

Texas State Board of Pharmacy Meeting Part II of III

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Proposed Rules

- **C.2.1 Concerning Grounds for Discipline** – The Board approved moving forward with proposed amendments to Section 281.7 and 281.9 in order to address the disciplining of a pharmacist, pharmacy technician or a pharmacy owner who may be demonstrating abusive, intimidating or threatening behavior toward a Board employee or any member of the Board.

Though uncommon, Board employees have reported that they have felt threatened or intimidated by an individual when they were in the act of performing their lawful duties.

This proposed rule will now move toward being published in the registry and opened for public comment. If adopted in its current state, pharmacists, pharmacy technicians and pharmacy owners will need to assure that their interactions with a Board employee (or a member of the Board) while performing their lawful duties is respectful and not discernable as attempting to threaten, intimidate or be abusive.

- **C.2.2 Concerning Graduates from the Canadian Council for Accreditation of Pharmacy Programs** - The amendment to Section 283.2 will clarify that those pharmacy graduates of a Canadian college/school from 1993-2004 are not to be considered foreign graduates for the purposes of licensure. Those graduates must have received their degrees from a program which was accredited by the Canadian Council for Accreditation of Pharmacy Programs, which followed ACPE requirements.

This change will remove the requirement for Canadian pharmacists to complete the Foreign Pharmacy Graduate Equivalency Examination in order to obtain a license in Texas. Thus increasing reciprocity between Texas and Canadian provinces for Texas pharmacists wishing to practice in Canada and vice versa.

- **C.2.3 Concerning Notification Requirements of Senate Bill 460** – The Board approved the proposed amendment to Section 291.3, addressing notifications requirements for change of location, of the pharmacists-in-charge and of electronic messaging as required by the passage of Senate Bill 460 during the recent 84th Texas Legislative Session.

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This proposed amendment is broken up in to three key provisions:

- Under the first part of the new proposed amendment, pharmacies which opt to change locations will now be required to file a completed application with the Board no later than 30 days before the date the location of the pharmacy changes. This is a distinct change from the previous rule which allowed an application to be filed within 10 days of the change of location. The rule no longer allows for a notification to occur after the fact, but instead is now requiring that the Board be provided notice of any change well in advance.
 - The notification relating to the change of a pharmacist-in-charge is being cleaned up and is streamlining the requirements involving the outgoing and the incoming pharmacist-in-charge to complete an inventory as specified in Section 291.17 of the title. If this section is later adopted by the Board, no significant impact is expected to be experienced by the outgoing or incoming pharmacist-in-charge.
 - The third part addresses the utilization of an electronic messaging system with a type size no smaller than 10-point Times Roman that notifies a consumer that has a complaint concerning the practice of pharmacy that the complaint may be filed with the Board. The message must also include the Board's name, mailing address, website address, telephone number, and toll-free number for filing complaints. This will provide many pharmacies with a useful alternative to the currently required signs.
- **C.2.4 Concerning Inventory Requirements** – The Board approved publishing the proposed amendments to Section 291.17, designed to update and clarify the record-keeping regarding the time inventory shall be taken. The key parts include:
 - Under the new proposed amendment the inventory forms will now only include all controlled substances. This change will no longer require the inclusion of dosage forms containing nalbuphine or tramadol.
 - For pharmacies open 24 hours, the inventory shall indicate the time that the inventory was taken.
 - An important part of this proposed amendment addresses the requirement for an outgoing and incoming pharmacist-in-charge to complete an inventory. Under the new rule the inventory will now constitute all controlled substances and will remove the individual provisions outlining dosage forms for pentazocine, phentermine, diazepam, phendimetrazine, codeine, hydrocodone, alprazolam, triazolam, butorphanol, nalbuphine, carisoprodol or tramadol.

If this proposed law were to be adopted in its current form today, we anticipate that those pharmacists responsible for inventory would see some improvement in their record-keeping process, thus increasing the collection of important information while decreasing the time it takes to do inventory.

- **C.2.5 Concerning the Pharmacist-in-Charge** – The Board approved publishing the proposed amendments to Sections 291.32, 291.53 and 291.73, which are designed to address a pharmacist that is serving as a pharmacist-in-charge of multiple classes of pharmacy. The heart of this proposed rule states that a pharmacist-in-charge of a Class A pharmacy may not also serve as the pharmacist-in-charge of a Class B pharmacy or a Class C pharmacy with 101 beds or more, or vice versa. This proposed rule in its current form is only expected to impact a pharmacist that may be serving as the pharmacist-in-charge for multiple classes of pharmacy.

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- **C.2.6 Concerning Prescription Transfer Requirements** – Following a lengthy discussion, the Board agreed to publish a proposed amendment to Section 291.34 to address the requirement that a prescription must be transferred within four business hours, and to update the rules regarding the distribution to include dangerous drugs.

Under current rules pharmacists are required to make a transfer in a “timely manner.” This ambiguous wording has resulted in a number of issues among transferring pharmacists and does not provide the Board with clear definable guidelines to address those issues.

If the rule were adopted today, pharmacists would be required to make any request of transfer within the clearly defined four hours. The Board did, however, have some discussion to allow for extenuating circumstances that would be addressed on a case-by-case basis.

- **C.2.7 Concerning Military Services Members, Military Veterans, and Military Spouses** - These proposed amendments implement Senate Bill 807 and Senate Bill 1307 of the 84th Legislative Session, which establish a waiver for examination and fee requirements for occupational licenses issued by state agencies, including the Board of Pharmacy. In addition, the rules address extensions and alternatives for renewal of licenses by pharmacists who fail to meet established deadlines for renewal of their license due to being ordered to active duty.

Once adopted, these rules will provide much needed modernization for those who serve (and their spouses) or have served, when attempting to transition from military service.

- **C.2.8 Concerning Procedures Relating to Immunizations and Hand Sanitizing** – The proposed amendment to Section 295.15 will require that a pharmacist cleanse his or her hands with alcohol-based waterless antiseptic hand-rub, or shall wash his or her hands with soap and water between immunizations. If gloves are used, they must be changed between patients.
- **C.2.9 Concerning Administration of Epinephrine by a Pharmacist** – This proposed rule implements House Bill 1550 from the 84th Texas Legislative Session, which was promoted by TPA. House Bill 1550 and the proceeding rules authorize a pharmacist to administer an epinephrine auto injector to an individual in an emergency situation without the need for a written protocol. In addition, pharmacists received liability protections when choosing to administer an epinephrine auto-injector.
- **C.2.10 Concerning House Bill 751 Interchangeable Biological Products** – This proposal seeks to establish rule section 309.5 and to amend 291.33, 291.34, 309.1-309.4 and 309.6-309.8. The rule and amendments seek to implement House Bill 751 from the 84th Texas Legislative session. Under the bill (and subsequently the rules) pharmacists will be authorized to substitute an interchangeable biologic which has been approved for interchangeability by the FDA.

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