

BILL ANALYSIS

Senate Research Center
81R18736 YDB-F

H.B. 1409
By: Hopson (Nichols)
Health & Human Services
5/1/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 75th Legislature, Regular Session, 1997, enacted S.B. 786 permitting pharmacists to administer immunizations and vaccinations under a physician's written protocol. Since the bill passed, 1,268 Texas pharmacists have been certified to administer immunizations and vaccinations, and hundreds of community retail pharmacies offer immunizations as part of the pharmacy's patient care services. Currently, a pharmacist is authorized to administer immunizations to children between the ages of 14 and 17 years of age. However, children over the age of seven are still required to obtain a physician's authorization prior to receiving an influenza immunization from a physician, which can create an unnecessary doctor's visit, solely for the purpose of obtaining authorization.

H.B. 1409 authorizes a pharmacist to administer an influenza immunization to a child age seven years of age or older without a physician's authorization, according to protocols established by the Texas Medical Board.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas State Board of Medical Examiners is transferred to the Texas Medical Board in SECTION 1 (Section 554.052, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 554.052, Occupations Code, by amending Subsections (c) and (d) and adding Subsection (c-1), as follows:

(c) Provides that supervision by a physician is adequate if the delegating physician, except as provided by Subsection (c-1), has established a physician-patient relationship with each patient under 14 years of age and referred the patient to the pharmacist.

(c-1) Authorizes a pharmacist to administer an influenza vaccination to a patient over seven years of age without an established physician-patient relationship.

(d) Requires the Texas Medical Board, rather than the Texas State Board of Medical Examiners, by rule to establish the minimum content of a written order or protocol.

SECTION 2. Effective date: September 1, 2009.