

## RULE ANALYSIS

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

**Short Title:** Out-of-state plans

**Rule Numbers:** §291.34

**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, if adopted, implement provisions of S.B. 195 passed during the 2015 Texas Legislative session which update the requirements regarding Class A pharmacies dispensing schedule II controlled substance prescriptions issued by prescribers licensed in a state other than Texas to require the plan be approved by the Texas State Board of Pharmacy.

1 **CHAPTER 291. PHARMACIES**

2 **SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)**

3 **22 TAC §291.34**

4 The Texas State Board of Pharmacy proposes amendments to §291.34, concerning Records. The  
5 amendments to §291.34, if adopted, implement provisions of S.B. 195 passed during the 2015  
6 Texas Legislative session which update the requirements regarding Class A pharmacies  
7 dispensing schedule II controlled substance prescriptions issued by prescribers licensed in a state  
8 other than Texas to require the plan be approved by the Texas State Board of Pharmacy.

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

12 Ms. Dodson has determined that, for each year of the first five-year period the rule will be in  
13 effect, the public benefit anticipated as a result of enforcing the amendments will ensure  
14 appropriate administrative penalties for pharmacies failing to operate. There is no fiscal impact  
15 for individuals, small or large businesses, or to other entities which are required to comply with  
16 this section.

17 Written comments on the amendments may be submitted to Allison Vordenbaumen Benz, R.Ph.,  
18 M.S., Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street,  
19 Suite 3-600, Austin, Texas 78701, FAX (512) 305-6778. Comments must be received by 5 p.m.,  
20 October 25, 2016.

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

26 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas  
27 Occupations Code.

28 **§291.34.Records.**

29 (a) Maintenance of records.

30 (1) Every inventory or other record required to be kept under the provisions of Subchapter B of  
31 this chapter (relating to Community Pharmacy (Class A)) shall be:

32 (A) kept by the pharmacy at the pharmacy's licensed location and be available, for at least two  
33 years from the date of such inventory or record, for inspecting and copying by the board or its  
34 representative and to other authorized local, state, or federal law enforcement agencies; and

35 (B) supplied by the pharmacy within 72 hours, if requested by an authorized agent of the Texas  
36 State Board of Pharmacy. If the pharmacy maintains the records in an electronic format, the  
37 requested records must be provided in a mutually agreeable electronic format if specifically  
38 requested by the board or its representative. Failure to provide the records set out in this section,  
39 either on site or within 72 hours, constitutes prima facie evidence of failure to keep and maintain  
40 records in violation of the Act.

41 (2) Records of controlled substances listed in Schedule II shall be maintained separately from all  
42 other records of the pharmacy.

43 (3) Records of controlled substances, other than prescription drug orders, listed in Schedules III-  
44 V shall be maintained separately or readily retrievable from all other records of the pharmacy.  
45 For purposes of this subsection, readily retrievable means that the controlled substances shall be  
46 asterisked, red-lined, or in some other manner readily identifiable apart from all other items  
47 appearing on the record.

48 (4) Records, except when specifically required to be maintained in original or hard copy form,  
49 may be maintained in an alternative data retention system, such as a data processing system or  
50 direct imaging system provided:

51 (A) the records maintained in the alternative system contain all of the information required on  
52 the manual record; and

53 (B) the data processing system is capable of producing a hard copy of the record upon the  
54 request of the board, its representative, or other authorized local, state, or federal law  
55 enforcement or regulatory agencies.

56 (b) Prescriptions.

57 (1) Professional responsibility.

58 (A) Pharmacists shall exercise sound professional judgment with respect to the accuracy and  
59 authenticity of any prescription drug order they dispense. If the pharmacist questions the  
60 accuracy or authenticity of a prescription drug order, he/she shall verify the order with the  
61 practitioner prior to dispensing.

62 (B) Prior to dispensing a prescription, pharmacists shall determine, in the exercise of sound  
63 professional judgment, that the prescription is a valid prescription. A pharmacist may not  
64 dispense a prescription drug unless the pharmacist complies with the requirements of §562.056  
65 of the Act, and §291.29 of this title (relating to Professional Responsibility of Pharmacists).

66 (C) Subparagraph (B) of this paragraph does not prohibit a pharmacist from dispensing a  
67 prescription when a valid patient-practitioner relationship is not present in an emergency  
68 situation (e.g., a practitioner taking calls for the patient's regular practitioner).

69 (2) Written prescription drug orders.

70 (A) Practitioner's signature.

71 (i) Dangerous drug prescription orders. Written prescription drug orders shall be:

72 (I) manually signed by the practitioner; or

73 (II) electronically signed by the practitioner using a system that electronically replicates the  
74 practitioner's manual signature on the written prescription, provided:

75 (-a-) that security features of the system require the practitioner to authorize each use; and

76 (-b-) the prescription is printed on paper that is designed to prevent unauthorized copying of a  
77 completed prescription and to prevent the erasure or modification of information written on the  
78 prescription by the prescribing practitioner. (For example, the paper contains security provisions  
79 against copying that results in some indication on the copy that it is a copy and therefore render  
80 the prescription null and void.)

81 (ii) Controlled substance prescription orders. Prescription drug orders for Schedule II, III, IV, or  
82 V controlled substances shall be manually signed by the practitioner. Prescription drug orders for  
83 Schedule II controlled substances shall be issued on an official prescription form as required by  
84 the Texas Controlled Substances Act, §481.075.

85 (iii) Other provisions for a practitioner's signature.

86 (I) A practitioner may sign a prescription drug order in the same manner as he would sign a  
87 check or legal document, e.g., J.H. Smith or John H. Smith.

88 (II) Rubber stamped or otherwise reproduced signatures may not be used except as authorized in  
89 clause (i) of this subparagraph.

90 (III) The prescription drug order may not be signed by a practitioner's agent but may be prepared  
91 by an agent for the signature of a practitioner. However, the prescribing practitioner is  
92 responsible in case the prescription drug order does not conform in all essential respects to the  
93 law and regulations.

94 (B) Prescription drug orders written by practitioners in another state.

95 (i) Dangerous drug prescription orders. A pharmacist may dispense a prescription drug order for  
96 dangerous drugs issued by practitioners in a state other than Texas in the same manner as  
97 prescription drug orders for dangerous drugs issued by practitioners in Texas are dispensed.

