



## Texas State Board of Pharmacy

### MEMORANDUM

**DATE:** August 14, 2023

**TO:** Board Members  
Staff  
Interested Parties

**FROM:** John Griffith  
Litigation Counsel

**SUBJECT:** Rules adopted and proposed at the August 1, 2023, Board Meeting

#### ADOPTED RULES

#### CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

##### §283.4

The Texas State Board of Pharmacy adopts amendments to §283.4 concerning Internship Requirements. The amendments extend the period that internship hours may be used for licensure from two years to three years from the date the internship is completed.

##### §283.6

The Texas State Board of Pharmacy adopts amendments to §283.6 concerning Preceptor Requirements and Ratio of Preceptors to Pharmacist-Interns. The amendments remove the condition that a pharmacist preceptor must have six months of residency training if the pharmacist-intern's residency program is accredited by the American Society of Health System Pharmacists.

#### CHAPTER 291. PHARMACIES

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

##### §291.24

The Texas State Board of Pharmacy adopts the repeal of §291.24 concerning Pharmacy Residency Programs. The repeal removes standards for a statutory program that no longer exists.

##### §291.27

The Texas State Board of Pharmacy adopts amendments to §291.27 concerning Confidentiality. The amendments, correct a misspelled word.

## **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, allow remote pharmacy services to be provided using an automated pharmacy system to be provided at healthcare facilities regulated under Chapter 534, Health and Safety Code.

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

### **§291.151**

The Texas State Board of Pharmacy adopts amendments to §291.151 concerning Freestanding Emergency Medical Care Facility (Class F). The amendments, clarify that a pharmacist must verify the completeness and reconciliation of the perpetual inventory of controlled substances for an FEMCF pharmacy.

## **PROPOSED RULES**

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

#### **§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, 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 proposes amendments to §291.3 concerning Required Notifications. The amendments, if adopted, require a pharmacy to 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 proposes amendments to §291.5 concerning Closing a Pharmacy. The amendments, if adopted, 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 proposes amendments to §291.6 concerning Pharmacy License Fees. The amendments, if adopted, 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 proposes amendments to §291.8 concerning Return of Prescription Drugs. The amendments, if adopted, update the name of a state agency.

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

**§291.33**

The Texas State Board of Pharmacy proposes amendments to §291.33 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.

**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, 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 proposes amendments to §291.121 concerning Remote Pharmacy Services. The amendments, if adopted, clarify how the board provides a license to engage in remote pharmacy services.

**§291.129**

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

**CHAPTER 295. PHARMACISTS**

**§295.5**

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

**§295.8**

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

**§295.9**

The Texas State Board of Pharmacy proposes amendments to §295.9 concerning Inactive License. The amendments, if adopted, 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**

**§297.4**

The Texas State Board of Pharmacy proposes amendments to §297.4 concerning Fees. The amendments, if adopted, increase pharmacy technician and pharmacy technician trainee registration fees based on expected expenses.

**§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, establish procedures for a military 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.

**RULE REVIEW**

The Texas State Board of Pharmacy adopts the review of Chapter 291 concerning Pharmacies (Non-Resident Pharmacy (Class E)) (§§291.101 – 291.106).

The Texas State Board of Pharmacy adopts the review of Chapter 295 concerning Pharmacists (§§295.1 – 295.9, §§295.11 – 295.16).