



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

**DATE:** May 13, 2021

**TO:** Board Members  
Staff  
Interested Parties

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

**SUBJECT:** Rules adopted and proposed at the May 11, 2021 Board Meeting

### ADOPTED RULES

#### CHAPTER 291. PHARMACIES

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

###### §291.11

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

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

###### §291.34

The Texas State Board of Pharmacy adopts amendments to §291.34 concerning Records. The amendments 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 adopts amendments to §291.75 concerning Records. The amendments update references to DEA 222 form requirements to be consistent with federal regulations.

###### §291.76

The Texas State Board of Pharmacy adopts amendments to §291.76 concerning Class C Pharmacies Located in a Freestanding Ambulatory Surgical Center. The amendments 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 adopts amendments to §315.3, concerning Prescriptions. The amendments 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 adopts amendments to §315.5, concerning Pharmacy Responsibility - Generally - Effective September 1, 2016. The amendments 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.

## **PROPOSED RULES**

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

### **§283.4**

The Texas State Board of Pharmacy proposes amendments to §283.4 concerning Internship Requirements. The amendments, if adopted, update the internship hours requirement to reflect that the board requires the number of intern hours required by the Accreditation Council for Pharmacy Education (ACPE).

## **CHAPTER 291. PHARMACIES**

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

#### **§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.

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

#### **§291.76**

The Texas State Board of Pharmacy proposes amendments to §291.76 concerning Class C Pharmacies Located in a Freestanding Ambulatory Surgical Center. The amendments, if adopted, allow a licensed nurse who is authorized by the pharmacist to perform the loading of an automated medication supply system; update the time interval in which a pharmacist must verify a drug withdrawal; update the requirements for using a floor stock method of drug distribution; update records requirements; and correct grammatical errors.

### **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, authorize a Class A or Class C pharmacy to provide remote pharmacy services using an automated dispensing and delivery system in a facility that is not at the same location as the pharmacy and correct grammatical errors.

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

### **§291.151**

The Texas State Board of Pharmacy proposes amendments to §291.151 concerning Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F). The amendments, if adopted, allow a licensed nurse who is authorized by the pharmacist to perform the loading of an automated medication supply system; update the time interval in which a pharmacist must verify a drug withdrawal; update the requirements for using a floor stock method of drug distribution; update records requirements; update references to DEA 222 form requirements to be consistent with federal regulations; and correct grammatical errors.

## **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.

## **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.

## **RULE REVIEW**

The Texas State Board of Pharmacy approved the FY2022-FY2025 Rule Review Plan in Accordance with Government Code, Section §2001.039, regarding Agency Review of Existing Rules.