98 (ii) Controlled substance prescription drug orders.

99 (I) A pharmacist may dispense prescription drug order for controlled substances in Schedule II  
100 issued by a practitioner in another state provided:

101 (-a-) the prescription is dispensed as specified in §315.9 of this title (relating to Pharmacy  
102 Responsibility - Out-of-State Practitioner - Effective September 1, 2016) ~~[filled in compliance~~  
103 ~~with a written plan approved by the Director of the Texas Department of Public Safety in~~  
104 ~~consultation with the Board, which provides the manner in which the dispensing pharmacy may~~  
105 ~~fill a prescription for a Schedule II controlled substance];~~

106 (-b-) the prescription drug order is an original written prescription issued by a person practicing  
107 in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist,  
108 who has a current federal Drug Enforcement Administration (DEA) registration number, and  
109 who may legally prescribe Schedule II controlled substances in such other state; and

110 (-c-) the prescription drug order is not dispensed after the end of the twenty-first day after the  
111 date on which the prescription is issued.

112 (II) A pharmacist may dispense prescription drug orders for controlled substances in Schedule  
113 III, IV, or V issued by a physician, dentist, veterinarian, or podiatrist in another state provided:

114 (-a-) the prescription drug order is issued by a person practicing in another state and licensed by  
115 another state as a physician, dentist, veterinarian, or podiatrist, who has a current federal DEA  
116 registration number, and who may legally prescribe Schedule III, IV, or V controlled substances  
117 in such other state;

118 (-b-) the prescription drug order is not dispensed or refilled more than six months from the initial  
119 date of issuance and may not be refilled more than five times; and

120 (-c-) if there are no refill instructions on the original prescription drug order (which shall be  
121 interpreted as no refills authorized) or if all refills authorized on the original prescription drug  
122 order have been dispensed, a new prescription drug order is obtained from the prescribing  
123 practitioner prior to dispensing any additional quantities of controlled substances.

124 (C) Prescription drug orders written by practitioners in the United Mexican States or the  
125 Dominion of Canada.

126 (i) Controlled substance prescription drug orders. A pharmacist may not dispense a prescription  
127 drug order for a Schedule II, III, IV, or V controlled substance issued by a practitioner in the  
128 Dominion of Canada or the United Mexican States.

129 (ii) Dangerous drug prescription drug orders. A pharmacist may dispense a dangerous drug  
130 prescription issued by a person licensed in the Dominion of Canada or the United Mexican States  
131 as a physician, dentist, veterinarian, or podiatrist provided:

132 (I) the prescription drug order is an original written prescription; and

133 (II) if there are no refill instructions on the original written prescription drug order (which shall  
134 be interpreted as no refills authorized) or if all refills authorized on the original written  
135 prescription drug order have been dispensed, a new written prescription drug order shall be

136 obtained from the prescribing practitioner prior to dispensing any additional quantities of  
137 dangerous drugs.

138 (D) Prescription drug orders issued by an advanced practice registered nurse, physician assistant,  
139 or pharmacist.

140 (i) A pharmacist may dispense a prescription drug order that is:

141 (I) issued by an advanced practice registered nurse or physician assistant provided the advanced  
142 practice registered nurse or physician assistant is practicing in accordance with Subtitle B,  
143 Chapter 157, Occupations Code; and

144 (II) for a dangerous drug and signed by a pharmacist under delegated authority of a physician as  
145 specified in Subtitle B, Chapter 157, Occupations Code.

146 (ii) Each practitioner shall designate in writing the name of each advanced practice registered  
147 nurse or physician assistant authorized to issue a prescription drug order pursuant to Subtitle B,  
148 Chapter 157, Occupations Code. A list of the advanced practice registered nurses or physician  
149 assistants designated by the practitioner must be maintained in the practitioner's usual place of  
150 business. On request by a pharmacist, a practitioner shall furnish the pharmacist with a copy of  
151 the written authorization for a specific advanced practice registered nurse or physician assistant.

152 (E) Prescription drug orders for Schedule II controlled substances. No Schedule II controlled  
153 substance may be dispensed without a written prescription drug order of a practitioner on an  
154 official prescription form as required by the Texas Controlled Substances Act, §481.075.

155 (3) Verbal prescription drug orders.

156 (A) A verbal prescription drug order from a practitioner or a practitioner's designated agent may  
157 only be received by a pharmacist or a pharmacist-intern under the direct supervision of a  
158 pharmacist.

159 (B) A practitioner shall designate in writing the name of each agent authorized by the  
160 practitioner to communicate prescriptions verbally for the practitioner. The practitioner shall  
161 maintain at the practitioner's usual place of business a list of the designated agents. The  
162 practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a  
163 specific agent on the pharmacist's request.

164 (C) A pharmacist may not dispense a verbal prescription drug order for a dangerous drug or a  
165 controlled substance issued by a practitioner licensed in the Dominion of Canada or the United  
166 Mexican States unless the practitioner is also licensed in Texas.

167 (4) Electronic prescription drug orders.

168 (A) Dangerous drug prescription orders.

169 (i) An electronic prescription drug order for a dangerous drug may be transmitted by a  
170 practitioner or a practitioner's designated agent:

171 (I) directly to a pharmacy; or

172 (II) through the use of a data communication device provided:

173 (-a-) the confidential prescription information is not altered during transmission; and

174 (-b-) confidential patient information is not accessed or maintained by the operator of the data  
175 communication device other than for legal purposes under federal and state law.

176 (ii) A practitioner shall designate in writing the name of each agent authorized by the practitioner  
177 to electronically transmit prescriptions for the practitioner. The practitioner shall maintain at the  
178 practitioner's usual place of business a list of the designated agents. The practitioner shall  
179 provide a pharmacist with a copy of the practitioner's written authorization for a specific agent  
180 on the pharmacist's request.

181 (B) Controlled substance prescription orders. A pharmacist may only dispense an electronic  
182 prescription drug order for a Schedule II, III, IV, or V controlled substance in compliance with  
183 the federal and state laws and the rules of the Drug Enforcement Administration outlined in Part  
184 1300 of the Code of Federal Regulations and Texas Department of Public Safety.

