

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS PROPOSED RULES

Short Title: Inventory Requirements

Rule Numbers: §291.17

Statutory Authority: Texas Pharmacy Act, Chapter 551-566 and 568-569, Occupations Code:

- (1) Section 551.002 specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; and
- (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act.

Purpose: The amendments, if adopted, clarify the requirements for notarization of inventories.

Background: Board staff presents the proposed amendments to clarify the time requirements for the notarization of inventories.

1 TITLE 22 EXAMINING BOARDS
2 PART 15 TEXAS STATE BOARD OF PHARMACY
3 CHAPTER 291 PHARMACIES
4 SUBCHAPTER A ALL CLASSES OF PHARMACIES

5
6 **§291.17 Inventory Requirements**
7

8
9 (a) – (b) (No change.)

10
11 (c) Annual inventory.

12
13 (1) A Class A, C, or F pharmacy shall take an inventory on May 1 of each year, or on the
14 pharmacy's regular general physical inventory date. Such inventory may be taken within four
15 days of the specified inventory date and shall include all stocks (including out-of-date drugs) of
16 the drugs specified in subsection (a)(5) of this section.

17
18 (2) A Class A, C, or F pharmacy applying for renewal of a pharmacy license shall include as a
19 part of the pharmacy license renewal application a statement attesting that an annual inventory
20 has been conducted, the date of the inventory, and the name of the person taking the inventory.

21
22 (3) The person(s) taking the annual inventory and the pharmacist-in-charge shall indicate the
23 time the inventory was taken (as specified in subsection (a)(7) of this section) and shall sign and
24 date the inventory with the date the inventory was taken. The signature of the pharmacist-in-
25 charge and the date of the inventory shall be notarized within **three days of the day the**
26 **inventory is completed, excluding Saturdays, Sundays, and federal holidays.**~~[72 hours or~~
27 ~~within three working days of the completed inventory.]~~

28
29 (d) Change of ownership.

30
31 (1) A Class A, C, or F pharmacy that changes ownership shall take an inventory of all of the
32 following drugs on the date of the change of ownership. Such inventory shall include all stocks
33 (including any out-of-date drugs) of the drugs specified in subsection (a)(5) of this section.

34
35 (2) Such inventory shall constitute, for the purpose of this section, the closing inventory for the
36 seller and the initial inventory for the buyer.

37
38 (3) Transfer of any controlled substances listed in Schedule II shall require the use of official
39 DEA order forms (Form 222C).

40
41 (4) The person(s) taking the annual inventory and the pharmacist-in-charge shall indicate the
42 time the inventory was taken (as specified in subsection (a)(7) of this section) and shall sign and
43 date the inventory with the date the inventory was taken. The signature of the pharmacist-in-
44 charge and the date of the inventory shall be notarized within **three days of the day the**
45 **inventory is completed, excluding Saturdays, Sundays, and federal holidays.**~~[72 hours or~~
46 ~~within three working days of the completed inventory.]~~

47
48 (e) Closed pharmacies.

49
50 (1) The pharmacist-in-charge of a Class A, C, or F pharmacy that ceases to operate as a
51 pharmacy shall forward to the board, within 10 days of the cessation of operation, a statement

52 attesting that an inventory of the drugs specified in subsection (a)(5) of this section on hand has
53 been conducted, the date of closing, and a statement attesting the manner by which the
54 dangerous drugs and controlled substances possessed by such pharmacy were transferred or
55 disposed.

56
57 (2) The person(s) taking the annual inventory and the pharmacist-in-charge shall indicate the
58 time the inventory was taken (as specified in subsection (a)(7) of this section) and shall sign and
59 date the inventory with the date the inventory was taken. The signature of the pharmacist-in-
60 charge and the date of the inventory shall be notarized within **three days of the day the**
61 **inventory is completed, excluding Saturdays, Sundays, and federal holidays.** ~~[72 hours or~~
62 ~~within three working days of the completed inventory.]~~

63
64 (f) – (g) (No change.)