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Action Chart for Implementation of Legislation Passed by the 2009 Texas Legislature Session				
Bill #	Summary of the Provisions of the Bill	Effective Date	Internal Deadline	Action/Status
<b>S.B. 1 Approp. Act</b>	(1) Establish a budget for FY2010-2011 that includes funding for: <ol style="list-style-type: none"> <li>a. A new Shared Regulatory Database.</li> <li>b. Merit and equity increases for certain staff.</li> <li>c. An annual increase to the salary of the ED of \$1,500.</li> <li>d. 10 additional staff (2 in the field).</li> <li>e. Testing additional compounded products</li> <li>f. Leveling the funding for Professional Recovery Network. .</li> </ol>	9/1/09	9/1/09	(1) <b>COMPLETED.</b> The proposed budget was approved by the Board at the August 11-12, 2009, meeting. (2) <b>COMPLETED.</b> The Board voted to propose rules to increase fees to support the budget at the May 5, 2009, meeting. The proposed rules were published in the June 12, 2009, issue of the Texas Register. The Board voted to adopt the rules at the August 11-12, 2009, meeting. The adopted rules were published in the September 4, 2009, issue of the Texas Register and became effective on October 1, 2009. (3) Establish a timeline for remodeling/relocating agency space to accommodate new staff and to hire the staff. The agency has secured space for our accounting staff on the 2 <sup>nd</sup> floor of Tower 3. TSBP will share this space with the accounting staff of the Texas Medical Board and the Texas Board of Nursing. The move into the new space is scheduled to be completed by mid November.
	(2) Shared Regulatory Database		9/1/10	Work with HPC, the other 5 agencies involved in the shared database project, and Versa to establish the shared database system. (1) Initial interviews for the licensing and cash functions were conducted during the week of October 23. (2) Interviews for enforcement/inspection is scheduled for early December.
<b>H.B. 19 Rx Labeling</b>	The Texas Pharmacy Act is amended to require the Board to adopt rules that require: <ol style="list-style-type: none"> <li>a. A "<i>beyond-use date</i>" on the prescription label or on a "<i>flag</i>" label attached to the dispensing container. The Board must adopt rules by January 1, 2010;</li> </ol>	9/1/09  Rules by 1/1/10	1/1/10	(1) Draft rules will be presented to the Board for consideration at August 11-12, 2009, meeting. (2) The Board voted to propose rules at the August 11-12, 2009, meeting and the rules were published in the October 2, 2009 issue of the Texas Register. (3) The Board will consider the rules for final adoption at the November 9-10, 2009 meeting.

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	b. Pharmacists, when dispensing certain drugs, to include on the prescription label or on information provided with the prescription, the statement <i>"Do not flush unused medications or pour down a sink or drain."</i>	Rules by 7/1/10	7/1/10	(1) Draft rules will be presented to the Board for consideration at the February 9-10, 2010, meeting.
<b>H.B. 963 Eligibility of Applicants for Licenses</b>	Chapter 53 of the Occupations Code is amended to: a. Require all regulatory agencies to conduct a preliminary evaluation of person's eligibility to be licensed. An agency has 90 days to respond to this request and a fee may be charged for the evaluation; The Board is required to adopt rules by September 1, 2010; b. Specify that may discipline a licensee for an offense that does not directly relate to practice only if the offense was committed less than five years ago; and c. Require certain regulatory agencies to issue a license or provisional license to a person who is otherwise eligible for licensing and who has a conviction for certain types of offenses. TSBP is exempted from this provision.	6/19/09 Rules by 9/1/10	9/1/10	(1) Draft rules will be presented to the Board for consideration at the May 4-5, 2010, meeting  <b>COMPLETED.</b> No action is necessary since the Act prohibits us from taking action if the offense is not directly related to the practice. <b>COMPLETED.</b> No action is necessary since TSBP is exempted from this provision.
<b>H.B. 1357 Licensing of Freestanding Emergency Clinics</b>	The Health and Safety Code is amended to add a new Chapter 254 for the licensing and regulation of "Freestanding Emergency Medical Care Facilities" by the Department of State Health Services. Included in the rules that DSHS must adopt by March 1, 2010, are rules for the distribution and administration of drugs and controlled substances.  The bill did not amend the Controlled Substances or Dangerous Drug Acts to allow these facilities to possess drugs. Therefore, TSBP may be approached to consider adopting rules for a new class of pharmacy in these centers.	9/1/09		(1) Contact DSHS regarding the possession of drugs in these facilities and their timeline for adopting rules.  (2) Draft rules will be presented to the Board for consideration at the November 9-10, 2009, meeting.