185 (C) Prescriptions issued by a practitioner licensed in the Dominion of Canada or the United  
186 Mexican States. A pharmacist may not dispense an electronic prescription drug order for a  
187 dangerous drug or controlled substance issued by a practitioner licensed in the Dominion of  
188 Canada or the United Mexican States unless the practitioner is also licensed in Texas.

189 (5) Facsimile (faxed) prescription drug orders.

190 (A) A pharmacist may dispense a prescription drug order for a dangerous drug transmitted to the  
191 pharmacy by facsimile.

192 (B) A pharmacist may dispense a prescription drug order for a Schedule III-V controlled  
193 substance transmitted to the pharmacy by facsimile provided the prescription is manually signed  
194 by the practitioner and not electronically signed using a system that electronically replicates the  
195 practitioner's manual signature on the prescription drug order.

196 (C) A pharmacist may not dispense a facsimile prescription drug order for a dangerous drug or  
197 controlled substance issued by a practitioner licensed in the Dominion of Canada or the United  
198 Mexican States unless the practitioner is also licensed in Texas.

199 (6) Original prescription drug order records.

200 (A) Original prescriptions may be dispensed only in accordance with the prescriber's  
201 authorization as indicated on the original prescription drug order including clarifications to the

202 order given to the pharmacist by the practitioner or the practitioner's agent and recorded on the  
203 prescription.

204 (B) Original prescriptions shall be maintained by the pharmacy in numerical order and remain  
205 legible for a period of two years from the date of filling or the date of the last refill dispensed.

206 (C) If an original prescription drug order is changed, such prescription order shall be invalid and  
207 of no further force and effect; if additional drugs are to be dispensed, a new prescription drug  
208 order with a new and separate number is required. However, an original prescription drug order  
209 for a dangerous drug may be changed in accordance with paragraph (10) of this subsection  
210 relating to accelerated refills.

211 (D) Original prescriptions shall be maintained in three separate files as follows:

212 (i) prescriptions for controlled substances listed in Schedule II;

213 (ii) prescriptions for controlled substances listed in Schedules III-V; and

214 (iii) prescriptions for dangerous drugs and nonprescription drugs.

215 (E) Original prescription records other than prescriptions for Schedule II controlled substances  
216 may be stored in a system that is capable of producing a direct image of the original prescription  
217 record, e.g., digitalized imaging system. If original prescription records are stored in a direct  
218 imaging system, the following is applicable:

219 (i) the record of refills recorded on the original prescription must also be stored in this system;

220 (ii) the original prescription records must be maintained in numerical order and separated in three  
221 files as specified in subparagraph (D) of this paragraph; and

222 (iii) the pharmacy must provide immediate access to equipment necessary to render the records  
223 easily readable.

224 (7) Prescription drug order information.

225 (A) All original prescriptions shall bear:

226 (i) name of the patient, or if such drug is for an animal, the species of such animal and the name  
227 of the owner;

228 (ii) address of the patient, provided, however, a prescription for a dangerous drug is not required  
229 to bear the address of the patient if such address is readily retrievable on another appropriate,  
230 uniformly maintained pharmacy record, such as medication records;

231 (iii) name, address and telephone number of the practitioner at the practitioner's usual place of  
232 business, legibly printed or stamped and if for a controlled substance, the DEA registration  
233 number of the practitioner;

234 (iv) name and strength of the drug prescribed;

235 (v) quantity prescribed numerically and if for a controlled substance:

236 (I) numerically, followed by the number written as a word, if the prescription is written;

237 (II) numerically, if the prescription is electronic; or

238 (III) if the prescription is communicated orally or telephonically, as transcribed by the receiving  
239 pharmacist;

240 (vi) directions for use;

241 (vii) intended use for the drug unless the practitioner determines the furnishing of this  
242 information is not in the best interest of the patient;

243 (viii) date of issuance;

244 (ix) if a faxed prescription:

245 (I) a statement that indicates that the prescription has been faxed (e.g., Faxed to); and

246 (II) if transmitted by a designated agent, the name of the designated agent;

247 (x) if electronically transmitted:

248 (I) the date the prescription drug order was electronically transmitted to the pharmacy, if  
249 different from the date of issuance of the prescription; and

250 (II) if transmitted by a designated agent, the name of the designated agent; and

251 (xi) if issued by an advanced practice nurse or physician assistant in accordance with Subtitle B,  
252 Chapter 157, Occupations Code the:

253 (I) name, address, telephone number, and if the prescription is for a controlled substance, the  
254 DEA number of the supervising practitioner; and

255 (II) address and telephone number of the clinic where the prescription drug order was carried out  
256 or signed.

257 (B) At the time of dispensing, a pharmacist is responsible for documenting the following  
258 information on either the original hard copy prescription or in the pharmacy's data processing  
259 system:

260 (i) unique identification number of the prescription drug order;

261 (ii) initials or identification code of the dispensing pharmacist;

262 (iii) initials or identification code of the pharmacy technician or pharmacy technician trainee  
263 performing data entry of the prescription, if applicable;

264 (iv) quantity dispensed, if different from the quantity prescribed;

265 (v) date of dispensing, if different from the date of issuance; and

266 (vi) brand name or manufacturer of the drug or biological product actually dispensed, if the drug  
267 was prescribed by generic name or interchangeable biological name or if a drug or  
268 interchangeable biological product other than the one prescribed was dispensed pursuant to the  
269 provisions of the Act, Chapters 562 and 563.

270 (8) Refills.

271 (A) General information.

272 (i) Refills may be dispensed only in accordance with the prescriber's authorization as indicated  
273 on the original prescription drug order except as authorized in paragraph (10) of this subsection  
274 relating to accelerated refills.

275 (ii) If there are no refill instructions on the original prescription drug order (which shall be  
276 interpreted as no refills authorized) or if all refills authorized on the original prescription drug  
277 order have been dispensed, authorization from the prescribing practitioner shall be obtained prior  
278 to dispensing any refills and documented as specified in subsection (1) of this section.

279 (B) Refills of prescription drug orders for dangerous drugs or nonprescription drugs.

