

Transcript for TSBP Talks Podcast Episode 1

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Narrator: Welcome to the very first episode of TSB talks, brought to you by the Texas State Board of Pharmacy. We're very excited to share Board news and information with you this way, and hope you find it a valuable additional resource. You can find podcast episodes, show notes, and available transcriptions at www.pharmacy.texas.gov/podcast. Today's episode will feature TSBP Executive Director Allison Benz reviewing for us the latest changes to board rules.

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Narrator: We'll start with the November 2020 adoptions, which included e-prescribing waiver information and a lot of rule changes involving technician ratios and duties. And then we'll go over February's adoptions- important news. We'll also bring you some important reminders and resources, including information about a sophisticated scam targeting TSBP licensees and how to protect yourself and some other tools and resources for continuing education requirements.

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Narrator: So let's get into the November adoptions. You can always follow along with us in the rule memo linked in the show notes, or visit us later at www.pharmacy.texas.gov/podcast to find the documents we were discussing. So now I'm going to turn things over to Allison Benz, our executive director, and we'll get started reviewing those technician duties and ratio updates, because I know we've got a lot of questions about those.

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Narrator: So Allison, go ahead and jump right in and give us an overview of what has been updated.

Allison Benz: They adopted numerous amendments to the rules that made changes to the requirements for technician to pharmacist ratio, as well as duties that can be performed by pharmacy technicians. The rules in various sections were amended beginning with Board rule 283.5 concerning pharmacist, intern ratio requirements, and this amendment removed the ratio for pharmacist to pharmacist interns.

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Allison Benz: The next changes were in Board rule 291.31, and this section allows for pharmacy technicians to receive an oral prescription, that's sent to the pharmacy. The next changes are in Board rule 291.32, and it changes the ratio, of pharmacists to pharmacy technicians to a 1 to 6 ratio with a maximum of three pharmacy technician trainees allowed.

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Allison Benz: It also amends the duties to allow pharmacy technicians to receive oral prescriptions, to provide a prescription transfer, and also to contact the prescriber for information about a prescription. Board rules 291.33 and 291.34 also make the amendments with regard to the technician duties and allow for the pharmacy technicians to receive an oral prescription,

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to perform transfers and to contact prescribers for clarifying information. Board rule 291.52 modifies the rules to allow pharmacy technicians in nuclear pharmacies to receive an oral prescription.

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Allison Benz: In Board rule 291.53, the ratio is amended to allow the 1 to 6 ratio and again a maximum of three pharmacy technician trainees. It also makes changes in 291.53 and 291.55 for the nuclear pharmacies to allow for the receiving of oral prescriptions by pharmacy technicians, and transferring prescriptions and contacting the prescriber for clarifying information. Board rule 291.121 was amended, to allow the pharmacy technicians to receive oral prescriptions and Board rule 291.121 applies to pharmacies that are doing telepharmacy.

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Allison Benz: 291.129 and 291.153 remove the ratio requirements completely, which would allow there to be, any number of pharmacy technicians in those settings. And also it allows for pharmacy technicians to receive oral prescriptions and to perform prescription transfers. Board rule 291.129 is for satellite pharmacies. The amendments to 291.153 apply to the class G pharmacies or the pharmacies that are central prescription drug or medication order processing pharmacies, and then in 309.2 and 309.3, the rules are modified to allow for pharmacy technicians to receive oral prescriptions.

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Allison Benz: The amendments changed in 309.2 and 309.3 are the requirements for substitution, and there are references in the sections about receiving prescriptions. And so these changes reflect that can be also done for substitution.

Narrator: And these rules that Allison covered for us all go into effect December 10th, 2020. So by the time you're hearing this recording, they should already be effective.

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Narrator: And you can go look them up on our website or in the Texas Register. And just one more thing, Allison, regarding these updates, I think there's one point of clarification that you could make for us where I'm anticipating we have a few questions. So these rules very clearly change ratios. And some technician duties. But do those technician duty updates affect pharmacy technician trainees?

