

## RULE ANALYSIS

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

**Short Title:** Records

**Rule Numbers:** §291.105

**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, add requirements for Class E pharmacies using auto-refill programs.

**Background:** Board staff presents these amendments to clarify the requirements for Class E pharmacies using auto-refill programs.

1 TITLE 22 EXAMINING BOARDS  
2 PART 15 TEXAS STATE BOARD OF PHARMACY  
3 CHAPTER 291 PHARMACIES  
4 SUBCHAPTER F NON-RESIDENT PHARMACY (CLASS E)

5  
6 **§291.105 Records**  
7

8 (a) (No change.)

9 **(b) Auto-Refill Programs. A pharmacy may use a program that automatically**  
10 **refills prescriptions that have existing refills available in order to improve patient**  
11 **compliance with and adherence to prescribed medication therapy. The following**  
12 **is applicable in order to enroll patients into an auto-refill program.**

13 **(1) Notice of the availability of an auto-refill program shall be given to the patient**  
14 **or patient's agent, and the patient or patient's agent must affirmatively indicate**  
15 **that they wish to enroll in such a program and the pharmacy shall document such**  
16 **indication.**

17 **(2) The patients or patient's agent shall have the option to withdraw from such a**  
18 **program at any time.**

19 **(3) Auto-refill programs may be used for refills of dangerous drugs, and**  
20 **schedule IV and V controlled substances at the discretion of the pharmacist-in-**  
21 **charge. Schedule II and III controlled substances may not be dispensed by an**  
22 **auto-refill program.**

23 **(4) As is required for all prescriptions, a drug regimen review shall be completed**  
24 **on all prescriptions filled as a result of the auto-refill program. Special attention**  
25 **shall be noted for drug regimen review warnings of duplication of therapy and all**  
26 **such conflicts shall be resolved with the prescribing practitioner prior to refilling**  
27 **the prescription.**

28 (b) (No change.)