280 (i) Prescription drug orders for dangerous drugs or nonprescription drugs may not be refilled  
281 after one year from the date of issuance of the original prescription drug order.

282 (ii) If one year has expired from the date of issuance of an original prescription drug order for a  
283 dangerous drug or nonprescription drug, authorization shall be obtained from the prescribing  
284 practitioner prior to dispensing any additional quantities of the drug.

285 (C) Refills of prescription drug orders for Schedules III-V controlled substances.

286 (i) Prescription drug orders for Schedules III-V controlled substances may not be refilled more  
287 than five times or after six months from the date of issuance of the original prescription drug  
288 order, whichever occurs first.

289 (ii) If a prescription drug order for a Schedule III, IV, or V controlled substance has been refilled  
290 a total of five times or if six months have expired from the date of issuance of the original  
291 prescription drug order, whichever occurs first, a new and separate prescription drug order shall  
292 be obtained from the prescribing practitioner prior to dispensing any additional quantities of  
293 controlled substances.

294 (D) Pharmacist unable to contact prescribing practitioner. If a pharmacist is unable to contact the  
295 prescribing practitioner after a reasonable effort, a pharmacist may exercise his professional  
296 judgment in refilling a prescription drug order for a drug, other than a controlled substance listed  
297 in Schedule II, without the authorization of the prescribing practitioner, provided:

298 (i) failure to refill the prescription might result in an interruption of a therapeutic regimen or  
299 create patient suffering;

300 (ii) the quantity of prescription drug dispensed does not exceed a 72-hour supply;

301 (iii) the pharmacist informs the patient or the patient's agent at the time of dispensing that the  
302 refill is being provided without such authorization and that authorization of the practitioner is  
303 required for future refills;

304 (iv) the pharmacist informs the practitioner of the emergency refill at the earliest reasonable  
305 time;

306 (v) the pharmacist maintains a record of the emergency refill containing the information required  
307 to be maintained on a prescription as specified in this subsection;

308 (vi) the pharmacist affixes a label to the dispensing container as specified in §291.33(c)(7) of this  
309 title; and

310 (vii) if the prescription was initially filled at another pharmacy, the pharmacist may exercise his  
311 professional judgment in refilling the prescription provided:

312 (I) the patient has the prescription container, label, receipt or other documentation from the other  
313 pharmacy that contains the essential information;

314 (II) after a reasonable effort, the pharmacist is unable to contact the other pharmacy to transfer  
315 the remaining prescription refills or there are no refills remaining on the prescription;

316 (III) the pharmacist, in his professional judgment, determines that such a request for an  
317 emergency refill is appropriate and meets the requirements of clause (i) of this subparagraph; and

318 (IV) the pharmacist complies with the requirements of clauses (ii) - (vi) of this subparagraph.

319 (E) Natural or manmade disasters. If a natural or manmade disaster has occurred that prohibits  
320 the pharmacist from being able to contact the practitioner, a pharmacist may exercise his  
321 professional judgment in refilling a prescription drug order for a drug, other than a controlled  
322 substance listed in Schedule II, without the authorization of the prescribing practitioner,  
323 provided:

324 (i) failure to refill the prescription might result in an interruption of a therapeutic regimen or  
325 create patient suffering;

326 (ii) the quantity of prescription drug dispensed does not exceed a 30-day supply;

327 (iii) the governor has declared a state of disaster;

328 (iv) the board, through the executive director, has notified pharmacies that pharmacists may  
329 dispense up to a 30-day supply of prescription drugs;

330 (v) the pharmacist informs the patient or the patient's agent at the time of dispensing that the  
331 refill is being provided without such authorization and that authorization of the practitioner is  
332 required for future refills;

333 (vi) the pharmacist informs the practitioner of the emergency refill at the earliest reasonable  
334 time;

335 (vii) the pharmacist maintains a record of the emergency refill containing the information  
336 required to be maintained on a prescription as specified in this subsection;

337 (viii) the pharmacist affixes a label to the dispensing container as specified in §291.33(c)(7) of  
338 this title; and

339 (ix) if the prescription was initially filled at another pharmacy, the pharmacist may exercise his  
340 professional judgment in refilling the prescription provided:

341 (I) the patient has the prescription container, label, receipt or other documentation from the other  
342 pharmacy that contains the essential information;

343 (II) after a reasonable effort, the pharmacist is unable to contact the other pharmacy to transfer  
344 the remaining prescription refills or there are no refills remaining on the prescription;

345 (III) the pharmacist, in his professional judgment, determines that such a request for an  
346 emergency refill is appropriate and meets the requirements of clause (i) of this subparagraph; and

347 (IV) the pharmacist complies with the requirements of clauses (ii) - (viii) of this subparagraph.

348 (F) Auto-Refill Programs. A pharmacy may use a program that automatically refills prescriptions  
349 that have existing refills available in order to improve patient compliance with and adherence to

350 prescribed medication therapy. The following is applicable in order to enroll patients into an  
351 auto-refill program.

352 (i) Notice of the availability of an auto-refill program shall be given to the patient or patient's  
353 agent, and the patient or patient's agent must affirmatively indicate that they wish to enroll in  
354 such a program and the pharmacy shall document such indication.

355 (ii) The patients or patient's agent shall have the option to withdraw from such a program at any  
356 time.

357 (iii) Auto-refill programs may be used for refills of dangerous drugs, and schedule IV and V  
358 controlled substances. Schedule II and III controlled substances may not be dispensed by an  
359 auto-refill program.

360 (iv) As is required for all prescriptions, a drug regimen review shall be completed on all  
361 prescriptions filled as a result of the auto-refill program. Special attention shall be noted for drug  
362 regimen review warnings of duplication of therapy and all such conflicts shall be resolved with  
363 the prescribing practitioner prior to refilling the prescription.

364 (9) Records Relating to Dispensing Errors. If a dispensing error occurs, the following is  
365 applicable.

366 (A) Original prescription drug orders:

367 (i) shall not be destroyed and must be maintained in accordance with subsection (a) of this  
368 section; and

369 (ii) shall not be altered. Altering includes placing a label or any other item over any of the  
370 information on the prescription drug order (e.g., a dispensing tag or label that is affixed to back  
371 of a prescription drug order must not be affixed on top of another dispensing tag or label in such  
372 a manner as to obliterate the information relating to the error).

