



## Texas State Board of Pharmacy

# MEMORANDUM

**DATE:** February 3, 2021

**TO:** Board Members  
Staff  
Interested Parties

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

**SUBJECT:** Rules adopted and proposed at the February 2, 2021 Board Meeting

### ADOPTED RULES

#### CHAPTER 295. PHARMACISTS

##### **§295.13**

The Texas State Board of Pharmacy adopts amendments to §295.13, concerning Drug Therapy Management by a Pharmacist under Written Protocol of a Physician. The amendments update the notification requirements for a pharmacist who signs a prescription for a dangerous drug pursuant to a written protocol and corrects grammatical errors.

#### CHAPTER 315. CONTROLLED SUBSTANCES

##### **§315.15**

The Texas State Board of Pharmacy adopts amendments to §315.15, concerning Access Requirements. The amendments specify that the duty to consult the Prescription Monitoring Program (PMP) before dispensing specified controlled substances is limited to outpatient prescriptions.

**PROPOSED RULES**

**CHAPTER 291. PHARMACIES**

**SUBCHAPTER A. ALL CLASSES OF PHARMACIES**

**§291.11**

The Texas State Board of Pharmacy proposes amendments to §291.11 concerning Operation of a Pharmacy. The amendments, if adopted, correct citation references and a short title reference.

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

**§291.34**

The Texas State Board of Pharmacy proposes amendments to §291.34 concerning Records. The amendments, if adopted, clarify that a pharmacist may electronically sign the data entry attestation statement and update references to DEA 222 form requirements to be consistent with federal regulations.

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

**§291.75**

The Texas State Board of Pharmacy proposes amendments to §291.34 concerning Records. The amendments, if adopted, update references to DEA 222 form requirements to be consistent with federal regulations.

**§291.76**

The Texas State Board of Pharmacy proposes amendments to §291.34 concerning Class C Pharmacies Located in a Freestanding Ambulatory Surgical Center. The amendments, if adopted, update references to DEA 222 form requirements to be consistent with federal regulations.

**CHAPTER 315. CONTROLLED SUBSTANCES**

**§315.3**

The Texas State Board of Pharmacy proposes amendments to §315.15, concerning Prescriptions. The amendments, if adopted, extend the time period for Schedule II prescriptions to be valid to no longer than 30 days to be consistent with federal law.

**§315.5**

The Texas State Board of Pharmacy proposes amendments to §315.15, concerning Pharmacy Responsibility - Generally - Effective September 1, 2016. The amendments, if adopted, remove the effective date from the short title and extend the time period for Schedule II prescriptions to be valid to no longer than 30 days to be consistent with federal law.

**RULE REVIEW**

The Texas State Board of Pharmacy adopted the review of Chapter 297 concerning Pharmacy Technicians (§§297.1 – 297.11) 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 291 concerning Pharmacies (Services Provided by Pharmacies) (§§291.120-291.121, 291.123, 291.125, 291.127, 291.129, 291.131, and 291.133) 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 291 concerning Pharmacies (Other Classes of Pharmacy) (§§291.151, 291.153, and 291.155) pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.