

1 **TITLE 22 EXAMINING BOARDS**  
2 **PART 15 TEXAS STATE BOARD OF PHARMACY**  
3 **CHAPTER 291 PHARMACIES**  
4 **SUBCHAPTER B COMMUNITY PHARMACY (CLASS A)**

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6 **§291.34 Records**

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10 (g) Transfer of prescription drug order information. For the purpose of initial or refill dispensing,  
11 the transfer of original prescription drug order information is permissible between pharmacies,  
12 subject to the following requirements.

13  
14 (1) The transfer of original prescription drug order information for controlled substances listed in  
15 Schedule III, IV, or V is permissible between pharmacies on a one-time basis only. However,  
16 pharmacies electronically sharing a real-time, on-line database may transfer up to the maximum  
17 refills permitted by law and the prescriber's authorization.

18  
19 (2) The transfer of original prescription drug order information for dangerous drugs is  
20 permissible between pharmacies without limitation up to the number of originally authorized  
21 refills.

22  
23 (3) The transfer is communicated orally by telephone or via facsimile directly by a pharmacist to  
24 another pharmacist; by a pharmacist to a student-intern, extended-intern, or resident-intern; or  
25 by a student-intern, extended-intern, or resident-intern to another pharmacist.

26  
27 (4) Both the original and the transferred prescription drug orders are maintained for a period of  
28 two years from the date of last refill.

29  
30 (5) The individual transferring the prescription drug order information shall ensure the following  
31 occurs:

32  
33 (A) write the word "void" on the face of the invalidated prescription or the prescription is voided  
34 in the data processing system;

35  
36 (B) record the name, address, if for a controlled substance, the DEA registration number of the  
37 pharmacy to which it was transferred, and the name of the receiving individual on the reverse of  
38 the invalidated prescription or stored with the invalidated prescription drug order in the data  
39 processing system;

40  
41 (C) record the date of the transfer and the name of the individual transferring the information;  
42 and

43  
44 (D) if the prescription is transferred electronically, provide the following information:

45  
46 (i) date of original dispensing and prescription number;

47  
48 (ii) number of refills remaining and if a controlled substance, the date(s) and location(s) of  
49 previous refills;

50

51 (iii) name, address, and if a controlled substance, the DEA registration number of the  
52 transferring pharmacy;  
53  
54 (iv) name of the individual transferring the prescription; and  
55  
56 (v) if a controlled substance, name, address and DEA registration number, and prescription  
57 number from the pharmacy that originally dispensed the prescription, if different.  
58  
59 (6) The individual receiving the transferred prescription drug order information shall:  
60  
61 (A) write the word "transfer" on the face of the prescription or the prescription record indicates  
62 the prescription was a transfer; and  
63  
64 (B) reduce to writing all of the information required to be on a prescription as specified in  
65 subsection (b)(7) of this section (relating to Prescriptions) and including the following  
66 information;  
67  
68 (i) date of issuance and prescription number;  
69  
70 (ii) original number of refills authorized on the original prescription drug order;  
71  
72 (iii) date of original dispensing;  
73  
74 (iv) number of valid refills remaining and if a controlled substance, date(s) and location(s) of  
75 previous refills;  
76  
77 (v) name, address, and if for a controlled substance, the DEA registration number of the  
78 transferring pharmacy;  
79  
80 (vi) name of the individual transferring the prescription; and  
81  
82 (vii) name, address, and if for a controlled substance, the DEA registration number, of the  
83 pharmacy that originally dispensed the prescription, if different; or  
84  
85 (C) if the prescription is transferred electronically, create an electronic record for the prescription  
86 that includes the receiving pharmacist's name and all of the information transferred with the  
87 prescription including all of the information required to be on a prescription as specified in  
88 subsection (b)(7) of this section (relating to Prescriptions) and the following:  
89  
90 (i) date of original dispensing;  
91  
92 (ii) number of refills remaining and if a controlled substance, the prescription number(s), date(s)  
93 and location(s) of previous refills;  
94  
95 (iii) name, address, and if for a controlled substance, the DEA registration number;  
96  
97 (iv) name of the individual transferring the prescription; and  
98  
99 (v) name, address, and if for a controlled substance, the DEA registration number, of the  
100 pharmacy that originally filled the prescription.  
101

102 (7) Both the individual transferring the prescription and the individual receiving the prescription  
103 must engage in confirmation of the prescription information by such means as:  
104  
105 (A) the transferring individual faxes the hard copy prescription to the receiving individual; or  
106  
107 (B) the receiving individual repeats the verbal information from the transferring individual and  
108 the transferring individual verbally confirms that the repeated information is correct.  
109  
110 (8) Pharmacies transferring prescriptions electronically shall comply with the following:  
111  
112 (A) Prescription drug orders may not be transferred by non-electronic means during periods of  
113 downtime except on consultation with and authorization by a prescribing practitioner; provided  
114 however, during downtime, a hard copy of a prescription drug order may be made available for  
115 informational purposes only, to the patient or a pharmacist, and the prescription may be read to  
116 a pharmacist by telephone.  
117  
118 (B) The original prescription drug order shall be invalidated in the data processing system for  
119 purposes of filling or refilling, but shall be maintained in the data processing system for refill  
120 history purposes.  
121  
122 (C) If the data processing system does not have the capacity to store all the information as  
123 specified in paragraphs (5) and (6) of this subsection, the pharmacist is required to record this  
124 information on the original or transferred prescription drug order.  
125  
126 (D) The data processing system shall have a mechanism to prohibit the transfer or refilling of  
127 controlled substance prescription drug orders that have been previously transferred.  
128  
129 (E) Pharmacies electronically accessing the same prescription drug order records may  
130 electronically transfer prescription information if the following requirements are met.  
131  
132 (i) The original prescription is voided and the pharmacies' data processing systems shall store  
133 all the information as specified in paragraphs (5) and (6) of this subsection.  
134  
135 (ii) Pharmacies not owned by the same person may electronically access the same prescription  
136 drug order records, provided the owner, chief executive officer, or designee of each pharmacy  
137 signs an agreement allowing access to such prescription drug order records.  
138  
139 (iii) An electronic transfer between pharmacies may be initiated by a pharmacist intern,  
140 pharmacy technician, or pharmacy technician trainee acting under the direct supervision of a  
141 pharmacist.  
142  
143 (9) An individual may not refuse to transfer original prescription information to another individual  
144 who is acting on behalf of a patient and who is making a request for this information as specified  
145 in this subsection. The transfer of original prescription information must be done in a timely  
146 manner. When transferring a compounded prescription, a pharmacy is required to provide all of  
147 the information regarding the compounded preparation including the formula unless the formula  
148 is patented or otherwise protected, in which case, the transferring pharmacy shall, at a  
149 minimum, provide the quantity or strength of all of the active ingredients of the compounded  
150 preparation.  
151

152 (10) The electronic transfer of multiple or bulk prescription records between two pharmacies is  
153 permitted provided:

154  
155 (A) a record of the transfer as specified in paragraph (5) of this section is maintained by the  
156 transferring pharmacy;

157  
158 (B) the information specified in paragraph (6) of this subsection is maintained by the receiving  
159 pharmacy; and

160  
161 (C) in the event that the patient or patient's agent is unaware of the transfer of the prescription  
162 drug order record, the transferring pharmacy must notify the patient or patient's agent of the  
163 transfer and must provide the patient or patient's agent with the telephone number of the  
164 pharmacy receiving the multiple or bulk prescription drug order records.

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