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Allison Benz: These rules with regard to tech duties only apply to pharmacy technicians. They do not apply to pharmacy technician trainees.

Narrator: So just to be clear then a pharmacy technician trainee could not receive an oral prescription, transfer a prescription, or contact a prescriber- is that correct?

Allison Benz: That is correct.

Narrator: Okay. We're going to go ahead and then switch gears here from the technician duties and ratios update to e-prescribing.

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Narrator: And again Allison walk us through these updates to the e-prescribing and waiver requirements.

Allison Benz: The Board adopted amendments to rule 315.3 with regard to electronic prescriptions and waivers for prescribers that are, not able to issue a prescription electronically for controlled substances. The rule outlines the procedures, for those waivers. However, the Board of Pharmacy is not going to be the agency responsible for issuing those waivers.

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Allison Benz: Waivers will be issued by the particular licensing agency, for the prescriber. So for physicians, the waivers will come from the medical Board. For dentists, it would come from the dental Board and so on. But there are exceptions to when an individual can, not be required to issue, the prescription electronically. And they can then issue the prescription in writing.

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Allison Benz: There are times when the, electronic prescribing is not available, due to, temporary technological or electronic failures; medication is to be dispensed by a pharmacy that's located outside of the state; prescribers that are veterinarians are also exempt. And they, prescribers, would apply for those waivers from their, like I said, particular licensing agency. And, waivers are issued to the prescriber for a period of one year, and they would reapply in subsequent years for new waivers.

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Allison Benz: Pharmacists are not responsible for making sure that a waiver is in place. If a pharmacist receives a controlled substance prescription that is in writing and is otherwise a valid prescription, the pharmacist can dispense that. Even though it's not been sent to the pharmacy electronically. The rule becomes effective January 1st, 2021.

Narrator: So that is an excellent overview of, basically what the amendments are, what some exemptions are, where you'll be able to get waivers.

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Narrator: Obviously that would be prescriber, and not pharmacist, but, the pharmacist responsibility regarding the waiver is also really interesting. And I think that kind of leads into the question of pharmacists who don't feel comfortable filling prescriptions, especially ones that may, appear to need a waiver, but the pharmacist isn't able to verify or not verify that.

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Narrator: Could you speak a little bit to that, to the ability or perhaps lack thereof, of a pharmacist to potentially decline to fill that prescription?

Allison Benz: Pharmacists always have the right to refuse to dispense a prescription. However, in this situation, if the pharmacist receives a written prescription and it is otherwise valid, the pharmacist can dispense the prescription without concern. And they should not refuse to dispense the prescription only because it's in writing, and the pharmacist thinks that there should be an electronic prescription instead.

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Narrator: And our general counsel, Kirsten Arnold. Kirsten, you brought up a good point about some of the language referring to economic hardship. So could you lay that out for us? And then Allison kind of guide us through why that language is there and how it's applicable.

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Kirsten Arnold: The rule talks about that the fact that the waiver can be issued based on an economic hardship for the prescriber- why are those factors laid out in the rule?

Allison Benz: The rule outlines provisions for economic hardship, but that is for the prescribers. And it gives guidance to the other agencies as when they are adopting their rules, for the particular prescribers.

Kirsten Arnold: Does that apply to pharmacists?

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Allison Benz: It does not apply to pharmacists.

Narrator: Okay. I think that's some great clarification. That language is there to serve as guidance for other licensing boards. And pharmacists are not responsible for determining if that economic hardship exists for the prescriber. So that concludes our review of the November adoptions. And I think it's fair to say that while the adoptions focus on only those two major topics of the e-prescribing and then technician ratio and duty updates, there's definitely a lot of rules affected by these changes.

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Narrator: So we encourage everyone to take some time to look over the adoptions in the rule memo, and then the language in the November board meeting agenda. And again, links to both of these documents can be found on our website, on our podcast page, at www.pharmacy.texas.gov/podcast. And moving forward we'll look at the most recently adopted rules as of this recording.