373 (B) Prescription drug order records maintained in a data processing system:

374 (i) shall not be deleted and must be maintained in accordance with subsection (a) of this section;

375 (ii) may be changed only in compliance with subsection (e)(2)(B) of this section; and

376 (iii) if the error involved incorrect data entry into the pharmacy's data processing system, this  
377 record must be either voided or cancelled in the data processing system, so that the incorrectly  
378 entered prescription drug order may not be dispensed, or the data processing system must be  
379 capable of maintaining an audit trail showing any changes made to the data in the system.

380 (10) Accelerated refills. In accordance with §562.0545 of the Act, a pharmacist may dispense up  
381 to a 90-day supply of a dangerous drug pursuant to a valid prescription that specifies the  
382 dispensing of a lesser amount followed by periodic refills of that amount if:

383 (A) the total quantity of dosage units dispensed does not exceed the total quantity of dosage units  
384 authorized by the prescriber on the original prescription, including refills;

385 (B) the patient consents to the dispensing of up to a 90-day supply and the physician has been  
386 notified electronically or by telephone;

387 (C) the physician has not specified on the prescription that dispensing the prescription in an  
388 initial amount followed by periodic refills is medically necessary;

389 (D) the dangerous drug is not a psychotropic drug used to treat mental or psychiatric conditions;  
390 and

391 (E) the patient is at least 18 years of age.

392 (c) Patient medication records.

393 (1) A patient medication record system shall be maintained by the pharmacy for patients to  
394 whom prescription drug orders are dispensed.

395 (2) The patient medication record system shall provide for the immediate retrieval of information  
396 for the previous 12 months that is necessary for the dispensing pharmacist to conduct a  
397 prospective drug regimen review at the time a prescription drug order is presented for  
398 dispensing.

399 (3) The pharmacist-in-charge shall assure that a reasonable effort is made to obtain and record in  
400 the patient medication record at least the following information:

401 (A) full name of the patient for whom the drug is prescribed;

402 (B) address and telephone number of the patient;

403 (C) patient's age or date of birth;

404 (D) patient's gender;

405 (E) any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease states  
406 of the patient and the identity of any other drugs currently being used by the patient which may  
407 relate to prospective drug regimen review;

408 (F) pharmacist's comments relevant to the individual's drug therapy, including any other  
409 information unique to the specific patient or drug; and

410 (G) a list of all prescription drug orders dispensed (new and refill) to the patient by the pharmacy  
411 during the last two years. Such list shall contain the following information:

412 (i) date dispensed;

- 413 (ii) name, strength, and quantity of the drug dispensed;
- 414 (iii) prescribing practitioner's name;
- 415 (iv) unique identification number of the prescription; and
- 416 (v) name or initials of the dispensing pharmacists.
- 417 (4) A patient medication record shall be maintained in the pharmacy for two years. If patient  
418 medication records are maintained in a data processing system, all of the information specified in  
419 this subsection shall be maintained in a retrievable form for two years and information for the  
420 previous 12 months shall be maintained on-line. A patient medication record must contain  
421 documentation of any modification, change, or manipulation to a patient profile.
- 422 (5) Nothing in this subsection shall be construed as requiring a pharmacist to obtain, record, and  
423 maintain patient information other than prescription drug order information when a patient or  
424 patient's agent refuses to provide the necessary information for such patient medication records.
- 425 (d) Prescription drug order records maintained in a manual system.
- 426 (1) Original prescriptions shall be maintained in three files as specified in subsection (b)(6)(D) of  
427 this section.
- 428 (2) Refills.
- 429 (A) Each time a prescription drug order is refilled, a record of such refill shall be made:
- 430 (i) on the back of the prescription by recording the date of dispensing, the written initials or  
431 identification code of the dispensing pharmacist, the initials or identification code of the  
432 pharmacy technician or pharmacy technician trainee preparing the prescription label, if  
433 applicable, and the amount dispensed. (If the pharmacist merely initials and dates the back of the  
434 prescription drug order, he or she shall be deemed to have dispensed a refill for the full face  
435 amount of the prescription drug order); or
- 436 (ii) on another appropriate, uniformly maintained, readily retrievable record, such as medication  
437 records, that indicates by patient name the following information:
- 438 (I) unique identification number of the prescription;
- 439 (II) name and strength of the drug dispensed;
- 440 (III) date of each dispensing;
- 441 (IV) quantity dispensed at each dispensing;
- 442 (V) initials or identification code of the dispensing pharmacist;

443 (VI) initials or identification code of the pharmacy technician or pharmacy technician trainee  
444 preparing the prescription label, if applicable; and

445 (VII) total number of refills for the prescription.

446 (B) If refill records are maintained in accordance with subparagraph (A)(ii) of this paragraph,  
447 refill records for controlled substances in Schedules III-V shall be maintained separately from  
448 refill records of dangerous drugs and nonprescription drugs.

449 (3) Authorization of refills. Practitioner authorization for additional refills of a prescription drug  
450 order shall be noted on the original prescription, in addition to the documentation of dispensing  
451 the refill as specified in subsection (l) of this section.

452 (4) Each time a modification, change, or manipulation is made to a record of dispensing,  
453 documentation of such change shall be recorded on the back of the prescription or on another  
454 appropriate, uniformly maintained, readily retrievable record, such as medication records. The  
455 documentation of any modification, change, or manipulation to a record of dispensing shall  
456 include the identification of the individual responsible for the alteration.

457 (e) Prescription drug order records maintained in a data processing system.

458 (1) General requirements for records maintained in a data processing system.

459 (A) Compliance with data processing system requirements. If a Class A pharmacy's data  
460 processing system is not in compliance with this subsection, the pharmacy must maintain a  
461 manual recordkeeping system as specified in subsection (d) of this section.

462 (B) Original prescriptions. Original prescriptions shall be maintained in three files as specified in  
463 subsection (b)(6)(D) of this section.

464 (C) Requirements for backup systems.

465 (i) The pharmacy shall maintain a backup copy of information stored in the data processing  
466 system using disk, tape, or other electronic backup system and update this backup copy on a  
467 regular basis, at least monthly, to assure that data is not lost due to system failure.

