

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

5
6 **§291.31 Definitions**
7

8 The following words and terms, when used in this subchapter, shall have the following
9 meanings, unless the context clearly indicates otherwise.

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11 XXX
12

13
14 (23) Full-time pharmacist--A pharmacist who works in a pharmacy from 30 to 40 hours per
15 week or, if the pharmacy is open less than 60 hours per week, one-half of the time the
16 pharmacy is open.
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19 XXX

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

5
6 **§291.32 Personnel**
7

8
9 (a) Pharmacist-in-charge.

10
11 (1) General.

12
13 (A) Each Class A pharmacy shall have one pharmacist-in-charge who is employed on a full-
14 time basis, who may be the pharmacist-in-charge for only one such pharmacy; provided,
15 however, such pharmacist-in-charge may be the pharmacist-in-charge of:

16
17 (i) more than one Class A pharmacy, if the additional Class A pharmacies are not open to
18 provide pharmacy services simultaneously; or

19
20 (ii) during an emergency, up to two Class A pharmacies open simultaneously if the
21 pharmacist-in-charge works at least 10 hours per week in each pharmacy for no more than a
22 period of 30 consecutive days.

23
24 (B) The pharmacist-in-charge shall comply with the provisions of §291.17 of this title (relating
25 to Inventory Requirements).

26
27 (2) Responsibilities. The pharmacist-in-charge shall have responsibility for the practice of
28 pharmacy at the pharmacy for which he or she is the pharmacist-in-charge. The pharmacist-in-
29 charge may advise the owner on administrative or operational concerns. The pharmacist-in-
30 charge shall have responsibility for, at a minimum, the following:

31
32 (A) educating and training of pharmacy technicians and pharmacy technician trainees;

33
34 (B) supervising a system to assure appropriate procurement of prescription drugs and
35 devices and other products dispensed from the Class A pharmacy;

36
37 (C) disposing of and distributing drugs from the Class A pharmacy;

38
39 (D) storing all materials, including drugs, chemicals, and biologicals;

40
41 (E) maintaining records of all transactions of the Class A pharmacy necessary to maintain
42 accurate control over and accountability for all pharmaceutical materials required by applicable
43 state and federal laws and sections;

44
45 (F) supervising a system to assure maintenance of effective controls against the theft or
46 diversion of prescription drugs, and records for such drugs;

47
48 (G) adhering to policies and procedures regarding the maintenance of records in a data
49 processing system such that the data processing system is in compliance with Class A
50 (community) pharmacy requirements;

52 (H) legally operating the pharmacy, including meeting all inspection and other requirements of
53 all state and federal laws or sections governing the practice of pharmacy; and
54

55 (I) if the pharmacy uses an automated pharmacy dispensing system, shall be responsible for
56 the following:
57

58 (i) consulting with the owner concerning and adherence to the policies and procedures for
59 system operation, safety, security, accuracy and access, patient confidentiality, prevention of
60 unauthorized access, and malfunction;
61

62 (ii) inspecting medications in the automated pharmacy dispensing system, at least monthly,
63 for expiration date, misbranding, physical integrity, security, and accountability;
64

65 (iii) assigning, discontinuing, or changing personnel access to the automated pharmacy
66 dispensing system;
67

68 (iv) ensuring that pharmacy technicians, pharmacy technician trainees, and licensed
69 healthcare professionals performing any services in connection with an automated pharmacy
70 dispensing system have been properly trained on the use of the system and can demonstrate
71 comprehensive knowledge of the written policies and procedures for operation of the system;
72 and
73

74 (v) ensuring that the automated pharmacy dispensing system is stocked accurately and an
75 accountability record is maintained in accordance with the written policies and procedures of
76 operation.
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1 TITLE 22 EXAMINING BOARDS
2 PART 15 TEXAS STATE BOARD OF PHARMACY
3 CHAPTER 291 PHARMACIES
4 SUBCHAPTER D INSTITUTIONAL PHARMACY (CLASS C)

5
6 **§291.72 Definitions**
7

8 The following words and terms, when used in this subchapter, shall have the following
9 meanings, unless the context clearly indicates otherwise.

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11 XXX
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13 (24) Full-time pharmacist--A pharmacist who works in a pharmacy from 30 to 40 hours per
14 week or if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy
15 is open.

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1 **TITLE 22 EXAMINING BOARDS**
2 **PART 15 TEXAS STATE BOARD OF PHARMACY**
3 **CHAPTER 291 PHARMACIES**
4 **SUBCHAPTER D INSTITUTIONAL PHARMACY (CLASS C)**

5
6 **§291.73 Personnel**

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10 (b) Pharmacist-in-charge.

11
12 (1) General.

13
14 (A) Each institutional pharmacy in a facility with 101 beds or more shall have one full-time
15 pharmacist-in-charge, who may be pharmacist-in-charge for only one such pharmacy except as
16 specified in subparagraph (C) of this paragraph.

