



**Frequently Asked Questions for  
New Pharmacy Owners**

February 2022

[Click on a question to jump to the answer](#)

1. Who can own or serve as an officer of a Texas licensed pharmacy? .....	1
2. Is a non-pharmacist pharmacy owner allowed to enter the prescription department?.....	1
3. Who are the “managing officers” of a pharmacy? .....	1
4. What are the steps for opening a new Class A (retail) pharmacy?.....	1
a. Submit a Class A pharmacy application (and fee).....	1
b. Pass a criminal background check.....	1
c. Complete the Class A pre-inspection checklist.....	1
d. Schedule and pass the pharmacy pre-inspection.....	1
5. How long will it take to process my application for a new pharmacy?.....	1
6. What is the difference between a “closed-door” and “open-door” pharmacy?.....	1
7. Does the Board have to approve construction plans for my pharmacy?.....	2
8. How will the public know my place of business is a licensed pharmacy? .....	2
9. Can vendors hired to provide other services enter the pharmacy department? .....	2
10. What information should I include in my policy and procedure for security? .....	2
11. What duties can a pharmacy technician perform when a pharmacist is offsite?.....	2
12. What duties can a pharmacy technician / trainee perform when a pharmacist is onsite? .....	2
13. What is the ratio of pharmacists to pharmacy technicians in a Class A pharmacy? .....	2
14. Can I purchase prescription medication before my pharmacy has been pre-inspected?.....	3
15. Does pharmacy software or applications require pre-approved before installation?.....	3
16. Is a balance or scale required in a Class A pharmacy?.....	3
17. Can I purchase electronic references for the pharmacy library? .....	3
18. Where can I purchase a copy of the “Texas Pharmacy Laws and Regulations” law book? .....	3
19. Which licenses am I required to display in my pharmacy? .....	3
20. How will I know when to schedule a pre-inspection for my pharmacy? .....	3
21. Am I required to be present during the pre-inspection of my pharmacy?.....	3

22. What will happen if my pharmacy does not pass the pre-inspection? .....	4
23. When should I expect to receive my new pharmacy license?.....	4
24. How do I update the services that my pharmacy provides? .....	4
25. What is meant by the phrase “ <i>operating the pharmacy</i> ”? .....	4
26. After my pharmacy has been licensed, how much time do I have to start operating? .....	4
27. Is there a minimum number of hours that my pharmacy must be open and operating? .....	4
28. What does “ <i>failure to engage in the business described in the application</i> ” mean? .....	4
29. How long am I required to keep pharmacy records? .....	5
30. When am I required to supply requested records to the Board? .....	5
31. How can I recognize non-therapeutic dispensing? .....	5
32. Who can conduct the initial inventory on opening day? .....	5
33. On what date should the annual inventory be taken? .....	5
34. When should the inventory for a change of ownership be taken? .....	5
35. When should the inventory for a closed pharmacy be taken?.....	5
36. When should the inventory, due to a change of PIC, be taken? .....	5
37. Can I file the inventory records with all the other pharmacy records? .....	6
38. Does the initial inventory for a new pharmacy have to be notarized? .....	6
39. How long am I required to keep inventory records?.....	6
40. How do I notify the Board that my pharmacy is moving to a new address? .....	6
41. How do I notify the Board that I am changing the name of my pharmacy? .....	6
42. How do I notify the Board of a change in the managing officers of my pharmacy?.....	6
43. If I sell my pharmacy, how do I notify the Board of a change in ownership? .....	6
44. How do I report a theft or significant loss to the DEA?.....	6
45. When should I report a theft or significant loss to the Board?.....	7
46. What information is should be included in a theft or significant loss report? .....	7
47. How should I notify the public about the closure of my pharmacy? .....	7

- 48. How long do I have to forward the final pharmacy closing documents to the Board?.....7
- 49. When should I notify the Board of the emergency closure my pharmacy?.....7
- 50. How long can my pharmacy be closed due to a fire or other unforeseen disaster?.....7

## Frequently Asked Questions for New Pharmacy Owners

**1. Who can own or serve as an officer of a Texas licensed pharmacy?**

Anyone who can pass a criminal background check can own a Class A pharmacy in the state of Texas.

