



# Texas State Board of Pharmacy

## MEMORANDUM

**DATE:** May 20, 2018

**TO:** Board Members  
Staff  
Interested Parties

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

**SUBJECT:** Rules adopted and proposed at the May 1, 2018 Board Meeting.

### ADOPTED RULES

#### CHAPTER 291. PHARMACIES

##### SUBCHAPTER A – ALL CLASSES OF PHARMACIES

###### **§291.9**

The Texas State Board of Pharmacy adopted amendments to §291.9 concerning Prescription Pick Up Locations. The amendments clarify the requirements for prescription pickup locations to be consistent with DEA requirements.

##### SUBCHAPTER B – COMMUNITY PHARMACY (CLASS A)

###### **§291.33**

The Texas State Board of Pharmacy adopted amendments to §291.33 concerning Operational Standards. The amendments update the requirements for the use of automated checking devices and automated storage and distribution devices by Class A pharmacies.

##### SUBCHAPTER D – INSTITUTIONAL PHARMACY (CLASS C)

###### **§291.75**

The Texas State Board of Pharmacy adopted amendments to §291.75 concerning Records. The amendments update the requirements for maintaining a log of pharmacy personnel initials or identification codes.

###### **§291.76**

The Texas State Board of Pharmacy adopted amendments to §291.76 concerning Class C Pharmacies Located in a Freestanding Ambulatory Surgical Center. The amendments update the requirements for maintaining a log of

pharmacy personnel initials or identification codes.

## **SUBCHAPTER G – SERVICES PROVIDED BY PHARMACIES**

### **§291.121**

The Texas State Board of Pharmacy adopted amendments to §291.121 concerning Remote Pharmacy Services. The amendments clarify the requirements for delivery of drugs at a remote site through a telepharmacy system.

### **§291.125**

The Texas State Board of Pharmacy adopted amendments to §291.125 concerning Centralized Prescription Dispensing. The amendments clarify the definition of an outsourcing pharmacy and update the requirements for centralized prescription dispensing.

## **SUBCHAPTER H – OTHER CLASSES OF PHARMACY**

### **§291.151**

The Texas State Board of Pharmacy adopted amendments to §291.151 concerning Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F). The amendments clarify the duties of the pharmacist-in-charge to include ensuring a pharmacist visits the pharmacy at least once each calendar week; clarify the requirements regarding the withdrawal of drugs from the freestanding emergency medical care facility; and correct a rule reference.

## **PROPOSED RULES**

## **CHAPTER 291. PHARMACIES**

### **SUBCHAPTER A – ALL CLASSES OF PHARMACIES**

#### **§291.1**

The Texas State Board of Pharmacy proposed amendments to §291.1 concerning Pharmacy License Application. The amendments, if adopted, clarify that the applicant for a pharmacy license must provide any information requested on the application.

#### **§291.3**

The Texas State Board of Pharmacy proposed amendments to §291.3 concerning Required Notifications. The amendments, if adopted, add inspection requirements for sterile compounding pharmacies (Class A-S, C-S, and E-S) and nuclear pharmacies (Class B) when the pharmacy changes location.

#### **§291.19**

The Texas State Board of Pharmacy proposed amendments to §291.19 concerning Administrative Actions as a Result of Compliance Inspection. The amendments, if adopted, update the response required to a written warning notice.

#### **§291.29**

The Texas State Board of Pharmacy proposed amendments to §291.29 concerning Professional Responsibility of Pharmacists. The amendments, if adopted, clarify the red flag factors to be considered in dispensing prescription drugs.

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

##### **§291.31**

The Texas State Board of Pharmacy proposed amendments to §291.31 concerning Definitions. The amendments, if adopted, create a definition of electronic verification process and update the definition of prepackaging.

##### **§291.32**

The Texas State Board of Pharmacy proposed amendments to §291.32 concerning Personnel. The amendments, if adopted, update the nonjudgmental technical duties pharmacy technicians or pharmacy technician trainees may perform.

##### **§291.33**

The Texas State Board of Pharmacy proposed amendments to §291.33 concerning Operational Standards. The amendments, if adopted, update the requirements for the use of automated pharmacy dispensing systems.

##### **§291.34**

The Texas State Board of Pharmacy proposed amendments to §291.34 concerning Records. The amendments, if adopted, clarify the responsibility of a pharmacy owner.

#### **SUBCHAPTER G – SERVICES PROVIDED BY PHARMACIES**

##### **§291.133**

The Texas State Board of Pharmacy proposed amendments to §291.133 concerning Pharmacies Compounding Sterile Preparations. The amendments, if adopted, update the media fill and aseptic procedures test requirements for all sterile compounding personnel in Class A-S, Class B, Class C-S and Class E-S pharmacies; clarify the testing requirements for supervisory pharmacists working in multiple pharmacies under common ownership; clarify the environmental testing certification procedures; and correct grammatical errors.

#### **CHAPTER 295. PHARMACISTS**

##### **§295.9**

The Texas State Board of Pharmacy proposed amendments to §295.9 concerning Inactive License. The amendments, if adopted, add a requirement of one hour of continuing education on opioid abuse for pharmacist license reactivation.

##### **§295.11**

The Texas State Board of Pharmacy proposed amendments to §295.11 concerning Notification to Consumers. The amendments, if adopted, update the requirements for pharmacies to post a sign notifying consumers of the Board's contact information for filing complaints regarding the practice of pharmacy, and permits a pharmacy to utilize an electronic messaging system in lieu of such a

sign.

## CHAPTER 305. EDUCATIONAL REQUIREMENTS

### §305.2

The Texas State Board of Pharmacy proposed amendments to §305.2 concerning Pharmacy Technician Training Programs. The amendments, if adopted, clarify the standard for Board-approved pharmacy technician training programs by recognizing that pharmacy technician training programs are jointly accredited by the American Society of Health-System Pharmacists and the Accreditation Council on Pharmacy Education.

## RULE REVIEW

The Texas State Board of Pharmacy proposed the review of Chapter 281 (§§281.1-281.13, 281.15, 281.17-281.23, 281.30-281.34, 281.60-281.68) concerning Administrative Practices and Procedures, 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 305 (§§311.1-311.2) concerning Code of Conduct, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.