

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1429  
By: Van de Putte  
Health & Human Services  
5/5/2007  
Committee Report (Substituted)

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

Pharmacists often modify a patient's drug therapy as required by the patient's test results and ordered by the physician by a physician's protocol. This is used in specialized clinics such as anti-coagulation and diabetes clinics. When patients leave the clinic or hospital and desire to take their new prescriptions with them, the pharmacist is only authorized to "call in" the prescriptions to a community pharmacy as the designated agent of the physician. Patients are increasingly requesting the prescription form in order to fill the prescription at the pharmacy of their choice. Current law authorizes a pharmacist to manage a patient's drug therapy under a physician's protocol. That authority requires the pharmacist to carry out the physician's order. However, the interpretation of the State Board of Pharmacy provides that the signing of a new drug for the patient by a pharmacist is prohibited.

C.S.S.B. 1429 authorizes a pharmacist working in a hospital, hospital-based clinic, or academic health care institution to sign the new prescription form on behalf of the physician if included in the physician's protocol. This bill also requires the pharmacist to send a copy of the protocol to the State Board of Pharmacy and requires the board to post the names of pharmacists authorized to sign prescriptions and the name of the supervising physician on the board's Internet website.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the State Board of Pharmacy in SECTION 3 (Section 554.056, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 157.101, Occupations Code, by adding Subsection (b-1), as follows:

(b-1) Authorizes a delegation under Subsection (b) to include the implementation or modification of a patient's drug therapy under a protocol, including the authority to sign a prescription drug order for dangerous drugs under certain circumstances.

SECTION 2. Amends Subchapter A, Chapter 554, Occupations Code, by adding Section 554.017, as follows:

Sec. 554.017. LIST OF PHARMACISTS AUTHORIZED TO SIGN PRESCRIPTION DRUG ORDERS. Requires the State Board of Pharmacy (board) to provide on its Internet website a list of pharmacists who are authorized to sign a prescription drug order under Section 157.101(b-1), including the name of the pharmacist's supervising physician under the protocol required under that subsection.

SECTION 3. Amends Subchapter B, Chapter 554, Occupations Code, by adding Section 554.056, as follows:

Sec. 554.056. RULEMAKING; IMPLEMENTATION OF DRUG THERAPY UNDER PROTOCOL. Requires the board, with the advice of the Texas Medical Board, to adopt rules that allow a pharmacist to implement or modify a patient's drug therapy pursuant to a physician's delegation under Section 157.101(b-1).

SECTION 4. Requires the board to adopt rules under Section 554.056, Occupations Code, as added by this Act, not later than December 1, 2007

SECTION 5. Effective date: September 1, 2007.