

BILL ANALYSIS

Senate Research Center

H.B. 3075
By: Berlanga (Zaffirini)
Health & Human Services
5-16-97
Engrossed

DIGEST

Currently, home and community support services agencies are required under their licensure rules to offer their employees the Hepatitis B vaccine and tuberculosis testing, but are prohibited from possessing these immunization drugs. If a patient's physician writes an individual order for a vaccine, a nurse from the home and community support services agency is required to get the prescription filled at a pharmacy. This bill allows home and community support agencies to possess Hepatitis B and influenza vaccines, tuberculin derivative tests, and sealed anaphylactic containers under exemptions and provisions of this Act.

PURPOSE

As proposed, H.B. 3075 allows home and community support agencies to possess Hepatitis B and influenza vaccines, tuberculin derivative tests, and sealed anaphylactic containers under exemptions and provisions of this Act.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 142A, Health and Safety Code, by amending Section 142.0061, and adding Sections 142.0062 and 142.0063, as follows:

Sec. 142.0061. New heading: POSSESSION OF STERILE WATER OR SALINE.

Sec. 142.0062. POSSESSION OF CERTAIN VACCINES OR TUBERCULIN. Sets forth provisions authorizing a home or community support services agency or its employees, who are registered nurses or licensed vocational nurses, to possess certain dangerous drugs for the purpose of administering the drugs to the agency's employees, home health or hospice patients, or patient family members under a physician's standing orders. Requires a home and community support services agency that purchases, stores, or transports a vaccine or tuberculin under this section to ensure certain provisions.

Sec. 142.0063. POSSESSION OF CERTAIN DANGEROUS DRUGS. Sets forth provisions authorizing a home and community support services agency to possess certain dangerous drugs in varying amounts in accordance with Subsection (c). Sets forth provisions relating to the administration of dangerous drugs by a home and community support services agency. Sets forth provisions relating to the containers of dangerous drugs.

SECTION 2. Amends Section 483.041(c), Health and Safety Code, to provide that Subsection (a) does not apply to the possession of a dangerous drug by a home and community support services agency licensed under and acting in accordance with Chapter 142, among other provisions. Deletes a provision relating to agencies which may possess sterile water for injection and irrigation and sterile saline for injection and irrigation as authorized by Section 142.0061.

SECTION 3. Amends Section 19(f), Article 4542a-1, V.T.C.S., to provide that this Act does not apply to a home and community support services agency that possesses a dangerous drug as

authorized by Section 142.0061, 142.0062, or 142.0063, Health and Safety Code.

SECTION 4. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 5. Emergency clause.