468 (ii) Data processing systems shall have a workable (electronic) data retention system that can  
469 produce an audit trail of drug usage for the preceding two years as specified in paragraph (2)(H)  
470 of this subsection.

471 (D) Change or discontinuance of a data processing system.

472 (i) Records of dispensing. A pharmacy that changes or discontinues use of a data processing  
473 system must:

474 (I) transfer the records of dispensing to the new data processing system; or

475 (II) purge the records of dispensing to a printout that contains the same information required on  
476 the daily printout as specified in paragraph (2)(C) of this subsection. The information on this  
477 hard copy printout shall be sorted and printed by prescription number and list each dispensing for  
478 this prescription chronologically.

479 (ii) Other records. A pharmacy that changes or discontinues use of a data processing system  
480 must:

481 (I) transfer the records to the new data processing system; or

482 (II) purge the records to a printout that contains all of the information required on the original  
483 document.

484 (iii) Maintenance of purged records. Information purged from a data processing system must be  
485 maintained by the pharmacy for two years from the date of initial entry into the data processing  
486 system.

487 (E) Loss of data. The pharmacist-in-charge shall report to the board in writing any significant  
488 loss of information from the data processing system within 10 days of discovery of the loss.

489 (2) Records of dispensing.

490 (A) Each time a prescription drug order is filled or refilled, a record of such dispensing shall be  
491 entered into the data processing system.

492 (B) Each time a modification, change or manipulation is made to a record of dispensing,  
493 documentation of such change shall be recorded in the data processing system. The  
494 documentation of any modification, change, or manipulation to a record of dispensing shall  
495 include the identification of the individual responsible for the alteration. Should the data  
496 processing system not be able to record a modification, change, or manipulation to a record of  
497 dispensing, the information should be clearly documented on the hard copy prescription.

498 (C) The data processing system shall have the capacity to produce a daily hard copy printout of  
499 all original prescriptions dispensed and refilled. This hard copy printout shall contain the  
500 following information:

501 (i) unique identification number of the prescription;

502 (ii) date of dispensing;

503 (iii) patient name;

504 (iv) prescribing practitioner's name; and the supervising physician's name if the prescription was  
505 issued by an advanced practice registered nurse, physician assistant or pharmacist;

506 (v) name and strength of the drug product actually dispensed; if generic name, the brand name or  
507 manufacturer of drug dispensed;

508 (vi) quantity dispensed;

509 (vii) initials or an identification code of the dispensing pharmacist;

510 (viii) initials or an identification code of the pharmacy technician or pharmacy technician trainee  
511 performing data entry of the prescription, if applicable;

512 (ix) if not immediately retrievable via computer display, the following shall also be included on  
513 the hard copy printout:

514 (I) patient's address;

515 (II) prescribing practitioner's address;

516 (III) practitioner's DEA registration number, if the prescription drug order is for a controlled  
517 substance;

518 (IV) quantity prescribed, if different from the quantity dispensed;

519 (V) date of issuance of the prescription drug order, if different from the date of dispensing; and

520 (VI) total number of refills dispensed to date for that prescription drug order; and

521 (x) any changes made to a record of dispensing.

522 (D) The daily hard copy printout shall be produced within 72 hours of the date on which the  
523 prescription drug orders were dispensed and shall be maintained in a separate file at the  
524 pharmacy. Records of controlled substances shall be readily retrievable from records of  
525 noncontrolled substances.

526 (E) Each individual pharmacist who dispenses or refills a prescription drug order shall verify that  
527 the data indicated on the daily hard copy printout is correct, by dating and signing such  
528 document in the same manner as signing a check or legal document (e.g., J.H. Smith, or John H.  
529 Smith) within seven days from the date of dispensing.

530 (F) In lieu of the printout described in subparagraph (C) of this paragraph, the pharmacy shall  
531 maintain a log book in which each individual pharmacist using the data processing system shall  
532 sign a statement each day, attesting to the fact that the information entered into the data  
533 processing system that day has been reviewed by him or her and is correct as entered. Such log  
534 book shall be maintained at the pharmacy employing such a system for a period of two years  
535 after the date of dispensing; provided, however, that the data processing system can produce the  
536 hard copy printout on demand by an authorized agent of the Texas State Board of Pharmacy. If  
537 no printer is available on site, the hard copy printout shall be available within 72 hours with a

538 certification by the individual providing the printout, that states that the printout is true and  
539 correct as of the date of entry and such information has not been altered, amended, or modified.

540 (G) The pharmacist-in-charge is responsible for the proper maintenance of such records and  
541 responsible that such data processing system can produce the records outlined in this section and  
542 that such system is in compliance with this subsection.

543 (H) The data processing system shall be capable of producing a hard copy printout of an audit  
544 trail for all dispensings (original and refill) of any specified strength and dosage form of a drug  
545 (by either brand or generic name or both) during a specified time period.

546 (i) Such audit trail shall contain all of the information required on the daily printout as set out in  
547 subparagraph (C) of this paragraph.

548 (ii) The audit trail required in this subparagraph shall be supplied by the pharmacy within 72  
549 hours, if requested by an authorized agent of the Texas State Board of Pharmacy.

550 (I) Failure to provide the records set out in this subsection, either on site or within 72 hours  
551 constitutes prima facie evidence of failure to keep and maintain records in violation of the Act.

552 (J) The data processing system shall provide on-line retrieval (via computer display or hard copy  
553 printout) of the information set out in subparagraph (C) of this paragraph of:

554 (i) the original controlled substance prescription drug orders currently authorized for refilling;  
555 and

556 (ii) the current refill history for Schedules III, IV, and V controlled substances for the  
557 immediately preceding six-month period.

558 (K) In the event that a pharmacy that uses a data processing system experiences system  
559 downtime, the following is applicable:

560 (i) an auxiliary procedure shall ensure that refills are authorized by the original prescription drug  
561 order and that the maximum number of refills has not been exceeded or authorization from the  
562 prescribing practitioner shall be obtained prior to dispensing a refill; and

563 (ii) all of the appropriate data shall be retained for on-line data entry as soon as the system is  
564 available for use again.

