

SUBJECT: Allowing pharmacists to order and administer certain vaccinations

COMMITTEE: Public Health — favorable, without amendment

VOTE: 7 ayes — Klick, Campos, Collier, Jetton, Oliverson, Price, Smith
4 nays — A. Johnson, J. Jones, V. Jones, Tinderholt

WITNESSES: For — Aimee Lusson, Texas Federation of Drug Stores; Ellie Studdard, Texas Pharmacy Association; Randy Martin, Texas Society of Health System Pharmacists; Tim Purser, United Supermarkets (*Registered, but did not testify*: Samuel Sheetz, Americans for Prosperity; Jacquie Benestante, Autism Society of Texas; Nadia Islam, City of San Antonio; Allen Horne, CVSHealth; Dya Campos, H-E-B; Bill Kelly, Mayor's Office, City of Houston; Christine Yanas, Methodist Healthcare Ministries; Nicole Kralj, National Association of Chain Drug Stores; Maureen Milligan, Teaching Hospitals of Texas; Mia McCord, Texans for Affordable Health Care/American Coalition for Affordable Health Care; Emily Brizzolara-Dove, Texas 2036; Colette Vallot, Texas Academy of Physician Assistants; Matt Abel, Texas Association of Business; Jamie Dudensing, Texas Association of Health Plans; Gray Rutledge, Texas Conservative Coalition Research Institute; Janis Carter, Texas Federation of Drug Stores; Victoria Ford, Texas Healthcare & Bioscience Institute; Joshua Houston, Texas Impact; Raj Chhadua, Duane Galligher, Debbie Garza, Carter High, Texas Pharmacy Association; Michael Wright, Texas Pharmacy Business Council; John McCord, Texas Retailers Association; Jorge Martinez, The LIBRE Initiative; Morris Wilkes, United Supermarkets; Ivan Jaime, Fred Shannon, Walmart; Oluwaseun Awofisayo; Sarah Nguyen)

Against — Michelle Evans, Texans for Vaccine Choice; Anisha Malhotra, Texas 400; Valerie Smith, Texas Pediatric Society, Texas Medical Association, American College of Physicians-Texas; Patricia Aronin, TX400 (*Registered, but did not testify*: David Reynolds, Texas Chapter American College of Physicians Services; Jill Sutton, Texas Osteopathic Medical Association; Jaime Capelo, Texas400)

On — (*Registered, but did not testify*: Megan Holloway, Eamon Briggs, Texas State Board of Pharmacy)

BACKGROUND: Occupations Code sec. 554.004(a) establishes conditions under which a pharmacist may administer medication, including an immunization and vaccination. The conditions must ensure that:

- a licensed health care provider authorized to administer the medication is not reasonably available to administer the medication;
- failure to administer the medication, other than an immunization or vaccination, might result in a significant delay or interruption of a critical phase of drug therapy;
- the pharmacist possesses the necessary skill, education, and certification as specified by the board to administer the medication;
- within a reasonable time after administering medication, the pharmacist notifies the licensed health care provider responsible for the patient's care that the medication was administered;
- the pharmacist may not administer medication to a patient at the patient's residence, except at a licensed nursing home or hospital;
- the pharmacist administers an immunization or vaccination under a physician's written protocol and meets the standards established by the board; and
- the authority of a pharmacist to administer medication may not be delegated.

Some have suggested that allowing pharmacists to order and administer certain immunizations and vaccinations could improve access to these services.

DIGEST: HB 1105 would amend the definition of “practice of pharmacy” to include the ordering of an immunization or vaccination to a patient who was at least three years old. The definition also would include administering an immunization or vaccination to a patient younger than three years old under a physician’s written protocol if the patient was referred to a

pharmacist by a physician.

A pharmacist could order or administer an immunization, rather than only administer an influenza vaccination, to a patient who was at least three years old, rather than a patient over seven years old, without an established physician-patient relationship with certain requirements. The pharmacist could do so only if the immunization or vaccination was authorized or approved by the US Food and Drug Administration or listed in the Centers for Disease Control and Prevention's routine immunization schedule, and it was ordered or administered in accordance with certain federal vaccine-specific recommendations.

The bill would revise Occupations Code sec. 554.004(a) to specify the conditions under which a pharmacist could order or administer an immunization or vaccination, remove certain conditions, and replace certain references to "medication" with "immunization or vaccination." The revised conditions would have to ensure that:

- the pharmacist possessed the necessary skill, education, and certification to order or administer the immunization or vaccination;
- the pharmacist notified the licensed health care provider responsible for the patient's care that the immunization or vaccination was administered within a reasonable time after administering an immunization or vaccination that was prescribed by a licensed health care provider; and
- the authority of a pharmacist to administer an immunization or vaccination could be delegated to a certified pharmacy technician.

The bill also would extend the time period within which The Texas State Board of Pharmacy would have to require pharmacists to notify a physician who prescribed an immunization or vaccination from 24 hours to 14 days after the immunization or vaccination was administered.

The bill would take effect September 1, 2023.