



Texas State Board of Pharmacy

MEMORANDUM

DATE: August 7, 2019

TO: Board Members
Staff
Interested Parties

FROM: Megan G. Holloway
Assistant General Counsel

SUBJECT: Rules adopted and proposed at the August 6, 2019 Board Meeting.

ADOPTED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER A. GENERAL PROVISIONS

§281.14 – New Rule

The Texas State Board of Pharmacy adopted a new rule §281.14 concerning Vendor Protest Procedures. The new rule establishes policy and procedures for resolving vendor protests relating to purchasing issues, as required by section 2155.076 of the Government Code.

§281.15 – New Rule

The Texas State Board of Pharmacy adopted amendments to §281.15 concerning Negotiated Rulemaking. The amendments repeal the rule relating to vehicle inscription information and create a new rule establishing policy and procedures for the use of negotiated rulemaking for the adoption of board rules in appropriate situations, as required by section 554.0011 of the Pharmacy Act.

§281.16 – New Rule

The Texas State Board of Pharmacy adopted a new rule §281.16 concerning Alternative Dispute Resolution. The new rule establishes policy and procedures for the use of alternative dispute resolution to resolve internal and external disputes, as required by section 554.0011 of the Pharmacy Act.

§281.19

The Texas State Board of Pharmacy adopted amendments to §281.19 concerning Vehicles. The amendments add updated vehicle inscription information (formerly located in §281.15) and remove outdated references to an agency pool car.

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

§283.11

The Texas State Board of Pharmacy adopted amendments to §283.11 concerning Examination Retake Requirements. The amendments update the examination retake requirements and remove outdated references to an examination retake committee.

CHAPTER 291. PHARMACIES

SUBCHAPTER A. ALL CLASSES OF PHARMACIES

§291.6

The Texas State Board of Pharmacy adopted amendments to §291.6 concerning Pharmacy License Fees. The amendments increase pharmacy license fees based on expected expenses.

CHAPTER 295. PHARMACISTS

§295.5

The Texas State Board of Pharmacy adopted amendments to §295.5 concerning Pharmacist License or Renewal Fees. The amendments increase pharmacist license fees based on expected expenses.

§295.8

The Texas State Board of Pharmacy adopted amendments to §295.8 concerning Continuing Education Requirements. The amendments clarify the definition of initial license period, remove an outdated reference to the Commission for Certification in Geriatric Pharmacy, and correct grammatical errors.

PROPOSED RULES

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

SUBCHAPTER A. GENERAL PROVISIONS

§283.12

The Texas State Board of Pharmacy proposed amendments to §283.12 concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, establish procedures for a military spouse who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially similar to Texas's requirements to obtain an interim pharmacist license, in accordance with Senate Bill 1200.

CHAPTER 291. PHARMACIES

SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

§291.121

The Texas State Board of Pharmacy proposed amendments to §291.121 concerning Remote Pharmacy Services. The amendments, if adopted, clarify that

a telepharmacy system located at a federally qualified health center may be located in a community in which a Class A or Class C pharmacy is located, in accordance with Senate Bill 670.

CHAPTER 295. PHARMACISTS

§295.8

The Texas State Board of Pharmacy proposed amendments to §295.8 concerning Continuing Education Requirements. The amendments, if adopted, add requirements for two hours of continuing education on pain management as specified in House Bill 3285, two hours of continuing education on prescribing and monitoring controlled substances as specified in House Bill 2174, and a human trafficking prevention course as specified in House Bill 2059, and removes a requirement for one hour of continuing education on opioid abuse.

§295.13

The Texas State Board of Pharmacy proposed amendments to §295.13 concerning Drug Therapy Management by a Pharmacist under Written Protocol of a Physician. The amendments, if adopted, clarify that a federally qualified health center is a practice setting in which physician delegation to a pharmacist of specific acts of drug therapy management may occur, in accordance with House Bill 2425.

CHAPTER 295. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

§297.8

The Texas State Board of Pharmacy proposed amendments to §297.8 concerning Continuing Education Requirements. The amendments, if adopted, add a requirement for a human trafficking prevention course as specified in House Bill 2059 and correct grammatical errors.

§297.10

The Texas State Board of Pharmacy proposed amendments to §297.10 concerning Registration for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, establish procedures for a military spouse who is currently registered in good standing by a jurisdiction with registration requirements that are substantially similar to Texas's requirements to obtain an interim pharmacy technician registration, in accordance with Senate Bill 1200.

CHAPTER 309. SUBSTITUTION OF DRUG PRODUCTS

§309.5

The Texas State Board of Pharmacy proposed amendments to §309.5 concerning Communication with Prescriber. The amendments, if adopted, remove the section's expiration date, in accordance with House Bill 1264.

CHAPTER 315. CONTROLLED SUBSTANCES

§315.3

The Texas State Board of Pharmacy proposed amendments to §315.3 concerning Prescriptions. The amendments, if adopted, specify that opioid prescriptions for the treatment of pain may not exceed a 10-day supply or provide for a refill, in accordance with House Bills 2088 and 2174, remove expiration date

from the section's title, and correct grammatical errors.

§315.6

The Texas State Board of Pharmacy proposed amendments to §315.6 concerning Pharmacy Responsibility - Electronic Reporting. The amendments, if adopted, require a pharmacy that does not dispense any controlled substances during a seven-day period to submit a zero report to the Prescription Monitoring Program and establish a procedure for requesting a waiver of the zero reporting requirement, in accordance with House Bill 2847.

§315.11

The Texas State Board of Pharmacy proposed amendments to §315.11 concerning Release of Prescription Data. The amendments, if adopted, remove the effective date from the section title and clarify that a pharmacist may delegate access to prescription data to a pharmacist-intern or pharmacy technician trainee under the direction of the pharmacist, in accordance with House Bill 2847.

§315.15

The Texas State Board of Pharmacy proposed amendments to §315.15 concerning Access Requirements. The amendments, if adopted, change the effective date of mandatory PMP database review before dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol, in accordance with Senate Bill 3284, and clarify that the duty to consult the PMP database does not apply if the patient has a documented diagnosis of sickle cell disease, in accordance with Senate Bill 1564.

RULE REVIEW

The Texas State Board of Pharmacy adopted the review of Chapter 291 concerning Pharmacies (All Classes of Pharmacies) (§§291.1 – 291.3, 291.5 – 291.11, 291.14-291.19, 291.22 – 291.24, 291.27 – 291.29) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy adopted the review of Chapter 291 concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91 – 291.94) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy adopted the review of Chapter 291 concerning Pharmacies (Non-Resident Pharmacy (Class E)) (§§291.101 –291.106) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy adopted the review of Chapter 295 concerning Pharmacists (§§295.1 – 295.9, §§295.11-295.16) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.