



# Texas State Board of Pharmacy

## MEMORANDUM

**DATE:** August 12, 2020

**TO:** Board Members  
Staff  
Interested Parties

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

**SUBJECT:** Rules adopted and proposed at the August 4, 2020 Board Meeting

### ADOPTED RULES

#### CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

##### SUBCHAPTER B. GENERAL PROCEDURES IN A CONTESTED CASE

###### §281.65

The Texas State Board of Pharmacy adopted amendments to rule §281.65 concerning Schedule of Administrative Penalties. The amendments add an administrative penalty for the violation of failing to access the Prescription Monitoring Program for a patient's information before dispensing opioids, benzodiazepines, barbiturates, or carisoprodol, and update a citation reference.

#### 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 The amendments remove an outdated reference to Class H pharmacies which no longer exist.

##### 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 allow remote pharmacies services to be provided using an automated pharmacy system to be provided at healthcare facilities regulated under Chapter 241 and removes the limitation that the services may only be provided to inpatients of the remote site.

## SUBCHAPTER H. OTHER CLASSES OF PHARMACY

### §291.153

The Texas State Board of Pharmacy adopted amendments to of §291.153 concerning Central Prescription Drug or Medication Order Processing Pharmacy (Class G). The amendments remove the requirement for a Class G pharmacy to have a sink exclusive of restroom facilities, and correct grammatical errors.

## PROPOSED RULES

### *AMENDMENTS CONCERNING PHARMACY TECHNICIAN RATIOS AND DUTIES*

#### CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

### §283.5

The Texas State Board of Pharmacy proposed amendments to §283.5 concerning Pharmacist-Intern Duties. The amendments, if adopted, remove the pharmacist to pharmacist-interns ratio when an intern is performing the duties of a pharmacy technician.

#### CHAPTER 291. PHARMACIES

##### 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, update the definition of original prescription and correct grammatical errors.

### §291.32

The Texas State Board of Pharmacy proposed amendments to §291.32 concerning Personnel. The amendments, if adopted, expand the duties pharmacy technicians may perform to include receiving oral prescriptions, transferring prescriptions, and contacting a prescriber for information regarding a prescription, with the exception of prescriptions for controlled substances, increase the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees to 1:6 of which a maximum of 3 may be pharmacy technician trainees, except as provided in Section 568.006 of the Texas Pharmacy Act, and correct grammatical errors.

### §291.33

The Texas State Board of Pharmacy proposed amendments to §291.33 concerning Operational Standards. The amendments, if adopted, expand the duties pharmacy technicians may perform during the temporary absence of a pharmacist to include receiving oral prescriptions and prescription transfers and contacting a prescriber for information regarding a prescription, with the exception of prescriptions for controlled substances.

### §291.34

The Texas State Board of Pharmacy proposed amendments to §291.34 concerning Records. The amendments, if adopted, expand the duties which pharmacist-interns and pharmacy technicians may perform to include receiving

oral prescriptions, transferring prescriptions, and contacting a prescriber for information regarding a prescription, with the exception of prescriptions for controlled substances, and correct grammatical errors.

### **SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)**

#### **§291.52**

The Texas State Board of Pharmacy proposed amendments to §291.52 concerning Definitions. The amendments, if adopted, update the definition of original prescription and correct grammatical errors.

#### **§291.53**

The Texas State Board of Pharmacy proposed amendments to §291.53 concerning Personnel. The amendments, if adopted, remove the receipt and reduction into writing of verbal therapeutic and diagnostic prescription drug orders that are not for controlled substances from the duties which may only be performed by an authorized nuclear pharmacist, increase the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees to 1:6 of which a maximum of 3 may be pharmacy technician trainees, and correct grammatical errors.

#### **§291.55**

The Texas State Board of Pharmacy proposed amendments to §291.55 concerning Records. The amendments, if adopted, expand the duties pharmacy technicians may perform to include receiving oral therapeutic and diagnostic prescription drug orders with the exception of orders for controlled substances, and correct grammatical errors.

### **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, remove the receipt of oral prescription drug orders from the duties which may only be performed by a pharmacist.

