

## **BILL ANALYSIS**

Senate Research Center  
79R747 YDB-F

S.B. 477  
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Health & Human Services  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, Section 157.010 of the Texas Occupation Code allows a physician to delegate to a properly qualified and trained pharmacist, acting under adequate physician supervision, the performance of specific acts of drug therapy management authorized by the physician through the physician's order, standing medical order, standing delegation order, or other order, or protocol defined by board rule.

In order to prevent an unintended pregnancy, an emergency contraceptive must be taken within 72 hours. Emergency contraception is a large dose of standard birth control pills that, when combined and provided, prevents a pregnancy from occurring following unprotected intercourse or sexual assault. It is effective and safe, with few or no side effects. Easy and timely access to emergency contraception prevents unintended pregnancies and abortions. For a variety of reasons, it is impossible for some women to get an appointment, see a physician, secure a prescription of emergency contraception, and have it filled at a pharmacy within that time limit, leaving them at risk of unintended pregnancies.

As proposed, S.B. 477 is intended to ensure that women have immediate and timely access to emergency contraception when needed, by allowing physicians and pharmacists to enter into collaborative practice agreements and develop protocols, thereby enabling pharmacists to provide it in neighborhood pharmacies efficiently and easily.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas State Board of Pharmacy in SECTION 3 (Section 562.056, Occupations Code) of this bill.

### **SECTION BYSECTION ANALYSIS**

SECTION 1. Amends Section 157.101(a), Occupations Code, to make a conforming change.

SECTION 2. Amends Subchapter C, Chapter 157, Occupations Code, by adding Section 157.102, as follows:

Sec. 157.102. EMERGENCY CONTRACEPTION DRUG THERAPY. Authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with Sections 157.101 (General Authority of Physician to Delegate) and 562.056.

SECTION 3. Amends Subchapter B, Chapter 562, Occupations Code, by adding Sections 562.056 and 562.057, as follows:

Sec. 562.056. EMERGENCY CONTRACEPTION DRUG THERAPY. (a) Defines "initiate," "patient," and "physician."

(b) Requires the Texas State Board of Pharmacy (board) to adopt rules necessary to administer this section and Section 562.057.

(c) Authorizes a pharmacist, subject to Section 562.057, to exercise the pharmacist's professional judgment to initiate and distribute emergency contraception drug therapy to a patient in accordance with certain board rules and procedures.

(d) Prohibits a pharmacist from initiating and distributing emergency contraception drug therapy to a patient in accordance with standing drug therapy protocol unless the pharmacist enters into an agreement with at least one physician for purposes of the initiation and distribution of the drug therapy. Provides that the requirement of Section 157.101(c)(2) (Delegation to Pharmacist) does not apply to drug therapy initiated and distributed under this section.

(e) Requires a pharmacist, for each emergency contraception drug therapy initiated and distributed, to follow certain procedures.

(f) Requires the board, in consultation with the Texas State Board of Medical Examiners, the Department of State Health Services, and the American College of Obstetricians and Gynecologists, to develop a standardized fact sheet to include certain information.

(g) Provide that Subsection (f) does not preclude the use of existing publications developed by nationally recognized medical organizations.

Sec. 562.057. TRAINING PROGRAM ON EMERGENCY CONTRACEPTION DRUG THERAPY INITIATION AND DISTRIBUTION. (a) Prohibits a pharmacist from initiating or distributing emergency contraception drug therapy unless the pharmacist has successfully completed a training program on emergency contraception drug therapy initiation and distribution.

(b) Requires the board and the Texas State Board of Medical Examiners to develop and approve the training program.

(c) Requires the training program to address certain measures.

(d) Requires the program provider to issue a certificate of completion to the pharmacist on completion of the training program.

(e) Authorizes the pharmacist who initiates and distributes emergency contraception drug therapy to display the certificate of completion as provided by board rules.

SECTION 4. Amends Section 483.042, Health and Safety Code, by adding Subsection (g) to provide that it is an exception to the application of Subsection (a) (Delivery or Offer of Delivery of Dangerous Drug) that a dangerous drug was a contraceptive and was delivered by a pharmacist in accordance with Section 562.056, Occupations Code.

SECTION 5. Requires that no later than January 1, 2006, the Texas State Board of Pharmacy undertake certain actions regarding implementation of this Act.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September, 1, 2005.