



## **Texas State Board of Pharmacy**

### **M E M O R A N D U M**

**DATE:** November 16, 2023

**TO:** Board Members  
Staff  
Interested Parties

**FROM:** John Griffith  
Litigation Counsel

**SUBJECT:** Rules adopted and proposed at the November 7, 2023, Board Meeting

#### **ADOPTED RULES**

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

##### **§283.12**

The Texas State Board of Pharmacy adopts amendments to §283.12 concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. The amendments establish procedures for a military service member who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially similar to Texas's requirements to obtain an interim pharmacist license, in accordance with Senate Bill 422 and make grammatical corrections.

#### **CHAPTER 291. PHARMACIES**

##### **SUBCHAPTER A. ALL CLASSES OF PHARMACIES**

##### **§291.3**

The Texas State Board of Pharmacy adopts amendments to §291.3 concerning Required Notifications. The amendments clarify that a pharmacy must notify the board in writing if the pharmacy temporarily closes for the loss of a pharmacist-in-charge and clarify the notification requirements for amending a pharmacy license.

##### **§291.5**

The Texas State Board of Pharmacy adopts amendments to §291.5 concerning Closing a Pharmacy. The amendments provide that a pharmacy may temporarily close for the loss of a pharmacist-in-charge if the pharmacy timely notifies the board in writing of the temporary closure.

**§291.6**

The Texas State Board of Pharmacy adopts amendments to §291.6 concerning Pharmacy License Fees. The amendments increase pharmacy license fees based on expected expenses, specify the application fee for an initial or renewed certificate to provide remote pharmacy services, and remove the fee for issuance of a duplicate renewal certificate.

**§291.8**

The Texas State Board of Pharmacy adopts amendments to §291.8 concerning Return of Prescription Drugs. The amendments update the name of a state agency.

**SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)**

**§291.33**

The Texas State Board of Pharmacy adopts amendments to §291.33 concerning Operational Standards. The amendments specify prepackaging and labeling requirements for a participating provider to dispense donated prescription drugs under Chapter 442, Health and Safety Code, in accordance with House Bill 4332.

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

**§291.74**

The Texas State Board of Pharmacy adopts amendments to §291.74 concerning Operational Standards. The amendments re-insert rule text that was inadvertently removed and make grammatical corrections.

**SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES**

**§291.121**

The Texas State Board of Pharmacy adopts amendments to §291.121 concerning Remote Pharmacy Services. The amendments clarify how the board provides a license to engage in remote pharmacy services.

**§291.129**

The Texas State Board of Pharmacy adopts amendments to §291.129 concerning Satellite Pharmacy. The amendments clarify how the board provides a satellite pharmacy license.

**CHAPTER 295. PHARMACISTS**

**§295.5**

The Texas State Board of Pharmacy adopts amendments to §295.5 concerning Pharmacist License or Renewal Fees. The amendments increase pharmacist license fees based on expected expenses.

**§295.8**

The Texas State Board of Pharmacy adopts amendments to §295.8 concerning Continuing Education Requirements. The amendments remove continuing education requirements that have expired.

**§295.9**

The Texas State Board of Pharmacy adopts amendments to §295.9 concerning Inactive License. The amendments remove a continuing education requirement for which the statutory authority has expired from the conditions for reactivation of an inactive license and make a grammatical correction.

## **CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES**

### **§297.10**

The Texas State Board of Pharmacy adopts amendments to §297.10 concerning Registration for Military Service Members, Military Veterans, and Military Spouses. The amendments establish procedures for a military service member who is currently registered in good standing by a jurisdiction with registration requirements that are substantially similar to Texas's requirements to obtain an interim pharmacy technician registration, in accordance with Senate Bill 422 and make grammatical corrections.

## **PROPOSED RULES**

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

### **§283.9**

The Texas State Board of Pharmacy proposes amendments to §283.9 concerning Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity. The amendments, if adopted, clarify how the board calculates the fee for failing to timely submit the initial renewal application and license fee for a license to practice pharmacy and correct grammatical errors.

### **§283.12**

The Texas State Board of Pharmacy proposes amendments to §283.12 concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, clarify that the requirements for obtaining an interim license for a military service member or military spouse do not affect rights that may be provided under federal law.

## **CHAPTER 291. PHARMACIES**

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

### **§291.74**

The Texas State Board of Pharmacy proposes amendments to §291.74 concerning Operational Standards. The amendments, if adopted, specify prepackaging and labeling requirements for a participating provider to dispense donated prescription drugs under Chapter 442, Health and Safety Code, in accordance with House Bill 4332.

## **CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES**

### **§297.10**

The Texas State Board of Pharmacy proposes amendments to §297.10 concerning Registration for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, clarify that the requirements for obtaining an interim registration for a military service member or military spouse do not affect rights that may be provided under federal law.

## CHAPTER 315. CONTROLLED SUBSTANCES

### §315.9

The Texas State Board of Pharmacy proposes amendments to §315.9 concerning Pharmacy Responsibility - Out-of-State Practitioner - Effective September 1, 2016. The amendments, if adopted, clarify that the requirements for dispensing a Schedule II controlled substance prescription issued by a practitioner in another state apply to an electronic prescription and remove the effective date from the short title.

## RULE REVIEW

The Texas State Board of Pharmacy proposes the review of Chapter 291 concerning Pharmacies (Community Pharmacy (Class A)) (§§291.31-291.36).

The Texas State Board of Pharmacy proposes the review of Chapter 283 concerning Licensing Requirements for Pharmacists (§§283.1-283.12).

The Texas State Board of Pharmacy proposes the review of Chapter 315 concerning Controlled Substances (§§315.1-315.16).