17
18 (B) Each institutional pharmacy in a facility with 100 beds or less shall have one pharmacist-
19 in-charge who is employed or under contract, at least on a consulting or part-time basis, but
20 may be employed on a full-time basis, if desired, and who may be pharmacist-in-charge for no
21 more than three facilities or 150 beds.

22
23 (C) A pharmacist-in-charge may be in charge of one facility with 101 beds or more and one
24 facility with 100 beds or less, including a rural hospital, provided the total number of beds does
25 not exceed 150 beds.

26
27 (D) The pharmacist-in-charge shall be assisted by additional pharmacists, pharmacy
28 technicians and pharmacy technician trainees commensurate with the scope of services
29 provided.

30
31 (E) If the pharmacist-in-charge is employed on a part-time or consulting basis, a written
32 agreement shall exist between the facility and the pharmacist, and a copy of the written
33 agreement shall be made available to the board upon request.

34
35 (2) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum,
36 the following:

37
38 (A) providing the appropriate level of pharmaceutical care services to patients of the facility;

39
40 (B) ensuring that drugs and/or devices are prepared for distribution safely, and accurately as
41 prescribed;

42
43 (C) supervising a system to assure maintenance of effective controls against the theft or
44 diversion of prescription drugs, and records for such drugs;

45
46 (D) providing written guidelines and approval of the procedure to assure that all
47 pharmaceutical requirements are met when any part of preparing, sterilizing, and labeling of
48 sterile preparations is not performed under direct pharmacy supervision;

49
50 (E) participating in the development of a formulary for the facility, subject to approval of the
51 appropriate committee of the facility;

- 52
- 53 (F) developing a system to assure that drugs to be administered to patients are distributed
54 pursuant to an original or direct copy of the practitioner's medication order;
- 55
- 56 (G) developing a system for the filling and labeling of all containers from which drugs are to
57 be distributed or dispensed;
- 58
- 59 (H) assuring that the pharmacy maintains and makes available a sufficient inventory of
60 antidotes and other emergency drugs as well as current antidote information, telephone
61 numbers of regional poison control center and other emergency assistance organizations, and
62 such other materials and information as may be deemed necessary by the appropriate
63 committee of the facility;
- 64
- 65 (I) maintaining records of all transactions of the institutional pharmacy as may be required by
66 applicable law, state and federal, and as may be necessary to maintain accurate control over
67 and accountability for all pharmaceutical materials including pharmaceuticals, components used
68 in the compounding of preparations, and participate in policy decisions regarding prescription
69 drug delivery devices;
- 70
- 71 (J) participating in those aspects of the facility's patient care evaluation program which relate
72 to pharmaceutical utilization and effectiveness;
- 73
- 74 (K) participating in teaching and/or research programs in the facility;
- 75
- 76 (L) implementing the policies and decisions of the appropriate committee(s) relating to
77 pharmaceutical services of the facility;
- 78
- 79 (M) providing effective and efficient messenger or delivery service to connect the institutional
80 pharmacy with appropriate areas of the facility on a regular basis throughout the normal
81 workday of the facility;
- 82
- 83 (N) developing a system for the labeling, storage, and distribution of investigational new
84 drugs, including access to related drug information for healthcare personnel in the pharmacy
85 and nursing station where such drugs are being administered, concerning the dosage form,
86 route of administration, strength, actions, uses, side effects, adverse effects, interactions and
87 symptoms of toxicity of investigational new drugs;
- 88
- 89 (O) assuring that records in a data processing system are maintained such that the data
90 processing system is in compliance with Class C (Institutional) pharmacy requirements;
- 91
- 92 (P) assuring that a reasonable effort is made to obtain, record, and maintain patient
93 medication records;
- 94
- 95 (Q) assuring the legal operation of the pharmacy, including meeting all inspection and other
96 requirements of all state and federal laws or rules governing the practice of pharmacy; and
97
- 98 (R) if the pharmacy uses an automated medication supply system, shall be responsible for
99 the following;

100

101 (i) reviewing and approving all policies and procedures for system operation, safety,
102 security, accuracy and access, patient confidentiality, prevention of unauthorized access, and
103 malfunction;
104

105 (ii) inspecting medications in the automated medication supply system, at least monthly, for
106 expiration date, misbranding, physical integrity, security, and accountability; except that
107 inspection of medications in the automated medication supply system may be performed
108 quarterly if:

109
110 (I) the facility uses automated medication supply systems that monitors expiration dates of
111 prescription drugs; and
112

113 (II) security of the system is checked at regularly defined intervals (e.g., daily or weekly);
114

115 (iii) assigning, discontinuing, or changing personnel access to the automated medication
116 supply system;
117

118 (iv) ensuring that pharmacy technicians, pharmacy technician trainees, and licensed
119 healthcare professionals performing any services in connection with an automated medication
120 supply system have been properly trained on the use of the system and can demonstrate
121 comprehensive knowledge of the written policies and procedures for operation of the system;
122 and
123

124 (v) ensuring that the automated medication supply system is stocked accurately and an
125 accountability record is maintained in accordance with the written policies and procedures of
126 operation.
127

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