

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1774  
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Health & Human Services  
5-2-97  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law does not provide for a special pharmacy license regulating pharmacy services in long-term care facilities or permitting a pharmacy to possess dangerous drugs at any location other than the address on the pharmacy license. Instead, the Health and Safety Code entitles nursing homes and related institutions to maintain an emergency medication kit for a resident's emergency medication needs. C.S.S.B. 1774 creates a Class L pharmacy license, which allows the license holder to dispense prescription drugs or devices to patients who are residents of long-term care facilities; and a Class S pharmacy license, or long-term care pharmacy license, which allows the license holder to maintain a supply of dangerous drugs and controlled substances at a long-term care facility. In addition, this legislation deletes existing provisions regarding maintenance of an emergency medication kit, and sets forth the terms by which Class L and Class S pharmacies are required to be under continuous supervision.

### **PURPOSE**

As proposed, C.S.S.B. 1774 creates a long-term care pharmacy and long-term care satellite pharmacy license.

### **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 Section 242.161, Health and Safety Code, to provide that a pharmacy is entitled to maintain a supply of controlled substances and dangerous drugs for a resident's immediate therapeutic needs, provided the supply of drugs is maintained in compliance with the Texas Pharmacy Act. Requires the administration of the controlled substances and dangerous drugs authorized in this section to comply with all applicable laws. Deletes existing text regarding an emergency medication kit.

SECTION 2. Amends Section 5, Article 4542a-1, V.T.C.S. (Texas Pharmacy Act), to redefine "Administrative Procedure Act," and "Class C pharmacy license." Defines "Class L pharmacy license" and "Class S pharmacy license." Makes conforming changes.

SECTION 3. Amends Sections 29(b) and (c), Article 4542a-1, V.T.C.S., to require each pharmacy to apply for a license in one or more of certain classifications, including a Class L or Class S license. Requires each pharmacy to be under the supervision of a pharmacist such that a Class L pharmacy shall be under the continuous on-site supervision of a pharmacist during the time it is open for pharmacy services; and a Class S pharmacy shall be under the continuous supervision of a pharmacist whose services shall be required according to the needs of the pharmacy.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Amends Section 242.161, Health and Safety Code, to delete existing text regarding an emergency medication kit.

### **SECTION 2.**

Amends Section 5, Article 4542a-1, V.T.C.S., to redefine "Administrative Procedure Act" and "Class C pharmacy license." Defines "Class L pharmacy license."

### **SECTION 3.**

Amends Sections 29(b) and (c), Article 4542a-1, V.T.C.S., to require each pharmacy to apply for a license in one or more of certain classifications, including a Class L or Class S license.