#### **§291.129**

The Texas State Board of Pharmacy proposed amendments to §291.129 concerning Satellite Pharmacy. The amendments, if adopted, expand the duties pharmacy technicians may perform to include receiving oral prescription drug orders and transferring prescriptions that are not for controlled substances, and remove the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

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

#### **§291.153**

The Texas State Board of Pharmacy proposed amendments to §291.153 concerning Central Prescription Drug or Medication Order Processing Pharmacy (Class G). The amendments, if adopted, expand the duties pharmacy technicians may perform to include receiving oral prescription drug or medication orders and transferring orders that are not for controlled substances, and remove the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

## **CHAPTER 305. EDUCATIONAL REQUIREMENTS**

### **§309.2**

The Texas State Board of Pharmacy proposed amendments to §309.2 concerning Definitions. The amendments, if adopted, update the definition of original prescription.

### **§309.3**

The Texas State Board of Pharmacy proposed amendments to §309.3 concerning Substitution Requirements. The amendments, if adopted, expand the duties which pharmacist-interns and pharmacy technicians may perform to include receiving oral prescription drug orders that are not for controlled substances, and correct grammatical errors.

## ***OTHER AMENDMENTS***

## **CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS**

### **§283.2**

The Texas State Board of Pharmacy proposed amendments to §283.2 concerning Definitions. The amendments, if adopted, remove an outdated reference to a pharmacist intern-trainee, a designation that no longer exists.

### **§283.4**

The Texas State Board of Pharmacy proposed amendments to §283.4 concerning Internship Requirements. The amendments, if adopted, remove the change of name fee and outdated requirements to reflect current procedures.

### **§283.11**

The Texas State Board of Pharmacy proposed amendments to §283.11 concerning Examination Retake Requirements. The amendments, if adopted, clarify the course work requirements for reciprocity applicants retaking the Texas Pharmacy Jurisprudence Examination to be consistent with section 558.055 of the Texas Pharmacy Act.

## **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, add a requirement for each non-pharmacist individual owner or managing officer of a Class A pharmacy license applicant to attend a pharmacy ownership training course.

#### **§291.3**

The Texas State Board of Pharmacy proposed amendments to §291.3 concerning Pharmacy License Application. The amendments, if adopted, add a requirement for each non-pharmacist individual owner or managing officer of a Class A pharmacy to attend a pharmacy ownership training course within 90 days of notifying the Board of a change of managing officer and clarify the change of ownership notification requirements.

#### **SUBCHAPTER D. INSTITUTIONAL PHARMACY (CLASS C)**

##### **§291.74**

The Texas State Board of Pharmacy proposed amendments to §291.74 concerning Operational Standards. The amendments, if adopted, update certain application requirements, and correct grammatical errors.

#### **SUBCHAPTER F. NON-RESIDENT PHARMACY (CLASS E)**

##### **§291.101**

The Texas State Board of Pharmacy proposed amendments to §291.101 concerning Purpose. The amendments, if adopted, permit Class E pharmacies to process prescription drug orders and perform other pharmaceutical services as defined by Board rule, in accordance with House Bill 2847.

##### **§291.102**

The Texas State Board of Pharmacy proposed amendments to §291.102 concerning Definitions. The amendments, if adopted, permit Class E pharmacies to process prescription drug orders and perform other pharmaceutical services as defined by Board rule, in accordance with House Bill 2847.

#### **CHAPTER 315. CONTROLLED SUBSTANCES**

##### **§315.3**

The Texas State Board of Pharmacy proposed amendments to §315.3 concerning Prescriptions. The amendments, if adopted, clarify the circumstances under which a controlled substance prescription is not required to be issued electronically and the procedures for requesting a waiver of the electronic prescribing requirement from the applicable licensing agency.

#### **RULE REVIEW**

The Texas State Board of Pharmacy adopted the review of Chapter 291 concerning Pharmacies (Institutional Pharmacy (Class C)) (§§291.71 – 291.77) 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 303 concerning Destruction of Dangerous Drugs & Controlled Substances (§§303.1 – 303.3) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.