

BILL ANALYSIS

Senate Research Center

H.B. 797
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Health & Human Services
4/12/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Due to a technicality in existing statute, home care and hospice nurses in Texas effectively cannot administer the COVID-19 vaccine. The thousands of Texans receiving home care are also some of our most medically vulnerable and elderly, and this means that these Texans cannot receive their COVID-19 vaccine safely in their homes like they receive the rest of their health care. This also means that frontline health providers caring for Texans in their homes do not have a direct supply of vaccines to inoculate themselves.

Despite home care and hospice employees being clinically authorized to administer the COVID-19 vaccine as licensed registered nurses or licensed vocational nurses, their employers, the home care and hospice agencies, are prohibited by the Texas Dangerous Drug Act from handling a vaccine that is not explicitly listed in their licensing statute. This effectively prevents them from administering the COVID-19 vaccine because they cannot receive, possess, store, or otherwise handle the vaccine. H.B. 797 provides narrow authority to home care and hospice agencies to receive and handle only a COVID-19 vaccine and other FDA-approved vaccines meant to treat communicable diseases.

H.B. 797 updates the licensing statute of home care and hospice agencies under Section 142.0062 of the Health and Safety Code to grant the agencies a narrow exemption from the Texas Dangerous Drug Act only for a COVID-19 vaccine and other FDA-approved vaccines for communicable diseases. This will allow home care and hospice nurses to finally administer the COVID-19 vaccine under required prescriptive authority of a physician to willing, vulnerable, and elderly Texans safely in their homes. H.B. 797, home care and hospice agencies and their nurses would not be able to provide a COVID-19 vaccine to anyone at any point in the future.

H.B. 797 amends current law relating to the possession and administration of certain vaccines by a home and community support services agency or its employees.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.0062(a), Health and Safety Code, as follows:

(a) Authorizes a home and community support services agency or its employees who are registered nurses or licensed vocational nurses to purchase, store, or transport for the purpose of administering to the agency's employees, home health or hospice patients, or patient family members under physician's standing orders certain dangerous drugs, including any other vaccine approved, authorized for emergency use, or otherwise permitted for use by the United States Food and Drug Administration to treat or mitigate the spread of a communicable disease, as defined by Section 81.003 (Definitions). Makes nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2021.