



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

DATE: February 8, 2019

TO: Board Members
Staff
Interested Parties

FROM: Megan G. Holloway
Assistant General Counsel

SUBJECT: Rules adopted and proposed at the February 5, 2019 Board Meeting.

ADOPTED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER C – DISCIPLINARY GUIDELINES

§281.68

The Texas State Board of Pharmacy adopted amendments to §281.68 concerning Remedial Plan. The amendments clarify that the Board shall remove all records of a completed remedial plan at the end of the fiscal year of the fifth anniversary of the date the board entered the remedial plan in accordance with section 565.060 of the Pharmacy Act.

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

§283.12

The Texas State Board of Pharmacy adopted amendments to §283.12 concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. The amendments allow a military service member, military veteran, or military spouse to place his or her pharmacist license on inactive status while not practicing pharmacy in Texas without paying a fee.

CHAPTER 291. PHARMACIES

SUBCHAPTER B – COMMUNITY PHARMACY (CLASS A)

§291.31

The Texas State Board of Pharmacy adopted amendments to §291.31 concerning Definitions. The amendments update the definitions of an automated counting device and automated pharmacy dispensing system, and correct

grammatical errors.

§291.33

The Texas State Board of Pharmacy adopted amendments to §291.33 concerning Operational Standards. The amendments clarify the pharmacist's patient counseling duties by expressly prohibiting a pharmacy's computer system from asking questions of the patient intended to screen and/or limit interaction with the pharmacist, and update the requirements for the use of automated devices and systems in Class A pharmacies to be consistent with the proposed updated definitions in §291.31 and changes in technology, remove the provisions relating to automated storage and distribution devices from this section, and correct grammatical errors.

§291.35

The Texas State Board of Pharmacy adopted amendments to §291.35 concerning Official Prescription Requirements. The amendments update the citation reference regarding the requirement for the use of official prescriptions for Schedule II controlled substances in 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 citation references regarding outpatient records, outpatient prescription forms, and official prescriptions for Schedule II controlled substances, remove references to nalbuphine (e.g., Nubain) from the electronic recordkeeping requirements for distribution and return of controlled substances, and correct grammatical errors.

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 provide standards and requirements for the provision of remote pharmacy services using automated storage and delivery systems, including definitions, general requirements, operational standards, and records requirements.

CHAPTER 315. CONTROLLED SUBSTANCES

§315.12

The Texas State Board of Pharmacy adopted amendments to §315.12 concerning Schedule III through V Prescription Forms - Effective September 1, 2016. The amendments correct a reference to the agency responsible for issuing a controlled substances registration number to the United States Drug Enforcement Administration.

PROPOSED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER A – GENERAL PROVISIONS

§281.7

The Texas State Board of Pharmacy proposed amendments to §281.7 concerning Grounds for Discipline for a Pharmacist License. The amendments, if adopted, 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 proposed amendments to §283.4 concerning Internship Requirements. The amendments, if adopted, 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 proposed amendments to §283.6 concerning Preceptor Requirements and Ratio of Preceptors to Pharmacist-Interns. The amendments, if adopted, 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 proposed amendments to §291.17 concerning Inventory Requirements. The amendments, if adopted, clarify that the annual inventory of a Class C and Class C-S pharmacy shall include a physical 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)

§291.34

The Texas State Board of Pharmacy proposed amendments to §291.34 concerning Records. The amendments, if adopted, 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 requirement to maintain a Schedule V nonprescription register book, and correct grammatical errors.

SUBCHAPTER C – NUCLEAR PHARMACY (CLASS B)

§291.55

The Texas State Board of Pharmacy proposed amendments to §291.55

concerning Records. The amendments, if adopted, 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 proposed amendments to §291.75 concerning Records. The amendments, if adopted, 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 proposed amendments to §291.76 concerning Class C Pharmacies Located in a Freestanding Ambulatory Surgical Center. The amendments, if adopted, 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 H – OTHER CLASSES OF PHARMACY

§291.151

The Texas State Board of Pharmacy proposed amendments to §291.151 concerning Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F). The amendments, if adopted, 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.

CHAPTER 295. PHARMACISTS

§295.1

The Texas State Board of Pharmacy proposed amendments to §295.1 concerning Change of Address and/or Name. The amendments, if adopted, 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 proposed amendments to §295.5 concerning Pharmacist License or Renewal Fees. The amendments, if adopted, 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 TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

§297.4

The Texas State Board of Pharmacy proposed amendments to §297.4 concerning Fees. The amendments, if adopted, 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 proposed amendments to §315.2 concerning Official Prescription Form - Effective September 1, 2016. The amendments, if adopted, 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 proposed amendments to §315.15 concerning Access Requirements. The amendments, if adopted, clarify which pharmacist is responsible for the review of the Texas Prescription Monitoring Program database prior to dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol.

RULE REVIEW

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