

BILL ANALYSIS

Senate Research Center
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H.B. 1105
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the forthcoming expiration of the federal Public Readiness and Emergency Preparedness Act, it is imperative for Texas to establish a framework for pharmacists to provide a convenient and accessible means for obtaining immunizations and vaccinations. H.B. 1105 seeks to address this by increasing immunization and vaccination access statewide and improving the overall health of Texans by authorizing a pharmacist to order and administer authorized and approved immunizations and vaccinations under certain circumstances. H.B. 1105 amends the definition of "Practice of Pharmacy" in Section 551.003(33), Occupations Code, to include ordering an immunization or vaccination to a patient who is at least three years of age, without an established physician-patient relationship under certain circumstances; or if the patient is younger than three years of age and is referred to a pharmacist by a physician.

H.B. 1105 amends current law relating to the administration of a medication and the ordering and administration of an immunization or vaccination by a pharmacist.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas State Board of Pharmacy is modified in SECTION 4 (Section 554.052, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 551.003(33), Occupations Code, to redefine "practice of pharmacy."

SECTION 2. Amends the heading to Section 554.004, Occupations Code, to read as follows:

Sec. 554.004. ADMINISTRATION OF MEDICATION; ORDERING AND
ADMINISTRATION OF IMMUNIZATION OR VACCINATION.

SECTION 3. Amends Section 554.004(a), Occupations Code, as follows:

(a) Requires the Texas State Board of Pharmacy (TSBP) to specify conditions under which a pharmacist is authorized to administer medication and order or administer an immunization or vaccination. Requires that the conditions for ordering or administering an immunization or vaccination ensure that:

(1) the pharmacist possesses the necessary skill, education, and certification as specified by TSBP to order or administer the immunization or vaccination;

(2) within a reasonable time after administering an immunization or vaccination that is prescribed by a licensed health care provider, the pharmacist notifies the licensed health care provider responsible for the patient's care that the immunization or vaccination was administered;

(3) the authority of a pharmacist to administer an immunization or vaccination is authorized to be delegated to a certified pharmacy technician.

Deletes existing text requiring that the conditions adopted by TSBP under which a pharmacist is authorized to administer medication, including an immunization and vaccine, ensure that certain requirements are met with regards to patient safety.

SECTION 4. Amends Sections 554.052(a), (b), (c), and (c-1), Occupations Code, as follows:

(a) Requires TSBP by rule to require a pharmacist to notify a physician who prescribes an immunization or vaccination not later than the 14th day, rather than within 24 hours, after the date the pharmacist administers the immunization or vaccination.

(b) Requires TSBP to establish minimum education and continuing education standards for a pharmacist who orders or administers an immunization or vaccination. Requires that the standards include federal Centers for Disease Control and Prevention training, basic life support training, and hands-on training in techniques for administering immunizations and vaccinations.

(c) Provides that supervision by a physician is adequate if the delegating physician:

(1) makes no changes to this subdivision;

(2) has established a physician-patient relationship with each patient who is younger than three years of age and referred the patient to the pharmacist; and

(3)-(5) makes no changes to these subdivisions.

Deletes existing text providing 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 order or administer an immunization or vaccination, rather than influenza vaccination, to a patient who is at least three years of age, rather than seven years of age, without an established physician-patient relationship if the immunization or vaccination is:

(1) authorized or approved by the United States Food and Drug Administration or listed in the routine immunization schedule recommended by the federal Advisory Committee on Immunization Practices published by the federal Centers for Disease Control and Prevention; and

(2) ordered or administered in accordance with the federal Advisory Committee on Immunization Practices vaccine-specific recommendations.

SECTION 5. Effective date: September 1, 2023.