**2. Is a non-pharmacist pharmacy owner allowed to enter the prescription department?**

Yes, a non-pharmacist pharmacy owner is allowed to have access to the prescription department, however, they are not allowed to perform any duty which requires a pharmacist license or pharmacy technician registration.

**3. Who are the “managing officers” of a pharmacy?**

The managing officers of a pharmacy are typically the top four executive officers (including the corporate officer in charge of pharmacy operations) who are designated by the partnership or corporation to be jointly responsible for the legal operation of the pharmacy.

**4. What are the steps for opening a new Class A (retail) pharmacy?**

- a. Submit a Class A pharmacy application (and fee).
- b. Pass a criminal background check.
- c. Complete the Class A pre-inspection checklist.
- d. Schedule and pass the pharmacy pre-inspection.

**5. How long will it take to process my application for a new pharmacy?**

If the applicant does not have a criminal record, the application review process can take up to 90 days. If the applicant has a criminal record, the application will be sent to the TSBP Enforcement Department for further review. This may cause the approval process to be delayed. A detailed outline of the application process can be found [here](#).

**6. What is the difference between a “closed-door” and “open-door” pharmacy?**

A closed-door pharmacy is a Class A pharmacy that is not open to the public. This type of pharmacy typically fills medication orders for long-term care facilities. Since a closed-door pharmacy does not serve the public, a prescription counseling area is not required. An open-door pharmacy is open to the public. Because an open-door pharmacy serves the public, a prescription counseling area is required.

**7. Does the Board have to approve construction plans for my pharmacy?**

TSBP does not regulate or approve building structure plans or floorplans.

**8. How will the public know my place of business is a licensed pharmacy?**

A Class A pharmacy that serves the public must display the word “pharmacy” or similar word or symbol as determined by the board in a prominent place on the front of the pharmacy.

[562.103\(b\)\(1\)](#)

**9. Can vendors hired to provide other services enter the pharmacy department?**

Only those individuals who have been designated (by written documentation) by the pharmacist-in-charge or owner may enter the pharmacy department to provide other services.

[291.33\(b\)\(C\)](#)

**10. What information should I include in my policy and procedure for security?**

It is recommended that operational procedures regarding the management of controlled substances, opening and closing procedures, product storage and placement, central management, and other procedures relevant to security be included in your policy and procedures for security. [291.33\(b\)\(2\)\(e\)](#)

**11. What duties can a pharmacy technician perform when a pharmacist is offsite?**

When a pharmacist is offsite, a registered pharmacy technician or pharmacy technician trainee may not perform any pharmacy technician or pharmacy technician trainee duty. An agent of the pharmacy may deliver a previously verified prescription to a patient or patient’s agent if the conditions in rule [291.33\(b\)\(3\)\(B\)\(iv\)](#) are met.

**12. What duties can a pharmacy technician / trainee perform when a pharmacist is onsite?**

A registered pharmacy technician or pharmacy technician trainee may only perform nonjudgmental technical duties associated with the preparation and distribution of prescription drugs as listed in [291.33\(d\)\(2\)](#).

**13. What is the ratio of pharmacists to pharmacy technicians in a Class A pharmacy?**

The pharmacist to pharmacy technician ratio is 1:6 provided the pharmacist is onsite and a maximum of 3 of the 6 pharmacy technicians are pharmacy technician trainees. [291.33\(d\)\(3\)](#)

**14. Can I purchase prescription medication before my pharmacy has been pre-inspected?**

A pharmacy must be licensed before purchasing prescription medications.

**15. Does pharmacy software or applications require pre-approval before installation?**

TSBP does not require the pre-approve vendors or software applications at any time.