565 (3) Authorization of refills. Practitioner authorization for additional refills of a prescription drug  
566 order shall be noted as follows:

567 (A) on the hard copy prescription drug order;

568 (B) on the daily hard copy printout; or

569 (C) via the computer display.

570 (f) Limitation to one type of recordkeeping system. When filing prescription drug order  
571 information a pharmacy may use only one of the two systems described in subsection (d) or (e)  
572 of this section.

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

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

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

583 (3) The transfer is communicated orally by telephone or via facsimile directly by a pharmacist to  
584 another pharmacist; by a pharmacist to a student-intern, extended-intern, or resident-intern; or by  
585 a student-intern, extended-intern, or resident-intern to another pharmacist.

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

588 (5) The individual transferring the prescription drug order information shall ensure the following  
589 occurs:

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

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

596 (C) record the date of the transfer and the name of the individual transferring the information;  
597 and

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

599 (i) date of original dispensing and prescription number;

600 (ii) number of refills remaining and if a controlled substance, the date(s) and location(s) of  
601 previous refills;

602 (iii) name, address, and if a controlled substance, the DEA registration number of the transferring  
603 pharmacy;

604 (iv) name of the individual transferring the prescription; and

605 (v) if a controlled substance, name, address and DEA registration number, and prescription  
606 number from the pharmacy that originally dispensed the prescription, if different.

607 (6) The individual receiving the transferred prescription drug order information shall:

608 (A) write the word "transfer" on the face of the prescription or the prescription record indicates  
609 the prescription was a transfer; and

610 (B) reduce to writing all of the information required to be on a prescription as specified in  
611 subsection (b)(7) of this section (relating to Prescriptions) and including the following  
612 information;

613 (i) date of issuance and prescription number;

614 (ii) original number of refills authorized on the original prescription drug order;

615 (iii) date of original dispensing;

616 (iv) number of valid refills remaining and if a controlled substance, date(s) and location(s) of  
617 previous refills;

618 (v) name, address, and if for a controlled substance, the DEA registration number of the  
619 transferring pharmacy;

620 (vi) name of the individual transferring the prescription; and

621 (vii) name, address, and if for a controlled substance, the DEA registration number, of the  
622 pharmacy that originally dispensed the prescription, if different; or

623 (C) if the prescription is transferred electronically, create an electronic record for the prescription  
624 that includes the receiving pharmacist's name and all of the information transferred with the  
625 prescription including all of the information required to be on a prescription as specified in  
626 subsection (b)(7) of this section (relating to Prescriptions) and the following:

627 (i) date of original dispensing;

628 (ii) number of refills remaining and if a controlled substance, the prescription number(s), date(s)  
629 and location(s) of previous refills;

630 (iii) name, address, and if for a controlled substance, the DEA registration number;

- 631 (iv) name of the individual transferring the prescription; and
- 632 (v) name, address, and if for a controlled substance, the DEA registration number, of the  
633 pharmacy that originally filled the prescription.
- 634 (7) Both the individual transferring the prescription and the individual receiving the prescription  
635 must engage in confirmation of the prescription information by such means as:
- 636 (A) the transferring individual faxes the hard copy prescription to the receiving individual; or
- 637 (B) the receiving individual repeats the verbal information from the transferring individual and  
638 the transferring individual verbally confirms that the repeated information is correct.
- 639 (8) Pharmacies transferring prescriptions electronically shall comply with the following:
- 640 (A) Prescription drug orders may not be transferred by non-electronic means during periods of  
641 downtime except on consultation with and authorization by a prescribing practitioner; provided  
642 however, during downtime, a hard copy of a prescription drug order may be made available for  
643 informational purposes only, to the patient or a pharmacist, and the prescription may be read to a  
644 pharmacist by telephone.
- 645 (B) The original prescription drug order shall be invalidated in the data processing system for  
646 purposes of filling or refilling, but shall be maintained in the data processing system for refill  
647 history purposes.
- 648 (C) If the data processing system does not have the capacity to store all the information as  
649 specified in paragraphs (5) and (6) of this subsection, the pharmacist is required to record this  
650 information on the original or transferred prescription drug order.
- 651 (D) The data processing system shall have a mechanism to prohibit the transfer or refilling of  
652 controlled substance prescription drug orders that have been previously transferred.
- 653 (E) Pharmacies electronically accessing the same prescription drug order records may  
654 electronically transfer prescription information if the following requirements are met.
- 655 (i) The original prescription is voided and the pharmacies' data processing systems shall store all  
656 the information as specified in paragraphs (5) and (6) of this subsection.
- 657 (ii) Pharmacies not owned by the same entity may electronically access the same prescription  
658 drug order records, provided the owner, chief executive officer, or designee of each pharmacy  
659 signs an agreement allowing access to such prescription drug order records.
- 660 (iii) An electronic transfer between pharmacies may be initiated by a pharmacist intern,  
661 pharmacy technician, or pharmacy technician trainee acting under the direct supervision of a  
662 pharmacist.

663 (9) An individual may not refuse to transfer original prescription information to another  
664 individual who is acting on behalf of a patient and who is making a request for this information  
665 as specified in this subsection. The transfer of original prescription information must be  
666 completed within four business hours of the request.

667 (10) When transferring a compounded prescription, a pharmacy is required to provide all of the  
668 information regarding the compounded preparation including the formula unless the formula is  
669 patented or otherwise protected, in which case, the transferring pharmacy shall, at a minimum,  
670 provide the quantity or strength of all of the active ingredients of the compounded preparation.

671 (11) The electronic transfer of multiple or bulk prescription records between two pharmacies is  
672 permitted provided:

673 (A) a record of the transfer as specified in paragraph (5) of this subsection is maintained by the  
674 transferring pharmacy;

675 (B) the information specified in paragraph (6) of this subsection is maintained by the receiving  
676 pharmacy; and

677 (C) in the event that the patient or patient's agent is unaware of the transfer of the prescription  
678 drug order record, the transferring pharmacy must notify the patient or patient's agent of the  
679 transfer and must provide the patient or patient's agent with the telephone number of the  
680 pharmacy receiving the multiple or bulk prescription drug order records.

681 (h) Distribution of controlled substances to another registrant. A pharmacy may distribute  
682 controlled substances to a practitioner, another pharmacy, or other registrant, without being  
683 registered to distribute, under the following conditions.

