

1 AN ACT

2 relating to the authority of physicians to delegate to certain
3 pharmacists the implementation and modification of a patient's drug
4 therapy.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 157.101, Occupations Code, is amended by
7 adding Subsection (b-1) to read as follows:

8 (b-1) A delegation under Subsection (b) may include the
9 implementation or modification of a patient's drug therapy under a
10 protocol, including the authority to sign a prescription drug order
11 for dangerous drugs, if:

12 (1) the delegation follows a diagnosis, initial
13 patient assessment, and drug therapy order by the physician;

14 (2) the pharmacist practices in a hospital,
15 hospital-based clinic, or an academic health care institution;

16 (3) the hospital, hospital-based clinic, or academic
17 health care institution in which the pharmacist practices has
18 bylaws and a medical staff policy that permit a physician to
19 delegate to a pharmacist the management of a patient's drug
20 therapy;

21 (4) the pharmacist provides the name, address, and
22 telephone number of the pharmacist and of the delegating physician
23 on each prescription signed by the pharmacist; and

24 (5) the pharmacist provides a copy of the protocol to

1 the Texas State Board of Pharmacy.

2 SECTION 2. Subchapter A, Chapter 554, Occupations Code, is
3 amended by adding Section 554.017 to read as follows:

4 Sec. 554.017. LIST OF PHARMACISTS AUTHORIZED TO SIGN
5 PRESCRIPTION DRUG ORDERS. The board shall provide on its Internet
6 website a list of pharmacists who are authorized to sign a
7 prescription drug order under Section 157.101(b-1), including the
8 name of the pharmacist's delegating physician under the protocol
9 required under that subsection.

10 SECTION 3. Subchapter B, Chapter 554, Occupations Code, is
11 amended by adding Section 554.057 to read as follows:

12 Sec. 554.057. RULEMAKING; IMPLEMENTATION OF DRUG THERAPY
13 UNDER PROTOCOL. The board, with the advice of the Texas Medical
14 Board, shall adopt rules that allow a pharmacist to implement or
15 modify a patient's drug therapy pursuant to a physician's
16 delegation under Section 157.101(b-1).

17 SECTION 4. Not later than December 1, 2009, the Texas State
18 Board of Pharmacy shall adopt rules under Section 554.057,
19 Occupations Code, as added by this Act.

20 SECTION 5. This Act takes effect September 1, 2009.

David Newburn
President of the Senate

John Strawn
Speaker of the House

I hereby certify that S.B. No. 381 passed the Senate on March 25, 2009, by the following vote: Yeas 31, Nays 0.

Antony Spaw
Secretary of the Senate

I hereby certify that S.B. No. 381 passed the House on May 19, 2009, by the following vote: Yeas 143, Nays 2, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

30 MAY '09
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

Hope Radtke
Secretary of State
MAY 30 2009