

1 **TITLE 22 EXAMINING BOARDS**
2 **PART 15 TEXAS STATE BOARD OF PHARMACY**
3 **CHAPTER 291 PHARMACIES**
4 **SUBCHAPTER D INSTITUTIONAL PHARMACY (CLASS C)**

5
6 **§291.72 Definitions**

7
8 The following words and terms, when used in this subchapter, shall have the following
9 meanings, unless the context clearly indicates otherwise.

10
11 (1) – (30) (No change.)

12
13 **(31) Number of beds - The total number of beds is determined by the:**

14
15 **(A) number of beds for which the hospital is licensed by the Texas Department of State**
16 **Health Services; or**

17
18 **(B) average daily census as calculated by dividing the total number of inpatients**
19 **admitted during the previous calendar year by 365 (or 366 if the previous calendar year is**
20 **a leap year).**

21
22
23 **(32) [(31)] Part-time pharmacist--**A pharmacist either employed or under contract, who
24 routinely works less than full-time.

25
26 **(33) [(32)] Patient--**A person who is receiving services at the facility (including patients
27 receiving ambulatory procedures and patients conditionally admitted as observation patients), or
28 who is receiving long term care services or Medicare extended care services in a swing bed on
29 the hospital premise or an adjacent, readily accessible facility that is under the authority of the
30 hospital's governing body. For the purposes of this definition, the term "long term care services"
31 means those services received in a skilled nursing facility which is a distinct part of the hospital
32 and the distinct part is not licensed separately or formally approved as a nursing home by the
33 state, even though it is designated or certified as a skilled nursing facility. A patient includes a
34 person confined in any correctional institution operated by the state of Texas.

35
36 **(34) [(33)] Perpetual inventory--**An inventory which documents all receipts and distributions of
37 a drug product, such that an accurate, current balance of the amount of the drug product
38 present in the pharmacy is indicated.

39
40 **(35) [(34)] Pharmaceutical care--**The provision of drug therapy and other pharmaceutical
41 services intended to assist in the cure or prevention of a disease, elimination or reduction of a
42 patient's symptoms, or arresting or slowing of a disease process.

43
44 **(36) [(35)] Pharmacist-in-charge--**Pharmacist designated on a pharmacy license as the
45 pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and
46 rules pertaining to the practice of pharmacy.

47
48 **(37) [(36)] Pharmacy and therapeutics function--**Committee of the medical staff in the facility
49 which assists in the formulation of broad professional policies regarding the evaluation,
50 selection, distribution, handling, use, and administration, and all other matters relating to the use
51 of drugs and devices in the facility.

52
53 **(38)** ~~[(37)]~~ Pharmacy technician--An individual who is registered with the board as a pharmacy
54 technician and whose responsibility in a pharmacy is to provide technical services that do not
55 require professional judgment regarding preparing and distributing drugs and who works under
56 the direct supervision of and is responsible to a pharmacist.

57
58 **(39)** ~~[(38)]~~ Pharmacy technician trainee--An individual who is registered with the board as a
59 pharmacy technician trainee and is authorized to participate in a pharmacy's technician training
60 program.

61
62 **(40)** ~~[(39)]~~ Pre-packaging--The act of re-packaging and re-labeling quantities of drug products
63 from a manufacturer's original container into unit-dose packaging or a multiple dose container
64 for distribution within the facility except as specified in §291.74(f)(3)(B) of this title (relating to
65 Operational Standards).

66
67 **(41)** ~~[(40)]~~ Prescription drug--

68
69 (A) A substance for which federal or state law requires a prescription before it may be legally
70 dispensed to the public;

71
72 (B) A drug or device that under federal law is required, prior to being dispensed or delivered,
73 to be labeled with either of the following statements:

74
75 (i) Caution: federal law prohibits dispensing without prescription or "Rx only" or another
76 legend that complies with federal law; or

77
78 (ii) Caution: federal law restricts this drug to use by or on order of a licensed veterinarian; or

79
80 (C) A drug or device that is required by any applicable federal or state law or regulation to be
81 dispensed on prescription only or is restricted to use by a practitioner only.

