



# Texas State Board of Pharmacy

## MEMORANDUM

**DATE:** November 6, 2020

**TO:** Board Members  
Staff  
Interested Parties

**FROM:** Megan G. Holloway  
Deputy General Counsel

**SUBJECT:** Rules adopted and proposed at the November 3, 2020 Board Meeting

### ADOPTED RULES

#### *AMENDMENTS CONCERNING PHARMACY TECHNICIAN RATIOS AND DUTIES*

#### CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

##### **§283.5**

The Texas State Board of Pharmacy adopts amendments to §283.5, concerning Pharmacist-Intern Duties. The amendments remove the ratio of pharmacists to pharmacist-interns and correct a grammatical error.

#### CHAPTER 291. PHARMACIES

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

##### **§291.31**

The Texas State Board of Pharmacy adopts amendments to §291.31, concerning Definitions. The amendments update the definition of original prescription and correct grammatical errors.

##### **§291.32**

The Texas State Board of Pharmacy adopts amendments to §291.32, concerning Personnel. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians, increase the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees, and correct grammatical errors.

##### **§291.33**

The Texas State Board of Pharmacy adopts amendments to §291.33, concerning Operational Standards. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians.

**§291.34**

The Texas State Board of Pharmacy adopts amendments to §291.34, concerning Records. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians and correct grammatical errors.

**SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)**

**§291.52**

The Texas State Board of Pharmacy adopts amendments to §291.52, concerning Definitions. The amendments update the definition of original prescription and correct grammatical and numbering errors.

**§291.53**

The Texas State Board of Pharmacy adopts amendments to §291.53, concerning Personnel. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians, increase the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees, and correct grammatical errors.

**§291.55**

The Texas State Board of Pharmacy adopts amendments to §291.55, concerning Records. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians and correct grammatical errors.

**SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES**

**§291.121**

The Texas State Board of Pharmacy adopts amendments to §291.121, concerning Remote Pharmacy Services. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians and correct grammatical errors.

**§291.129**

The Texas State Board of Pharmacy adopts amendments to §291.129, concerning Satellite Pharmacy. The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians and eliminate the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

**SUBCHAPTER H. OTHER CLASSES OF PHARMACY**

**§291.153**

The Texas State Board of Pharmacy adopts amendments to §291.153, concerning Central Prescription Drug or Medication Order Processing Pharmacy (Class G). The amendments expand the nonjudgmental duties that may be performed by pharmacy technicians.

**CHAPTER 305. EDUCATIONAL REQUIREMENTS**

**§309.2**

The Texas State Board of Pharmacy adopts amendments to §309.2, concerning Definitions. The amendments update the definition of original prescription.

**§309.3**

The Texas State Board of Pharmacy adopts amendments to §309.3, concerning Substitution Requirements. The amendments update the language regarding oral prescriptions to allow for expanded pharmacy technician duties and correct grammatical errors.

**OTHER AMENDMENTS**

**CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS**

**§283.2**

The Texas State Board of Pharmacy adopted amendments to rule §283.2 concerning Definitions. The amendments remove an outdated reference to a pharmacist intern-trainee, a designation that no longer exists, and correct numbering errors.

**§283.4**

The Texas State Board of Pharmacy adopts amendments to §283.4, concerning Internship Requirements. The amendments remove outdated references to a change of name fee and requirements to reflect current procedures.

**§283.11**

The Texas State Board of Pharmacy adopts amendments to §283.11, concerning Examination Retake Requirements. The amendments clarify the course work requirements for reciprocity applicants retaking the Texas Pharmacy Jurisprudence Examination as only those provided for under Section 558.055 of the Texas Pharmacy Act.

**CHAPTER 291. PHARMACIES**

**SUBCHAPTER D. INSTITUTIONAL PHARMACY (CLASS C)**

**§291.74**

The Texas State Board of Pharmacy adopts amendments to §291.74, concerning Operational Standards. The amendments clarify certain application requirements and correct grammatical and formatting errors.

**SUBCHAPTER F. NON-RESIDENT PHARMACY (CLASS E)**

**§291.101**

The Texas State Board of Pharmacy adopts amendments to §291.101, concerning Purpose. The amendments permit Class E pharmacies to process prescription drug orders and perform other pharmaceutical services as defined by Board rule, in accordance with House Bill 2847.

**§291.102**

The Texas State Board of Pharmacy adopts amendments to §291.102, concerning Definitions. The amendments permit Class E pharmacies to process prescription drug orders and perform other pharmaceutical services as defined by Board rule, in accordance with House Bill 2847.

## CHAPTER 315. CONTROLLED SUBSTANCES

### §315.3

The Texas State Board of Pharmacy adopts amendments to §315.3, concerning Prescriptions. The amendments clarify the circumstances under which a controlled substance prescription is not required to be issued electronically and the procedures for requesting a waiver of the electronic prescribing requirement.

## PROPOSED RULES

## CHAPTER 291. PHARMACIES

### SUBCHAPTER A. ALL CLASSES OF PHARMACIES

#### §291.14

The Texas State Board of Pharmacy proposed amendments to §291.14 concerning Pharmacy License Renewal. The amendments, if adopted, add a requirement for each non-pharmacist individual owner or managing officer of a Class A pharmacy to attend a pharmacy ownership training course within 90 days of notifying the board of a change of managing officer.

## CHAPTER 295. PHARMACISTS

#### §295.13

The Texas State Board of Pharmacy proposes amendments to §295.13, concerning Drug Therapy Management by a Pharmacist under Written Protocol of a Physician. The amendments, if adopted, updates the notification requirements for a pharmacist who signs a prescription for a dangerous drug pursuant to a written protocol and corrects grammatical errors.

## CHAPTER 315. CONTROLLED SUBSTANCES

#### §315.15

The Texas State Board of Pharmacy proposes amendments to §315.15, concerning Access Requirements. The amendments, if adopted, specify that the duty to consult the Prescription Monitoring Program (PMP) before dispensing specified controlled substances is limited to outpatient prescriptions.

## RULE REVIEW

The Texas State Board of Pharmacy proposed the review of Chapter 297 concerning Pharmacy Technicians (§§297.1 – 297.11) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy proposed the review of Chapter 291 concerning Pharmacies (Services Provided by Pharmacies) (§§291.120-291.121, 291.123, 291.125, 291.127, 291.129, 291.131, and 291.133) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy proposed the review of Chapter 291 concerning Pharmacies (Other Classes of Pharmacy) (§§291.151, 291.153, and 291.155) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.