

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS AN ADOPTED RULE

Short Title: Internship

Rule Numbers: §§283.2, 283.5

Statutory Authority: Texas Pharmacy Act, Chapter 551-569, 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 §283.2, if adopted, update the definition of a healthcare professional preceptor to include dentists, veterinarians, advanced practice registered nurses, and physician assistants. The amendments to §283.5, if adopted, allow intern-trainees to perform the duties of a pharmacist while under the supervision of a pharmacist preceptor at a site assigned by the college/school of pharmacy.

The Board reviewed and voted to propose the amendments during the November 3, 2015, meeting. The proposed amendments were published in the December 18, 2015, issue of the *Texas Register* at 40 TexReg 9064.

1 **CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS**

2 **22 TAC §283.2, §283.5**

3 The Texas State Board of Pharmacy proposes amendments to §283.2, concerning Definitions,
4 and §283.5, concerning Pharmacist-Intern Duties. The amendments to §283.2, if adopted, update
5 the definition of a healthcare professional to include dentists, podiatrists, veterinarians, advanced
6 practice registered nurses, and physician assistants. The amendments to §283.5, if adopted, allow
7 intern-trainees to perform the duties of a pharmacist while under the supervision of a pharmacist
8 preceptor at a site assigned by the college/school of pharmacy, correct references to pharmacist-
9 interns, and clarify that only individuals engaged in sterile compounding are required to meet the
10 training requirements.

11 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year
12 period the rules are in effect, there will be no fiscal implications for state or local government as
13 a result of enforcing or administering the rules.

14 Ms. Dodson has determined that, for each year of the first five-year period the rules will be in
15 effect, the public benefit anticipated as a result of enforcing the amendments will ensure
16 pharmacy owners and employees are not acting in an unprofessional manner. There is no fiscal
17 impact for individuals, small or large businesses, or to other entities which are required to
18 comply with these sections.

19 Written comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director
20 of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,
21 Austin, Texas 78701, FAX (512) 305-6778. Comments must be received by 5:00 p.m., January
22 22, 2016.

23 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act
24 (Chapters 551 - 566 and 568 - 569, Texas Occupations Code). The Board interprets §551.002 as
25 authorizing the agency to protect the public through the effective control and regulation of the
26 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules
27 for the proper administration and enforcement of the Act.

28 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 566 and 568 -
29 569, Texas Occupations Code.

30 **§283.2. Definitions.**

31 The following words and terms, when used in this chapter, shall have the following meanings,
32 unless the context clearly indicates otherwise.

33 (1) - (11) (No change.)

34 (12) Healthcare Professional--An individual licensed as:

35 (A) a physician, dentist, podiatrist, veterinarian, advanced practice registered nurse, or physician
36 assistant in Texas or another state; or

37 (B) a pharmacist in a state other than Texas but not licensed in Texas.

38 (13) Healthcare Professional Preceptor--A healthcare professional serving as an instructor for a
39 Texas college/school-based internship program who is recognized by a Texas college/school of
40 pharmacy to supervise and be responsible for the activities and functions of a student-intern or
41 intern-trainee in the internship program.

42 (14) - (27) (No change.)

43 **§283.5. Pharmacist-Intern Duties.**

44 (a) A pharmacist-intern [~~student intern or an extended intern~~] participating in a board-approved
45 internship program may perform any duty of a pharmacist provided the duties are delegated by
46 and under the supervision of:

47 (1) a pharmacist licensed by the board and approved as a preceptor by the board; or

48 (2) healthcare professional preceptor [~~a pharmacist licensed in a state other than Texas when~~
49 ~~working in a federal facility and serving as an instructor for a Texas college based internship~~
50 ~~program~~].

51 (b) A pharmacist preceptor serving as an instructor for a Texas college/school-based internship
52 program, may delegate any duty of a pharmacist [~~the following duties~~] to an intern-trainee. An
53 intern-trainee may only perform the duties of a pharmacist in a site assigned by a Texas
54 college/school of pharmacy and the direct supervision of a pharmacist preceptor assigned by a
55 Texas college/school of pharmacy. [~~working in a site assigned by a Texas college/school of~~
56 ~~pharmacy board approved program provided the intern trainee is under the direct supervision of~~
57 ~~the pharmacist preceptor.~~]

58 ~~[(1) initiating and receiving refill authorization requests;]~~

59 ~~[(2) entering prescription data into a data processing system;]~~

60 ~~[(3) taking a stock bottle from the shelf for a prescription;]~~

61 ~~[(4) preparing and packaging prescription drug orders (i.e., counting tablets/capsules, measuring~~
62 ~~liquids, and placing them in the prescription container);]~~

63 ~~[(5) affixing prescription labels and auxiliary labels to the prescription container;]~~

64 ~~[(6) reconstituting medication;]~~

65 ~~[(7) prepackaging and labeling prepackaged drugs;]~~

66 ~~{(8) loading bulk unlabeled drugs into an automated dispensing system provided a pharmacist~~
67 ~~verifies that the system is properly loaded prior to use;}~~

68 ~~{(9) bulk compounding;}~~

69 ~~{(10) compounding non-sterile preparations provided the intern trainee has completed the~~
70 ~~training required for pharmacists in §291.131 of this title (relating to Pharmacist Compounding~~
71 ~~Non-sterile Preparations);}~~

72 ~~{(11) compounding sterile preparations provided the intern trainee has completed the training~~
73 ~~required for pharmacists in §291.133 of this title (relating to Pharmacies Compounding Sterile~~
74 ~~Preparations); and}~~

75 ~~{(12) administering immunizations provided the intern trainee has completed the training~~
76 ~~required for pharmacists in §295.15 of this title (relating to Administration of Immunizations or~~
77 ~~Vaccinations by a Pharmacist under Written Protocol of a Physician).}~~

78 (c) When not under the supervision of a pharmacist preceptor, a pharmacist-intern [~~student-intern~~
79 ~~or an extended-intern~~] may function as a pharmacy technician and perform all of the duties of a
80 pharmacy technician without registering as a pharmacy technician provided the pharmacist-
81 intern:

82 (1) is registered with the board as a pharmacist-intern;

83 (2) is under the direct supervision of a pharmacist;

84 (3) has completed the pharmacy's on-site technician training program;

85 (4) has completed the training required for pharmacists in §291.133 of this title (relating to
86 Pharmacies Compounding Sterile Preparations) if the pharmacist-intern is involved in
87 compounding sterile preparations; and

88 (5) is not counted as a pharmacy technician in the ratio of pharmacists to pharmacy technicians.
89 The ratio of pharmacists to pharmacist-interns shall be 1:1 when performing pharmacy
90 technician duties.

91 (d) A pharmacist-intern may not:

92 (1) present or identify himself/herself as a pharmacist;

93 (2) sign or initial any document which is required to be signed or initialed by a pharmacist unless
94 a preceptor cosigns the document; or

95 (3) independently supervise pharmacy technicians or pharmacy technician trainees.