<b>H.B. 1409 Flu shots to patients over 7-years of age</b>	The Texas Pharmacy Act to allow a pharmacist to administer an influenza vaccination to a patient over seven years of age without an established physician-patient relationship.	9/1/09	2/28/10	(1) The Board voted to propose rules at the August 11-12, 2009, meeting and the rules were published in the October 2, 2009 issue of the Texas Register.  (2) The Board will consider the rules for final adoption at the November 9-10, 2009 meeting.
<b>H.B. 1924 Rural Hospitals &amp; Tech-Check-Tech</b>	Several sections of the Texas Pharmacy Act are amended as follows: a. Defines a rural hospital and allows a pharmacy technician to perform certain duties without the direct supervision of a pharmacist. The Board is required to adopt rules to implement this program including rules that specify the: - Records that must be maintained. - Requirements for policies and procedures for operation of a pharmacy when a pharmacist is not on-site; and - Training requirements for pharmacy technicians.	6/22/09	1/1/10	(1) Draft rules were presented to the Board for consideration at August 11-12, 2009, meeting.  (2) The Board voted to propose rules at the August 11-12, 2009, meeting and the rules were published in the October 2, 2009 issue of the Texas Register.  (3) The Board will consider the rules for final adoption at the November 9-10, 2009 meeting

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	<p>b. Hospitals that have an ongoing "clinical pharmacy program" may allow pharmacy technicians to verify the accuracy of work performed by another pharmacy technician relating to the filling of floor stock and unit dose distribution systems if the patient's orders have previously been reviewed and approved by a pharmacist. (Tech-Check-Tech). The Board must adopt rules to implement Tech-Check-Tech, including rules specifying the:</p> <ul style="list-style-type: none"> <li>- duties that may be verified by another pharmacy technician;</li> <li>- records that must be maintained for the verification process; and</li> <li>- training requirements for pharmacy technicians who verify the accuracy of the work of other pharmacy technicians.</li> </ul>		2/28/10	(1) Draft rules will be presented to the Board for consideration at the November 9-10, 2009, meeting.
<b>H.B. 2730 Transition Plan for Controlled Substance Prescription Monitoring Program</b>	<p>(1) An "Interagency Council" is created composed of the executive director or his/her designee of:</p> <ul style="list-style-type: none"> <li>- Department of Public Safety;</li> <li>- Texas State Board of Pharmacy; and</li> <li>- Texas Medical Board.</li> </ul>	9/1/09	7/31/09	(1) In conjunction with the other members of the Interagency Council schedule: a. A meeting with Senator Williams to discuss his expectations regarding the plan; and b. The first meeting of the Interagency Council.
	<p>(2) The Interagency Council is required to develop a transition plan for the orderly transfer from the Department of Public Safety to the Texas State Board of Pharmacy of records and regulatory functions relating to dispensing controlled substances by prescription, including the Prescription Monitoring Program.</p>		8/31/09	(2) At the first meeting establish a timeline for other meetings and receiving input from physicians, pharmacists, and others regarding the potential transfer of regulatory functions.
	<p>(3) A report is due to the legislature by 1/1/11.</p>	1/1/11	1/1/11	(3) Submit final report to the Legislature.
<b>S.B. 381 RPh signing Rxs</b>	<p>The Medical Practices Act is amended to allow a physician to delegate the implementation or modification of a patient's drug therapy under a protocol, including the authority to sign a prescription for dangerous drugs. TSBP is required to:</p> <p>a. With the advice of the Texas Medical Board, adopt rules to allow a pharmacist to implement or modify a patient's drug therapy pursuant to a physician's delegation and to sign a prescription.</p>	9/1/09 Rules due by 12/1/09	12/1/09	(1) Meet with representative of the Texas Medical Board to discuss rules to implement the bill. (2) The Board voted to propose rules at the August 11-12, 2009, meeting and the rules were published in the October 2, 2009 issue of the Texas Register.
	<p>b. Publish on its Website a list of pharmacists who are authorized to sign a prescription drug order, including the name of the delegating physician.</p>		1/31/10	(3) The Board will consider the rules for final adoption at the November 9-10, 2009 meeting. (3) Modify the TSBP Website to add a list of pharmacists authorized to sign prescription drug orders including their supervising physicians.
