

PREP ACT Flexibilities for TSBP Licensees and Out-of-State Healthcare Personnel Practicing Tele-Health

PREP Act Countermeasure Preempting Texas Law	COVID-19 Vaccination		Influenza Vaccination		ACIP-Recommended Vaccine (Ages 3-18)		COVID-19 Therapeutics ⁽¹⁾		COVID-19 Diagnostic Tests ⁽²⁾	
	Order	Administer	Order	Administer	Order	Administer	Order	Administer	Order	Administer
Texas Pharmacists	✓	✓	✓	✓	✗	✓ ⁽³⁾	✓	✓	✓	✓
Supervised Texas Pharmacist Interns	✗	✓	✗	✓	✗	✓ ⁽³⁾	✗	✓	✗	✓
Supervised Texas Pharmacy Technicians	✗	✓	✗	✓	✗	✗	✗	✓	✗	✓
Inactive, Expired Texas License Holders (Previous 5 Years)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Texas Pharmacies	Under the PREP Act, Retail Pharmacies meet the definition of "Distributor" and "Covered Person" and receive Limiting Liability (Coverage) for the receiving, storage and distribution of Medical Countermeasures Against COVID-19.									
Out-of-State Healthcare Personnel Using Tele-Health ⁽⁴⁾	✓	N/A	✓	N/A	✗	N/A	✓	N/A	✓	N/A

(1) Only Subcutaneous, Intramuscular, and Oral COVID-19 therapeutics may be ORDERED. However, all COVID-19 therapeutics, including monoclonal antibodies may be ADMINISTERED.

(2) Includes any COVID-19 diagnostic tests, including FDA-authorized serology tests. NOTE: Under Texas law Pharmacies may provide CLIA-waived tests with a CLIA-Waiver (obtained via Texas Health & Human Services), which would allow a pharmacist to administer/perform the CLIA-waived test. To order a test, a pharmacist must be under a written protocol of a physician in accordance with TAC 295.15.

(3) No PREP Act Preemption. Permitted by Texas Pharmacy Laws & Rules in accordance with TAC 295.15. May also be delegated by Physician under Chap 157, Medical Practice Act.

(4) Under PREP Act, "Healthcare personnel" may include a pharmacist licensed in a state other than Texas if the license permits the ordering and administering of a Covered Countermeasure through telehealth in that state. Other "Healthcare personnel" permitted to order and administer a Covered Countermeasure through telehealth in a state, may do so for patients in another state so long as the licensee complies with the legal requirements of the state in which the licensee is permitted to do so by means of telehealth.