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Narrator: Again, if you want to follow along, just check out the show notes on our website for details, and I'll turn it back over to Allison and we'll get into the February 2021 rule updates.

Allison Benz: At the Board's February meeting, they adopted two different, rules that had been proposed at their November board meeting. The first one is in 295.13.

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Allison Benz: And this rule was concerning drug therapy management by a pharmacist under protocol. And the changes that were made update the notification requirements for a pharmacist who is authorized to sign a prescription for a dangerous drug pursuant to a written protocol. And this change requires pharmacists to, only notify the Board upon their initial, starting of drug therapy management when they're signing those prescriptions, and then if there is any change to the protocol.

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Allison Benz: Previously, the pharmacist had to notify us, on a regular basis, and, now they only have to, notify us on any subsequent changes to the drug therapy management, protocol. The next rule that was adopted is Board rule 315.15. And this, amendments that were made in this section specify that, the requirement to check the prescription monitoring program, before dispensing certain controlled substances, which are opioids, benzodiazepines, carisoprodol, and barbiturates.

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Narrator: So that concludes the overview of February's adoptions. And as you can tell, they were slightly less intensive than the November adoptions. But at the February Board meeting, the Board did also discuss the FDA's memorandum of understanding and some options about how to proceed with that. So I'm going to turn things back over to Allison to kind of walk us through what the Board discussed and the action steps they're taking in the coming months.

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Allison Benz: The Board also discussed the Food and Drug Administration, or memorandum of understanding, that State Board of Pharmacies have been asked to review and potentially sign with regard to compounding of prescription drugs. The Board discussed the FDA MoU at the February Board meeting and they have asked that the compounding Advisory committee look at that MoU and also hold a stakeholder meeting this summer in June to get input, from pharmacists and other interested individuals, so that the Board can get their input.

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Allison Benz: And then at the August Board meeting, they will again discuss this issue. The stakeholder meeting will be, a public meeting that interested individuals will be able to, provide comment at that time and, give input on what their thoughts are on signing or not signing the FDA MoU.

Narrator: And if you are interested in attending that meeting, we'll have lots more information on our website as that June date approaches.

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Narrator: You can also keep an eye on our website at www.pharmacy.texas.gov/about/committees. And we'll also have information on our home page that directs you there. And that just about wraps up the November 2020 and February 2021 rule adoptions. The Board will meet next on May 11th, 2021, and you can find information on the upcoming meeting linked in the show notes.

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Narrator: We also want to leave you with some important reminders and information. Firstly, regarding the recurring scams that TSBP has received reports of. Telephone and email scammers seem to have proliferated over the past year and have become increasingly sophisticated in some cases. The most recent scam involves a very convincing looking document that appears to be from the Texas State Board of Pharmacy, and it warns the licensee that their license is being suspended because of illegal drug trafficking or other similar situations.

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Narrator: Licensees targeted by this scam have contacted TSBP to tell us that they are also cold called by these scammers pretending to be TSBP employees, and in these calls, the scammer has even been able to spoof the Board's real number via caller ID, so do be aware of that and if you receive a suspicious call, fax or email, always contact us directly to determine the legitimacy of this correspondence and also remember that we will never request money or bank account information in a phone call or text.

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Narrator: And as always, visit us at www.pharmacy.texas.gov/podcast for more information and to see an example scam letter. It is quite interesting and a little alarming to see how sophisticated this scam was. But we also have resources on how to report scammers to the Texas office of the Attorney General. So lots of great information- please visit us on our website. And in hopefully less distressing news, several of the CE requirements adopted in November of 2019 and May of 2020 will go into effect this year for pharmacists.

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Narrator: So we want to remind you that we have many resources on our website regarding these new requirements. You can visit us at www.pharmacy.texas.gov/CE. That's the letters C as in cat and e as in elephant. Again www.pharmacy.texas.gov/CE to find out more about both the pharmacist and pharmacy technician CE requirements. And we hope you've enjoyed this very first episode of TSBP talks and will join us for additional episodes.

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Narrator: Thanks so much for listening.