



Texas State Board of Pharmacy M E M O R A N D U M

DATE: May 8, 2019

TO: Board Members
Staff
Interested Parties

FROM: Megan G. Holloway
Assistant General Counsel

SUBJECT: Rules adopted and proposed at the May 7, 2019 Board Meeting.

ADOPTED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER A. GENERAL PROVISIONS

§281.7

The Texas State Board of Pharmacy adopted amendments to §281.7 concerning Grounds for Discipline for a Pharmacist License. The amendments update the grounds for disciplinary action against a pharmacist license after receipt of a warning notice from the board to reflect current board policies and procedures, and correct grammatical errors.

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

§283.4

The Texas State Board of Pharmacy adopted amendments to §283.4 concerning Internship Requirements. The amendments update the pharmacist-intern requirements to reflect the board's new procedure of issuing electronic pharmacist-intern documentation.

§283.6

The Texas State Board of Pharmacy adopted amendments to §283.6 concerning Preceptor Requirements and Ratio of Preceptors to Pharmacist-Interns. The amendments remove the requirement for pharmacist preceptors to publicly display their licenses and certificates, and correct grammatical and reference errors.

CHAPTER 291. PHARMACIES

SUBCHAPTER A. ALL CLASSES OF PHARMACIES

§291.17

The Texas State Board of Pharmacy adopted amendments to §291.17 concerning Inventory Requirements. The amendments clarify that the annual inventory of a Class C and Class C-S pharmacy shall include a count of all controlled substances located in the pharmacy and all controlled substances located in other departments of the institution.

SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

§291.32

The Texas State Board of Pharmacy adopted amendments to §291.32 concerning Personnel. The amendments allow pharmacy technicians and pharmacy technician trainees to perform data entry remotely in Class A pharmacies.

§291.34

The Texas State Board of Pharmacy adopted amendments to §291.34 concerning Records. The amendments remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made, remove an outdated reference to a Schedule V nonprescription register book, and correct grammatical errors.

SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)

§291.55

The Texas State Board of Pharmacy adopted amendments to §291.55 concerning Records. The amendments remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made and correct grammatical errors.

SUBCHAPTER D. INSTITUTIONAL PHARMACY (CLASS C)

§291.75

The Texas State Board of Pharmacy adopted amendments to §291.75 concerning Records. The amendments remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made and correct grammatical errors.

§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 remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made and correct grammatical errors.

SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

§291.123

The Texas State Board of Pharmacy adopted amendments to §291.123 concerning Central Prescription Drug or Medication Order Processing. The amendments allow a pharmacy technician or pharmacy technician trainee

employee who is licensed in Texas to remotely access a Class A, Class C, or Class E pharmacy engaged in centralized prescription drug or medication order processing's data base in order to process prescription or medication drug orders.

SUBCHAPTER H. OTHER CLASSES OF PHARMACIES

§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 remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made and correct grammatical errors.

§291.153

The Texas State Board of Pharmacy adopted amendments to §291.153 concerning Central Prescription Drug or Medication Order Processing Pharmacy (Class G). The amendments allow a pharmacy technician or pharmacy technician trainee employee who is licensed in Texas to remotely access a Class G pharmacy's data base in order to process prescription or medication drug orders.

CHAPTER 295. PHARMACISTS

§295.1

The Texas State Board of Pharmacy adopted amendments to §295.1 concerning Change of Address and/or Name. The amendments update the change of address or name requirements for pharmacists to reflect the board's new procedure of issuing electronic renewal certificates.

§295.5

The Texas State Board of Pharmacy adopted amendments to §295.5 concerning Pharmacist License or Renewal Fees. The amendments remove the fees for duplicate or amended renewal certificates to reflect the board's new procedure of issuing electronic renewal certificates and correct a subsection reference.

CHAPTER 297. PHARMACY TECHNICIAN AND PHARMACY TECHNICIAN TRAINEES

§297.4

The Texas State Board of Pharmacy adopted amendments to §297.4 concerning Fees. The amendments remove the fees for duplicate or amended certificates to reflect the board's new procedure of issuing electronic renewal certificates.

CHAPTER 315. CONTROLLED SUBSTANCES

§315.2

The Texas State Board of Pharmacy adopted amendments to §315.2 concerning Official Prescription Form – Effective September 1, 2016. The amendments remove the effective date from the short title and remove language pertaining to the validity of official prescription forms previously issued by the Texas Department of Public Safety.

§315.15

The Texas State Board of Pharmacy adopted amendments to §315.15 concerning Access Requirements. The amendments clarify which pharmacist is

responsible for the review of the Texas Prescription Monitoring Program database prior to dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol.

PROPOSED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER A. GENERAL PROVISIONS

§281.14 – New Rule

The Texas State Board of Pharmacy proposed a new rule §281.14 concerning Vendor Protest Procedures. The new rule, if adopted, 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 proposed amendments to §281.15 concerning Negotiated Rulemaking. The amendments, if adopted, 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 proposed a new rule §281.16 concerning Alternative Dispute Resolution. The new rule, if adopted, 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 proposed amendments to §281.19 concerning Vehicles. The amendments, if adopted, 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 proposed amendments to §283.11 concerning Examination Retake Requirements. The amendments, if adopted, 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 proposed amendments to §291.6 concerning Pharmacy License Fees. The amendments, if adopted, increase pharmacy license fees based on expected expenses.

CHAPTER 295. PHARMACISTS

§295.5

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

§295.8

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

RULE REVIEW

The Texas State Board of Pharmacy proposed 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 proposed 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 proposed 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 proposed 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.