



**TEXAS STATE BOARD OF PHARMACY  
REPORT TO THE TEXAS PHARMACY CONGRESS**

**August 12, 2014**

**I. CURRENT ISSUES.**

**A. Legislative Appropriations Request**

1. Total request is for 1,307,887 over the biennium. Included in this request are the following
  - \$115,568 to increase the ED Salary to the top of the Salary Group or to \$167,500 per year. This will allow the Board to set the salary in line with the qualifications of the ED
  - \$436,008 to allow the agency to give 4% merit increases to eligible staff. The last merit increases were in 2009.
  - \$45,474 to cover 0.05% of staff retirement contributions previously paid by the state of Texas that TSBP is now required to pay.
  - \$289,222 to cover equity adjustments and reclassifications of agency employees. Because the agency has not been able to give periodic merit increases, agency employee salaries are not competitive with others in similar positions.
  - \$116,917 to replace aged equipment and to fund new equipment for a mobile inspection application.
  - \$275,154 to hire two additional staff (1 – Network Specialist and 1 – Attorney).
  - \$29,544 to pay the lump sum termination payout due to the current ED on retirement.
2. A hearing before the staff of the Legislative Budget Board and the Governor's Budget, Policy, and Planning Office was held on Monday, August 11, 2014.

**B. Stakeholder Meetings –**

1. Two meetings held on July 2, 2014 as follows.
  - Meeting to discuss a new class of pharmacy for physician dispensing; and
  - Meeting to discuss physician ownership of pharmacies.
2. On July 7, 2014, a meeting to discuss electronic supervision of pharmacy technicians in a Class C facility with 101 beds or more and to discuss the methods for determining bed size in a facility.

**C. TSBP FY2015-2019 Strategic Plan** – The Board approved the FY2015-2019 Strategic Plan at the May 6, 2014, meeting.

**D. Pharmacy Technician Certification Examination** – At the May 6, 2014, meeting, after reviewing the evaluations of two pharmacy technician examinations by three psychometricians, the Board voted to continue using the Pharmacy Technician Certification Board's Examination as the sole examination for Texas Pharmacy Technicians.

**E. Update of the TSBP Website** – A new TSBP Website will debut on September 1, 2014. TSBP will also move to a new domain address on September 1, 2014 ([www.pharmacy.texas.gov](http://www.pharmacy.texas.gov)).

**II. ADOPTED RULES**

**A. May 6, 2014, meeting** (Rule Effective Date: June 19, 2014)

- **Amendments to §281.64 Concerning Sanctions for Criminal Offenses** – The amendments update the sanctions for criminal offenses involving drugs and alcohol to be in line with the DSM5 guidelines.

**B. August 5, 2014 meeting** (Rules should become effective in late August to early September).

1. **Amendments to §291.133 Concerning Pharmacies Compounding Sterile Preparations** – These amendments clarify the sterile product training requirements for pharmacy technicians includes the completion of ASHP accredited programs.

2. **Amendments to §§291.31 and 291.34 Concerning Advanced Practice Registered Nurses** – The amendments implement the provisions of SB 406 passed by the 83rd Texas Legislature. The amendments update the reference to advance practice registered nurses and eliminate the reference to “carry out” an order.
3. **Amendments to §291.32 Concerning Personnel** – The amendments clarify the requirements for dispensing a prescription are the same for a pharmacist and for an intern; and clarify that the dispensing process includes the transfer of a prescription.
4. **Amendments to §291.33 Concerning Substitution of Dosage Form** – The amendments implement the provisions of SB 869 passed by the 83rd Texas Legislature. The amendments eliminate the requirement for the pharmacist to notify the prescriber of a substitution of dosage form.
5. **Amendments to §§291.76 and 291.151 Concerning Labeling and Compounding of Sterile Preparations** – The amendments clarify the labeling requirements for medications provided by ASC pharmacies and Class F pharmacies; and remove references to sterile compounding since this is no longer applicable for these classes of pharmacy.
6. **Amendments to §291.6 Concerning Pharmacy Fees, §295.5 Concerning Pharmacists Fees, and §297.4 Concerning Pharmacy Technicians and Pharmacy Technician Trainees Fees** – The amendments will decrease pharmacy and pharmacist license fees and pharmacy technician registration fees effective October 1, 2015, based on expected expenses.

### III. PROPOSED RULES

- **August 5, 2014, meeting**
  1. **Amendment to §§291.31 and 291.33 Concerning Patient Counseling** – The amendments, if adopted, updated the definition of a new prescription drug order; updated the patient counseling requirements allowing written information about a medication to be provided to patients electronically, eliminate the requirement that the pharmacy have a patient prescription drug information reference text or leaflets available for patients, eliminate the requirement that a patient is offered information about refilled prescriptions, and eliminate the sign regarding the availability of a pharmacist to ask questions.
  2. **Amendments to §291.34 Concerning Transfer of Prescriptions** – The amendments, if adopted, update the prescription transfer requirements to be consistent with DEA regulations; clarify the requirements for bulk transfers; and clarify the information that must be transferred for compounded preparations.
  3. **Amendments to §§291.52, 291.53 and 291.54 Concerning Nuclear Pharmacy** – The amendments, if adopted, updated the definitions; require nuclear pharmacies to be inspected prior to renewal; and clarify the requirements for compounding non-sterile radiopharmaceuticals.
  4. **Amendments to §291.72 Concerning Definitions** – These amendments, if adopted, will define bed size to be the average daily census, rather than the current standard which is the number of licensed beds.
  5. **Amendments to §291.121 Concerning Automated Emergency Medication Kits** – The amendments, if adopted, clarify the requirements for emergency kits using automated systems and bar-code type technology.
  6. **Amendments to §291.133 Concerning Nuclear Pharmacies Compounding Sterile Preparations** – The amendments, if adopted, clarify that this section applies to Class B pharmacies preparing non-radioactive sterile preparations.