**16. Is a balance or scale required in a Class A pharmacy?**

A pharmacy is only required to have the appropriate equipment that is necessary for the type of drugs that will be dispensed. [291.33\(d\)](#)

**17. Can I purchase electronic references for the pharmacy library?**

Only electronic pharmacy references which require a subscription are acceptable.

**18. Where can I purchase a copy of the “Texas Pharmacy Laws and Regulations” law book?**

An eBook or hardcopy version of Texas Laws and Regulations can be purchased from [LexisNexis](#).

**19. Which licenses am I required to display in my pharmacy?**

The license of the pharmacy and the pharmacist-in-charge must be displayed in a pharmacy. The licenses and registration of all other pharmacy personnel must be maintained onsite. [562.103](#)

**20. How will I know when to schedule a pre-inspection for my pharmacy?**

After a Compliance specialist confirms with the pharmacist-in-charge that the facility has completed the pre-inspection checklist and is ready for a pre-inspection, a field inspector will schedule and complete the pre-inspection within 30 business days.

**21. Am I required to be present during the pre-inspection of my pharmacy?**

Both the pharmacist-in-charge and owner (or owner’s representative) are required to be present at the pre-inspection.

**22. What will happen if my pharmacy does not pass the pre-inspection?**

If deficiencies are found, the pharmacy will not pass the pre-inspection. If the deficiencies are not resolved within one year of the pre-inspection, the application for a new pharmacy will expire.

**23. When should I expect to receive my new pharmacy license?**

Upon approval of the pre-inspection, the new license number will be issued within 10 business days.

**24. How do I update the services that my pharmacy provides?**

You may forward an email which details the requested change to the TSBP Licensing Department at [Remote@pharmacy.texas.gov](mailto:Remote@pharmacy.texas.gov).

**25. What is meant by the phrase “*operating the pharmacy*”?**

The term "operating the pharmacy" means the pharmacy shall demonstrate observable pharmacy business activity on a regular, routine basis, including a sufficient number of transactions of receiving, processing, or dispensing prescription drug orders or medication drug orders. [291.11\(b\)](#)

**26. After my pharmacy has been licensed, how much time do I have to start operating?**

A pharmacy must be fully operational within **6 months** of the issuance of a pharmacy license. [291.11\(a\)\(1\)](#)

**27. Is there a minimum number of hours that my pharmacy must be open and operating?**

Although there is not a rule which specifically states the number of hours a pharmacy must operate, the pharmacy must still demonstrate observable business on a regular and routine basis. [291.11\(b\)](#)

**28. What does “*failure to engage in the business described in the application*” mean?**

“*Failure to engage in the business described in the application*” means the holder of the pharmacy license has not commenced operating the pharmacy within 6 months of the date of issuance of the license. [291.11\(a\)\(1\)](#)

**29. How long am I required to keep pharmacy records?**

Pharmacy records must be kept at the pharmacy's licensed location for **two years** from the date of the record. [291.34\(a\)\(1\)](#)

**30. When am I required to supply requested records to the Board?**

Pharmacy records must be supplied within **72 hours** of the request. [291.34\(a\)\(1\)\(B\)](#)

**31. How can I recognize non-therapeutic dispensing?**

The "[Red flags](#)" checklist will help to identify non-therapeutic dispensing practices.

**32. Who can conduct the initial inventory on opening day?**

The pharmacist-in-charge (PIC) is responsible for conducting an initial inventory on the opening day of business; however, the PIC may delegate this duty to another individual. The inventory must include all controlled substances. [291.17 \(b\)](#)

**33. On what date should the annual inventory be taken?**

An annual inventory must be conducted on May 1 of each year or on the pharmacy's general physical inventory date. The inventory may be taken within 4 days of the specified inventory date and must include all controlled substances. The inventory must be signed by the PIC and notarized within 3 working days of completing the inventory. [291.17\(c\)](#)

