DATE: July 10, 2017

TO: Board Members
Staff
Interested Parties

FROM: Allison Vordenbaumen Benz, R.Ph., M.S.
Director of Professional Services

SUBJECT: Rules adopted by the Texas State Board of Pharmacy and published in the June 2, 2017, issue of the Texas Register.

Rules proposed by the Texas State Board of Pharmacy and published in the June 16, 2017, issue of the Texas Register.

ADOPTED RULES  (EFFECTIVE DATE: June 11, 2017)

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES
SUBCHAPTER C. DISCIPLINARY GUIDELINES
§281.61, §281.65
The amendments to §281.61 concern Definitions of Discipline Authorized. The amendments update the definition of probation and revocation. The amendments to §281.65 add an administrative penalty for operating a Class E or Class E-S pharmacy without a Texas licensed pharmacist and accessing information submitted to the Prescription Monitoring Program in violation of the Texas Controlled Substances Act.

CHAPTER 291. PHARMACIES
SUBCHAPTER A. ALL CLASSES OF PHARMACIES
§291.3
The amendments to §291.3 update the requirements for a change of name for a pharmacy; update the notification requirements for internet sites verified by NABP; add a requirement for pharmacies and pharmacists to report disciplinary action by another state to TSBP as required by §562.106 of the Act; and clarify requirements to be consistent with other sections of the rules.
SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)
§291.52
The amendments to §291.52 add the definition of a full-time pharmacist to the Nuclear (Class B) pharmacy rules.

CHAPTER 315. CONTROLLED SUBSTANCES
§315.3
The amendments to §315.3 clarify the requirements for dispensing schedule II prescriptions when issued as a multiple set. The board made changes to clarify the language regarding the requirements to dispense a prescription no later than 21 days after the date of issuance.

PROPOSED RULES

CHAPTER 291. PHARMACIES
SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)
§§291.32 - 291.34
The amendments to §291.32, if adopted, clarify what shall be included in the dispensing process of a dispensing pharmacist. The amendments to §291.33, if adopted, update the categories of references required to be maintained in the reference library of Class A pharmacies and require pharmacies that provide veterinary medications to keep a veterinary drug reference. The amendments to §291.34, if adopted, add a requirement that orally or telephonically communicated prescriptions identify the transcribing pharmacist and the prescriber or agent communicating the prescription; clarify the requirements regarding the transfer of prescription drug order information between pharmacies to be consistent with DEA requirements; and clarify who may transfer prescriptions.

SUBCHAPTER D. INSTITUTIONAL PHARMACY (CLASS C)
§291.76, §291.77
The amendments to §291.76, if adopted, clarify the requirements regarding the withdrawal of drugs from the ambulatory surgical center pharmacy. The amendments to §291.77, if adopted, remove licensing requirements specific to Class C-S pharmacies owned or operated by hospital management or consulting firms, and correct a grammatical error.

SUBCHAPTER E. CLINIC PHARMACY (CLASS D)
§291.93
The amendments to §291.93, if adopted, clarify the requirements regarding individuals who may initiate therapy and examine patients.