

## RULE ANALYSIS

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

**Short Title:** Personnel

**Rule Numbers:** §291.32

**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 dispensing a prescription are the same for a pharmacist and for an intern.

1 CHAPTER 291 PHARMACIES  
2 SUBCHAPTER B COMMUNITY PHARMACY (CLASS A)

3  
4 **§291.32 Personnel**

5  
6 (a) – (b)

7  
8 (c) Pharmacists.

9  
10 (1) General.

11  
12 (A) – (E) (No change.)

13  
14 (F) A dispensing pharmacist shall be responsible for and ensure that the drug is dispensed  
15 and delivered safely, and accurately as prescribed, unless the pharmacy's data processing  
16 system can record the identity of each pharmacist involved in a specific portion of the  
17 dispensing processing. If the system can track the identity of each pharmacist involved in the  
18 dispensing process, each pharmacist involved in the dispensing process shall be responsible for  
19 and ensure that the portion of the process the pharmacist is performing results in the safe and  
20 accurate dispensing and delivery of the drug as prescribed. The dispensing process shall  
21 include, but not be limited to, drug regimen review and verification of accurate prescription data  
22 entry, including data entry of prescriptions placed on hold, packaging, preparation,  
23 compounding, **transferring**, and labeling, and performance of the final check of the dispensed  
24 prescription. **An intern has the same responsibilities described in this subparagraph as a**  
25 **pharmacist but must perform his or her duties under the supervision of a pharmacist.**

26  
27 (2) Duties. Duties which may only be performed by a pharmacist are as follows:

28  
29 (A) receiving oral prescription drug orders and reducing these orders to writing, either  
30 manually or electronically;

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32 (B) interpreting prescription drug orders;

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34 (C) selecting drug products;

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36 (D) performing the final check of the dispensed prescription before delivery to the patient to  
37 ensure that the prescription has been dispensed accurately as prescribed;

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39 (E) communicating to the patient or patient's agent information about the prescription drug or  
40 device which in the exercise of the pharmacist's professional judgment, the pharmacist deems  
41 significant, as specified in §291.33(c) of this title;

42  
43 (F) communicating to the patient or the patient's agent on his or her request information  
44 concerning any prescription drugs dispensed to the patient by the pharmacy;

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46 (G) assuring that a reasonable effort is made to obtain, record, and maintain patient  
47 medication records;

48  
49 (H) interpreting patient medication records and performing drug regimen reviews;

51 (I) performing a specific act of drug therapy management for a patient delegated to a  
52 pharmacist by a written protocol from a physician licensed in this state in compliance with the  
53 Medical Practice Act; and

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55 (J) verifying that controlled substances listed on invoices are received by clearly recording  
56 his/her initials and date of receipt of the controlled substances.

57  
58 (3) Special requirements for compounding.

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60 ~~[(A) Non-Sterile Preparations.]~~ All pharmacists engaged in compounding non-sterile  
61 preparations shall meet the training requirements specified in §291.131 of this title (relating to  
62 Pharmacies Compounding Non-Sterile Preparations).

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64 ~~[(B) Sterile Preparations. All pharmacists engaged in compounding sterile preparations shall~~  
65 ~~meet the training requirements specified in §291.133 of this title (relating to Pharmacies~~  
66 ~~Compounding Sterile Preparations).]~~

67  
68 (d) Pharmacy Technicians and Pharmacy Technician Trainees.

69  
70 (1) General.

71  
72 (A) All pharmacy technicians and pharmacy technician trainees shall meet the training  
73 requirements specified in §297.6 of this title (relating to Pharmacy Technician and Pharmacy  
74 Technician Trainee Training).

75  
76 (B) Special requirements for compounding.

77  
78 ~~[(i) Non-Sterile Preparations.]~~ All pharmacy technicians and pharmacy technician trainees  
79 engaged in compounding non-sterile preparations shall meet the training requirements specified  
80 in §291.131 of this title.

81  
82 ~~[(ii) Sterile Preparations. All pharmacy technicians and pharmacy technician trainees~~  
83 ~~engaged in compounding sterile preparations shall meet the training requirements specified in~~  
84 ~~§291.133 of this title.]~~

85  
86 (2) Duties.

87  
88 (A) Pharmacy technicians and pharmacy technician trainees may not perform any of the  
89 duties listed in subsection (c)(2) of this section.

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91 (B) A pharmacist may delegate to pharmacy technicians and pharmacy technician trainees  
92 any nonjudgmental technical duty associated with the preparation and distribution of  
93 prescription drugs provided:

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95 (i) a pharmacist verifies the accuracy of all acts, tasks, and functions performed by  
96 pharmacy technicians and pharmacy technician trainees;

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98 (ii) pharmacy technicians and pharmacy technician trainees are under the direct supervision  
99 of and responsible to a pharmacist; and

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101 (iii) only pharmacy technicians and pharmacy technician trainees who have been properly  
102 trained on the use of an automated pharmacy dispensing system and can demonstrate  
103 comprehensive knowledge of the written policies and procedures for the operation of the system  
104 may be allowed access to the system.

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106 (C) Pharmacy technicians and pharmacy technician trainees may perform only  
107 nonjudgmental technical duties associated with the preparation and distribution of prescription  
108 drugs, as follows:

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110 (i) initiating and receiving refill authorization requests;

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112 (ii) entering prescription data into a data processing system;

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114 (iii) taking a stock bottle from the shelf for a prescription;

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116 (iv) preparing and packaging prescription drug orders (i.e., counting tablets/capsules,  
117 measuring liquids and placing them in the prescription container);

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119 (v) affixing prescription labels and auxiliary labels to the prescription container;

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121 (vi) reconstituting medications;

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123 (vii) prepackaging and labeling prepackaged drugs;

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125 (viii) loading bulk unlabeled drugs into an automated dispensing system provided a  
126 pharmacist verifies that the system is properly loaded prior to use;

127

128 (ix) compounding non-sterile [~~and sterile~~] prescription drug orders; and

129

130 (x) compounding bulk **non-sterile** preparations.

131

132 (3) (No change.)

133

134 (e) (No change.)