**34. When should the inventory for a change of ownership be taken?**

The change of ownership inventory should be conducted **on the date of the change** of ownership. [291.17\(d\)](#)

**35. When should the inventory for a closed pharmacy be taken?**

The inventory for a closed pharmacy must be conducted **on the date of closing** and forwarded to the TSBP Licensing Department within **10 days** of the cessation of operations. [291.17\(e\)](#)

**36. When should the inventory, due to a change of PIC, be taken?**

The required inventory must be conducted on the date of the change. The PIC must notify the Board that a change of PIC has occurred and that the inventory was taken. This information must be reported to the Board within **10 days**. [291.17\(g\)](#)

**37. Can I file the inventory records with all the other pharmacy records?**

Inventory records must be filed **separately** from all other pharmacy records.

**38. Does the initial inventory for a new pharmacy have to be notarized?**

The initial inventory for a new pharmacy does not require notarization. [291.17\(b\)](#)

**39. How long am I required to keep inventory records?**

Inventory records must be maintained in the pharmacy for two years. [291.17\(a\)](#)

**40. How do I notify the Board that my pharmacy is moving to a new address?**

A completed [Request to Change the Name or Location of a Pharmacy Facility License](#) application, pharmacy license and associated fees must be submitted to the TSBP Licensing Department at least **30 days** prior to the date of the change of location. If the change in location is due to a disaster, accident, or emergency, it must be reported to the Licensing Department immediately. [291.3\(a\)](#)

**41. How do I notify the Board that I am changing the name of my pharmacy?**

Licensees must complete a [Request to Change the Name or Location of a Pharmacy Facility License](#) form to the TSBP Licensing Department within **10 days** of the change of the name of the pharmacy. The previously issued license must also be returned to the TSBP Licensing Department. [291.3\(b\)](#)

**42. How do I notify the Board of a change in the managing officers of my pharmacy?**

A [Change of Managing Officer form](#) should be submitted to the TSBP Licensing Department within **10 days** of the change of managing officers. [291.3\(c\)](#)

**43. If I sell my pharmacy, how do I notify the Board of a change in ownership?**

A [Change of Ownership application](#) must be completed and submitted to the TSBP Licensing Department. The pharmacy license that was issued to the previous owner must be returned when the Change of Ownership application is submitted. [291.3\(d\)](#)

**44. How do I report a theft or significant loss to the DEA?**

The theft or significant loss of any controlled substance must be reported [online](#) to the DEA or by email, us postal mail or fax immediately upon discovery.

**45. When should I report a theft or significant loss to the Board?**

A theft or significant loss of any controlled substance must be reported, **immediately upon discovery**, to the TSBP Enforcement Department at [TLreport@pharmacy.texas.gov](mailto:TLreport@pharmacy.texas.gov).

**46. What information is should be included in a theft or significant loss report?**

A copy of the DEA Form 106, or a list of all controlled substances which were stolen or lost, or a list of the name and quantity of all dangerous drugs stolen or lost must be included in the report.

**47. How should I notify the public about the closure of my pharmacy?**

A closing notice sign must be posted in a conspicuous place in the front of the pharmacy department and at all public entrance doors to the pharmacy at least **14 days prior** to the closing of the pharmacy. [291.5\(a\)](#)

**48. How long do I have to forward the final pharmacy closing documents to the Board?**

Within **10 days** after the closing of the pharmacy, the PIC must forward the pharmacy license and a written notice of the pharmacy's closing to the TSBP Licensing Department. The information which must be included in the written notice can be referenced in rule [291.5\(c\)](#).

**49. When should I notify the Board of the emergency closure my pharmacy?**

Notification of the pharmacy closure and supporting documents must be provided to the TSBP Compliance Department as far in advance as allowed by the circumstance.

**50. How long can my pharmacy be closed due to a fire or other unforeseen disaster?**

A pharmacy that has temporarily ceased operations due to a fire or other disaster cannot remain closed for more than **90 days**. [291.3\(g\)\(E\)](#)