82
83 **(42)** ~~[(41)]~~ Prescription drug order--

84
85 (A) a written order from a practitioner or a verbal order from a practitioner or his authorized
86 agent to a pharmacist for a drug or device to be dispensed; or

87
88 (B) a written order or a verbal order pursuant to Subtitle B, Chapter 157, Occupations Code.

89
90 **(43)** ~~[(42)]~~ Rural hospital--A licensed hospital with 75 beds or fewer that:

91
92 (A) is located in a county with a population of 50,000 or less as defined by the United States
93 Census Bureau in the most recent U.S. census; or

94
95 (B) has been designated by the Centers for Medicare and Medicaid Services as a critical
96 access hospital, rural referral center, or sole community hospital.

97
98 **(44)** ~~[(43)]~~ Sample--A prescription drug which is not intended to be sold and is intended to
99 promote the sale of the drug.

100
101 **(45)** ~~[(44)]~~ Supervision--

102

103 (A) Physically present supervision--In a Class C pharmacy, a pharmacist shall be physically
104 present to directly supervise pharmacy technicians or pharmacy technician trainees.

105
106 (B) Electronic supervision--In a Class C pharmacy in a facility with 100 beds or less, a
107 pharmacist licensed in Texas may electronically supervise pharmacy technicians or pharmacy
108 technician trainees to perform the duties specified in §291.73(e)(2) of this title (relating to
109 Personnel) provided:

110
111 (i) the pharmacy uses a system that monitors the data entry of medication orders and the
112 filling of such orders by an electronic method that shall include the use of one or more the
113 following types of technology:

114 (I) digital interactive video, audio, or data transmission;

115
116 (II) data transmission using computer imaging by way of still-image capture and store and
117 forward; and

118
119 (III) other technology that facilitates access to pharmacy services;

120
121 (ii) the pharmacy establishes controls to protect the privacy and security of confidential
122 records;

123
124 (iii) the pharmacist responsible for the duties performed by a pharmacy technician or
125 pharmacy technician trainee verifies:

126 (I) the data entry; and

127 (II) the accuracy of the filled orders prior to release of the order; and

128
129 (iv) the pharmacy keeps permanent digital records of duties electronically supervised and
130 data transmissions associated with electronically supervised duties for a period of two years.

131
132 (C) If the conditions of subparagraph (B) of this paragraph are met, electronic supervision
133 shall be considered the equivalent of direct supervision for the purposes of the Act.

134
135 **(46)** ~~[(45)]~~ Tech-Check-Tech--Allowing a pharmacy technician to verify the accuracy of work
136 performed by another pharmacy technician relating to the filling of floor stock and unit dose
137 distribution systems for a patient admitted to the hospital if the patient's orders have previously
138 been reviewed and approved by a pharmacist.

139
140 **(47)** ~~[(46)]~~ Texas Controlled Substances Act--The Texas Controlled Substances Act, the Health
141 and Safety Code, Chapter 481, as amended.

142
143 **(48)** ~~[(47)]~~ Unit-dose packaging--The ordered amount of drug in a dosage form ready for
144 administration to a particular patient, by the prescribed route at the prescribed time, and
145 properly labeled with name, strength, and expiration date of the drug.

146
147 **(49)** ~~[(48)]~~ Unusable drugs--Drugs or devices that are unusable for reasons, such as they are
148 adulterated, misbranded, expired, defective, or recalled.

153 **(50)** ~~[(49)]~~ Written protocol--A physician's order, standing medical order, standing delegation
154 order, or other order or protocol as defined by rule of the Texas Medical Board under the Texas
155 Medical Practice Act Subtitle B, Chapter 157, Occupations Code.