684 (1) The registrant to whom the controlled substance is to be distributed is registered under the  
685 Controlled Substances Act to dispense that controlled substance.

686 (2) The total number of dosage units of controlled substances distributed by a pharmacy may not  
687 exceed 5.0% of all controlled substances dispensed and distributed by the pharmacy during the  
688 12-month period in which the pharmacy is registered; if at any time it does exceed 5.0%, the  
689 pharmacy is required to obtain an additional registration to distribute controlled substances.

690 (3) If the distribution is for a Schedule III, IV, or V controlled substance, a record shall be  
691 maintained that indicates:

692 (A) the actual date of distribution;

693 (B) the name, strength, and quantity of controlled substances distributed;

694 (C) the name, address, and DEA registration number of the distributing pharmacy; and

695 (D) the name, address, and DEA registration number of the pharmacy, practitioner, or other  
696 registrant to whom the controlled substances are distributed.

697 (4) If the distribution is for a Schedule II controlled substance, the following is applicable.

698 (A) The pharmacy, practitioner, or other registrant who is receiving the controlled substances  
699 shall issue Copy 1 and Copy 2 of a DEA order form (DEA 222) to the distributing pharmacy.

700 (B) The distributing pharmacy shall:

701 (i) complete the area on the DEA order form (DEA 222) titled "To Be Filled in by Supplier";

702 (ii) maintain Copy 1 of the DEA order form (DEA 222) at the pharmacy for two years; and

703 (iii) forward Copy 2 of the DEA order form (DEA 222) to the Divisional Office of the Drug  
704 Enforcement Administration.

705 (i) Other records. Other records to be maintained by a pharmacy:

706 (1) a log of the initials or identification codes that will identify each pharmacist, pharmacy  
707 technician, and pharmacy technician trainee, who is involved in the dispensing process, in the  
708 pharmacy's data processing system, (the initials or identification code shall be unique to ensure  
709 that each individual can be identified, i.e., identical initials or identification codes shall not be  
710 used). Such log shall be maintained at the pharmacy for at least seven years from the date of the  
711 transaction;

712 (2) Copy 3 of DEA order form (DEA 222) that has been properly dated, initialed, and filed, and  
713 all copies of each unaccepted or defective order form and any attached statements or other  
714 documents and/or for each order filled using the DEA Controlled Substance Ordering System  
715 (CSOS) the original signed order and all linked records for that order;

716 (3) a copy of the power of attorney to sign DEA 222 order forms (if applicable);

717 (4) suppliers' invoices of dangerous drugs and controlled substances; a pharmacist shall verify  
718 that the controlled drugs listed on the invoices were actually received by clearly recording his/her  
719 initials and the actual date of receipt of the controlled substances;

720 (5) suppliers' credit memos for controlled substances and dangerous drugs;

721 (6) a copy of inventories required by §291.17 of this title (relating to Inventory Requirements);

722 (7) reports of surrender or destruction of controlled substances and/or dangerous drugs to an  
723 appropriate state or federal agency;

724 (8) the Schedule V nonprescription register book;

725 (9) records of distribution of controlled substances and/or dangerous drugs to other pharmacies,  
726 practitioners, or registrants; and

727 (10) a copy of any notification required by the Texas Pharmacy Act or the sections in this  
728 chapter, including, but not limited to, the following:

729 (A) reports of theft or significant loss of controlled substances to DEA, Department of Public  
730 Safety, and the board;

731 (B) notifications of a change in pharmacist-in-charge of a pharmacy; and

732 (C) reports of a fire or other disaster that may affect the strength, purity, or labeling of drugs,  
733 medications, devices, or other materials used in the diagnosis or treatment of injury, illness, and  
734 disease.

735 (j) Permission to maintain central records. Any pharmacy that uses a centralized recordkeeping  
736 system for invoices and financial data shall comply with the following procedures.

737 (1) Controlled substance records. Invoices and financial data for controlled substances may be  
738 maintained at a central location provided the following conditions are met.

739 (A) Prior to the initiation of central recordkeeping, the pharmacy submits written notification by  
740 registered or certified mail to the divisional director of the Drug Enforcement Administration as  
741 required by Title 21, Code of Federal Regulations, §1304.04(a), and submits a copy of this  
742 written notification to the Texas State Board of Pharmacy. Unless the registrant is informed by  
743 the divisional director of the Drug Enforcement Administration that permission to keep central  
744 records is denied, the pharmacy may maintain central records commencing 14 days after receipt  
745 of notification by the divisional director.

746 (B) The pharmacy maintains a copy of the notification required in subparagraph (A) of this  
747 paragraph.

748 (C) The records to be maintained at the central record location shall not include executed DEA  
749 order forms, prescription drug orders, or controlled substance inventories, that shall be  
750 maintained at the pharmacy.

751 (2) Dangerous drug records. Invoices and financial data for dangerous drugs may be maintained  
752 at a central location.

753 (3) Access to records. If the records are kept on microfilm, computer media, or in any form  
754 requiring special equipment to render the records easily readable, the pharmacy shall provide  
755 access to such equipment with the records.

756 (4) Delivery of records. The pharmacy agrees to deliver all or any part of such records to the  
757 pharmacy location within two business days of written request of a board agent or any other  
758 authorized official.

759 (k) Ownership of pharmacy records. For the purposes of these sections, a pharmacy licensed  
760 under the Act is the only entity that may legally own and maintain prescription drug records.

761 (l) Documentation of consultation. When a pharmacist consults a prescriber as described in this  
762 section, the pharmacist shall document on the hard copy or in the pharmacy's data processing  
763 system associated with the prescription such occurrences and shall include the following  
764 information:

765 (1) date the prescriber was consulted;

766 (2) name of the person communicating the prescriber's instructions;

767 (3) any applicable information pertaining to the consultation; and

768 (4) initials or identification code of the pharmacist performing the consultation clearly recorded  
769 for the purpose of identifying the pharmacist who performed the consultation if the information  
770 is recorded on the hard copy prescription.

771 The agency certifies that legal counsel has reviewed the proposal and found it to be within the  
772 state agency's legal authority to adopt.

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