<b>S.B. 646 Study regarding the use of confidential patient</b>	<p>(1) The Board is required to conduct a study on the license, transfer, use, and sale of prescription information records containing patient-identifiable and practitioner-identifiable information by pharmacy benefit managers, insurers, electronic transmission intermediaries, pharmacies, and other similar entities for the purpose of advertising, marketing, or promoting pharmaceutical products.</p>	6/19/09	7/31/09	(1) Meet with Senator Van de Putte to discuss her expectations for study. (2) Contract with a College of Pharmacy to conduct the study.

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information	(2) A report on the study is due to the Legislature on 8/1/10.	Report due 8/1/10	8/1/10	(1) Submit final report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the appropriate standing committees of the legislature regarding the results of the study together with any recommendation for legislation.
<b>S.B. 650 TSBP Peace Officers</b>	The Texas Pharmacy Act is amended to allow TSBP investigators who are commissioned peace officers to carry weapons and make arrests.	6/19/09	8/31/09	<b>COMPLETED</b> (1) Notify the US Department of Justice of the law change so that TSBP may be designated as an agency that is eligible to share in seized funds. (2) The agency has been notified by the US Department of Justice that we are now eligible to share in seized funds (3) Internal Policies and Procedures to be followed by TSBP peace officers who carry weapons and make arrests are in place and equipment has been provided to the commissioned peace officers on staff.
<b>S.B. 904 Multiple CII Rxs &amp; Soma (CIV)</b>	The Texas Controlled Substances Act is amended to: a. allow a physician to issue multiple prescriptions to one patient authorizing the patient to receive a total of 90-days supply of a Schedule II drug. b. makes Carisoprodol (Soma®) a Schedule IV controlled substance.	6/19/09	7/31/09 and ongoing	(1) Notify licensees of the change in the Controlled Substances Act through the Website, newsletter, and presentations. (2) Monitor DPS rulemaking to implement the multiple prescription provision.
<b>S.B. 911 Certification of Pain Clinics</b>	The Texas Medical Practices Act is amended to require pain management clinics to be certified by the Texas Medical Board.	9/1/09 Rules by 3/1/10 All certified by 9/1/10	9/1/10	(1) Monitor rulemaking by TMB to implement the legislation. (2) Notify licensees of the provisions of the law and rules.
<b>S.B. 1058 Annual Report to Legislature</b>	(1) Chapter 53 of the Occupations Code is amended to require all health licensing agencies to annually report certain activities to the chairs of the House and Senate with primary oversight of the agency. (2) The Health Professions Council must adopt a standard format for the report by 1/1/10.	9/1/09 1/1/10	1/1/10	(1) HPC has formed a committee to recommend a standard format for the report. TSBP is represented on the committee by Carol Fisher. (2) Submit the first report by February 1, 2010.
<b>S.B. 1127 Confidentiality of Samples</b>	The Texas Pharmacy Act is amended to make reports, records, formulas, and test results of samples of products compounded by pharmacies and obtained by the Board confidential and not subject to the Texas Open Records Act.	6/19/09	8/31/09	(1) Develop internal policies regarding the handling of test results of samples of products compounded by pharmacies.

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<b>S.B. 1853 Tech Disciplinary Actions</b>	<p>The Texas Pharmacy Act is amended to:</p> <p>a. Specify that the Board may discipline a pharmacy technician if the technician has:</p> <ul style="list-style-type: none"> <li>- Performed a duty only a pharmacist may perform;</li> <li>- Used alcohol or drugs in an "intemperate" manner;</li> <li>- Engaged in negligent, unreasonable, or inappropriate conduct when working in a pharmacy;</li> <li>- Violated a disciplinary order;</li> <li>- Been convicted of a criminal offense that requires registration as a sex offender; or</li> <li>- Been disciplined by pharmacy or other health regulatory board.</li> </ul> <p>b. Specify that a disciplinary action affecting the registration of a pharmacy technician trainee remains in effect if the trainee obtains registration as a pharmacy technician; and</p> <p>c. Give the Board the authority on probable cause, to order a pharmacy technician to submit to a mental or physical evaluation.</p>	9/1/09	5/31/10	(1) Draft rules will be presented to the Board for consideration at the February 9-10, 2010, meeting.