



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

DATE: February 5, 2020

TO: Board Members
Staff
Interested Parties

FROM: Megan G. Holloway
Assistant General Counsel

SUBJECT: Rules adopted and proposed at the February 4, 2020 Board Meeting.

ADOPTED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICES 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 remove failing to repay a student loan as a ground for discipline of a pharmacist license, in accordance with SB 37.

§281.9

The Texas State Board of Pharmacy adopted amendments to §281.9 concerning Grounds for Discipline for a Pharmacy Technician or a Pharmacy Technician Trainee. The amendments remove failing to repay a student loan as a ground for discipline of a pharmacy technician or a pharmacy technician trainee registration, in accordance with SB 37.

SUBCHAPTER C. DISCIPLINARY GUIDELINES

§281.66

The Texas State Board of Pharmacy adopted amendments to §281.66 concerning Application for Reissuance or Removal of Restrictions of a License or Registration. The amendments remove arrests as an item the board may consider in determining the reinstatement of an applicant's previously revoked or canceled license or registration, in accordance with SB 1217.

§281.69

The Texas State Board of Pharmacy adopted a new rule §281.69 concerning Automatic Denial or Revocation. The new rule provides for the automatic denial of a pharmacist licensure application or revocation of a pharmacist license for certain criminal offenses, in accordance with HB 1899.

§281.70

The Texas State Board of Pharmacy adopted a new rule §281.70 concerning Surety Bond. The new rule specifies that the board may require a surety bond if an investigation of a pharmacy involves section 565.002(a)(7) or (10) of the Pharmacy Act, in accordance HB 3496.

CHAPTER 291. PHARMACIES

SUBCHAPTER A. ALL CLASSES OF PHARMACY

§291.1

The Texas State Board of Pharmacy adopted amendments to §291.1 concerning Pharmacy License Application. The amendments clarify that an applicant for a pharmacy license must submit a sworn disclosure statement, in accordance with HB 3496, and correct a grammatical error.

§291.3

The Texas State Board of Pharmacy adopted amendments to §291.3 concerning Required Notifications. The amendments clarify that notification to the board of a change of managing officer shall include an updated sworn disclosure statement, in accordance with HB 3496, and correct grammatical errors.

§291.4

The Texas State Board of Pharmacy adopted a new rule §291.4 concerning Sworn Disclosure Statement. The new rule creates a requirement for a pharmacy license applicant to submit a sworn disclosure statement, in accordance with HB 3496.

§291.14

The Texas State Board of Pharmacy adopted amendments to §291.14 concerning Pharmacy License Renewal. The amendments add a requirement to submit a sworn disclosure statement, in accordance with HB 3496, and correct a grammatical error.

SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

§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 and correct grammatical errors.

CHAPTER 295. PHARMACISTS

§295.9

The Texas State Board of Pharmacy adopted amendments to §295.9 concerning Inactive License. The amendments add a requirement for one hour of continuing education on pain management as specified in section 481.0764 of the Texas Controlled Substances Act for reactivation of an inactive license and remove a requirement for one hour of continuing education on opioid abuse.

§295.13

The Texas State Board of Pharmacy adopted amendments to §295.13 concerning Drug Therapy Management by a Pharmacist under Written Protocol of a Physician. The amendments specify the circumstances under which physician delegation to a pharmacist of specific acts of drug therapy management may occur, in accordance with SB 1056.

CHAPTER 315. CONTROLLED SUBSTANCES

§315.3

The Texas State Board of Pharmacy adopted amendments to §315.3 concerning Prescriptions. The amendments remove the effective date from the short title and add a requirement for a person dispensing a Schedule II controlled substance prescription to provide written notice on the safe disposal of controlled substance prescription drugs, in accordance with HB 2088.

§315.16

The Texas State Board of Pharmacy adopted a new rule §315.16 concerning Patient Access to Prescription Monitoring Program Prescription Record. The new rule establishes the policy and procedures for a patient or the patient's legal guardian to obtain a copy of the patient's Prescription Monitoring Program prescription record, in accordance with HB 3284.

PROPOSED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER B. GENERAL PROCEDURES IN A CONTESTED CASE

§281.35

The Texas State Board of Pharmacy proposed a new rule §281.35 concerning Temporary Suspension or Restriction. The new rule, if adopted, details procedures for the temporary suspension or restriction of a license or registration.

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 the definition of and references to a pharmacist intern-trainee.

§283.4

The Texas State Board of Pharmacy proposed amendments to §283.4 concerning Internship Requirements. The amendments, if adopted, remove references to a pharmacist intern-trainee and certain requirements for a pharmacist intern, and correct grammatical errors.

§283.5

The Texas State Board of Pharmacy proposed amendments to §283.5 concerning Pharmacist-Intern Duties. The amendments, if adopted, remove references to a pharmacist intern-trainee.

§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 references to a pharmacist intern-trainee, clarify that a pharmacist preceptor must be certified by the board, and remove a fee for a duplicate or amended certificate.

CHAPTER 291. PHARMACIES

SUBCHAPTER A. ALL CLASSES OF PHARMACIES

§291.19

The Texas State Board of Pharmacy proposed amendments to §291.19 concerning Administrative Actions as a Result of a Compliance Inspection. The amendments, if adopted, update the actions that may be taken after violations are observed during a compliance inspection to reflect current procedures.

SUBCHAPTER E. CLINIC PHARMACY (CLASS D)

§291.93

The Texas State Board of Pharmacy proposed amendments to §291.93 concerning Operational Standards. The amendments, if adopted, clarify the type of label supportive personnel may affix to a drug or device provided under the supervision of a physician according to standing delegation orders or standing medical orders.

SUBCHAPTER H. OTHER CLASSES OF PHARMACY

§291.155

The Texas State Board of Pharmacy proposed the repeal of §291.155 concerning Limited Prescription Delivery Pharmacies (Class H). The repeal, if adopted, removes regulations relating to a class of pharmacy that no longer exists.

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, remove a fee for a change of name.

§295.8

The Texas State Board of Pharmacy proposed amendments to §295.8 concerning Continuing Education Requirements. The amendments, if adopted, add a requirement for mental health awareness continuing education and clarify the continuing education requirements for pharmacists during their initial license period.

CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

§297.9

The Texas State Board of Pharmacy proposed amendments to §297.9 concerning Notifications. The amendments, if adopted, remove a fee for a change of name.

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.

RULE REVIEW

The Texas State Board of Pharmacy adopted Chapter 291 concerning Pharmacies (Community Pharmacy (class A)) (§§291.31 – 291.36) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy adopted Chapter 283 concerning Licensing Requirements for Pharmacists (§§283.1 – 283.12) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

The Texas State Board of Pharmacy adopted Chapter 315 concerning Controlled Substances (§§315.1 – 315.14) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.