of Pharmacy as a pharmacy technician trainee and who is authorized to participate in a pharmacy technician training program. A pharmacist intern is defined as an undergraduate student who is enrolled in the professional sequence of a board-approved college of pharmacy or who is participating in a board-approved internship program, either as a student or as a graduate of a college of pharmacy.
- Some observers note that certain tasks of some pharmacy employees could be done remotely, although current law on direct supervision of these employees does not specify they may.

DIGEST: HB 2389 would prohibit the Texas State Board of Pharmacy from adopting rules to prevent a pharmacist, 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 protected the privacy and security of confidential information.

The bill also would require the board to establish rules for the use and duties of a pharmacy technician and pharmacy technician trainee who was employed by, rather than in, a pharmacy licensed by the board. HB 2389 would define direct supervision to mean supervision by a pharmacist who directed the activities of a pharmacist-intern, pharmacy technician, or pharmacy technician trainee to a sufficient degree to ensure the activities were performed accurately, safely, and without risk of harm to patients, as specified by board rule.

The bill would take effect September 1, 2017.