



Texas State Board of Pharmacy

MEMORANDUM

DATE: May 6, 2020

TO: Board Members
Staff
Interested Parties

FROM: Megan G. Holloway
Deputy General Counsel

SUBJECT: Rules adopted and proposed at the May 5, 2020 Board Meeting

ADOPTED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER B. GENERAL PROCEDURES IN A CONTESTED CASE

§281.35

The Texas State Board of Pharmacy adopted new rule §281.35 concerning Temporary Suspension or Restriction. The new rule 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 adopted amendments to §283.2 concerning Definitions. The amendments remove the definition of and references to a pharmacist intern-trainee.

§283.4

The Texas State Board of Pharmacy adopted amendments to §283.4 concerning Internship Requirements. The amendments 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 adopted amendments to §283.5 concerning Pharmacist-Intern Duties. The amendments remove references to a pharmacist intern-trainee.

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

SUBCHAPTER H. OTHER CLASSES OF PHARMACY

§291.155

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

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 remove a fee for a change of name.

§295.8

The Texas State Board of Pharmacy adopted amendments to §295.8 concerning Continuing Education Requirements. The amendments 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 adopted amendments to §297.9 concerning Notifications. The amendments remove a fee for a change of name.

PROPOSED RULES

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER C DISCIPLINARY GUIDELINES

§281.65

The Texas State Board of Pharmacy proposed amendments to §281.65 concerning Schedule of Administrative Penalties. The amendments, if adopted,

add an administrative penalty for 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 proposed amendments to §291.9 concerning Prescription Pick Up Locations. The amendments, if adopted, 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 proposed amendments to §291.121 concerning Remote Pharmacy Services. The amendments, if adopted, allow remote pharmacies services to be provided using an automated pharmacy system 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 proposed amendments to §291.153 concerning Central Prescription Drug or Medication Order Processing Pharmacy (Class G). The amendments, if adopted, remove the requirement for a Class G pharmacy to have a sink exclusive of restroom facilities, and correct grammatical errors.

RULE REVIEW

The Texas State Board of Pharmacy proposed 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 proposed 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.