TEXAS STATE BOARD OF PHARMACY
REPORT TO THE TEXAS PHARMACY CONGRESS
November 14, 2018

I. CURRENT ISSUES

A. Task Force to Review and Update *Guidelines for Establishing Pharmacist Peer Review Committees* – The task force is charged with reviewing and recommending updates to the established *Guidelines for Establishing Pharmacist Peer Review Committees* to assist organizations or employers in establishing a peer review committee.

B. Texas Prescription Monitoring Program - Statistics for FY2018

	1ST Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Users Registered	4,381	10,143	13,883	6,361	34,092
Searches	1,345,737	1,712,510	2,336,755	2,748,302	8,143,304
Prescriptions Dispensed	9,878,636	9,740,314	9,788,916	9,541,843	39,582,102

FY2017 Users: 58,642
+ FY2018 Users: 34,092
TOTAL: 92,734

II. ADOPTED RULES (November 6, 2018 Meeting – Effective date mid-December 2018)

A. §281.62 Concerning Aggravating and Mitigating Factors
The amendments update the factors which may merit an increase or decrease in the severity of disciplinary action imposed by the Board.

B. §281.65 Concerning Schedule of Administrative Penalties
The amendments update the administrative penalties the Board may assess in certain disciplinary matters.

C. §291.17 Concerning Inventory Requirements
The amendments clarify the requirements for taking inventories upon change of ownership and closure of pharmacies, and correct grammatical errors.

D. §291.28 Concerning Access to Confidential Records
The amendments update the time frame in which a pharmacy must respond to a request for confidential records and the format in which the records may be provided to be consistent with §181.102 of the Health and Safety Code.

E. §291.34 Concerning Records

The amendments clarify that a rubber stamp may not be used as the signature of a practitioner on written prescription drug orders, allow the utilization of and specify recordkeeping requirements for prescription drug orders dispensed for patients institutionalized in licensed health care institutions, as authorized in Title 40, Part 1, Chapter 19 of the Texas Administrative Code, allow a pharmacist to dispense a quantity less than indicated on the original prescription at the request of the patient or patient's agent, and correct grammatical errors.

F. §291.74 Concerning Operational Standards

The amendments update the requirements for drug regimen review as authorized by §562.1011(i) of the Texas Pharmacy Act.

G. §291.104 Concerning Operational Standards

The amendments update the time period to report required prescription information from a Class E pharmacy to the Texas Prescription Monitoring Program, to be consistent with §481.074(q) of the Texas Controlled Substances Act and correct grammatical errors.

H. §291.129 Concerning Satellite Pharmacy

The amendments update the application requirements for Class A and Class C pharmacies to remove certain notarization requirements, and correct grammatical and punctuation errors.

I. §315.6 Concerning Pharmacy Responsibility – Electronic Reporting

The amendments require pharmacies to report the dispensing of prescriptions for controlled substances to the Texas Prescription Monitoring Program not later than the next business day, in accordance with §481.074(q) of the Texas Controlled Substances Act, and to correct previously submitted data within seven days of identifying errors or omissions.

J. §315.15 Concerning Access Requirements

The new rule specifies requirements for practitioners and pharmacists to consult the Texas Prescription Monitoring Program (PMP) database to review a patient's controlled substance history before prescribing or dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol as provided in §§481.0764 and 481.0765 of the Texas Controlled Substances Act and clarify that PMP information may only be accessed as authorized in §481.076 of the Texas Controlled Substances Act.

III. PROPOSED RULES (November 6, 2018 – The rules will be considered by the Board for final adoption at the February 2019 meeting.)

A. §281.68 Concerning Remedial Plan

The amendments, if adopted, clarify that the board shall remove all records of a completed remedial plan at the end of the fiscal year of the fifth anniversary of the date the board entered the remedial plan in accordance with §565.060 of the Act.

B. §283.12 Concerning Licenses for Military Service Members, Military Veterans, and Military Spouses

The amendments, if adopted, add provisions for a military service member, a military veteran, or a military spouse to place their pharmacist license on inactive status without paying a fee.

C. §291.31 Concerning Definitions
The amendments, if adopted, update the definitions of an automated counting device and automated pharmacy dispensing system, and correct grammatical errors.

D. §291.33 Concerning Operational Standards
The amendments, if adopted, update the requirements for automated devices and systems in a Class A pharmacy, remove the provisions relating to automated storage and distribution devices, and correct grammatical errors.

E. §291.35 Concerning Official Prescription Requirements
The amendments, if adopted, update the citation references regarding the requirements for the use of official prescription forms.

F. §291.75 Concerning Records
The amendments, if adopted, update the citation references regarding outpatient records, outpatient prescription forms, and official controlled substance forms, and correct grammatical errors.

G. §291.121 Concerning Remote Pharmacy Services
The amendments, if adopted, add a new subsection (d) providing standards for the provision of remote pharmacy services through automated storage and delivery systems.

H. §291.131 Concerning Pharmacies Compounding Non-Sterile Preparations
The amendments, if adopted, add new definitions for active pharmaceutical ingredient, commercially available product, easily substitutable dosage strength, and essentially a copy of a commercially available product.

I. §291.133 Concerning Pharmacies Compounding Sterile Preparations
The amendments, if adopted, add new definitions for active pharmaceutical ingredient, commercially available product, easily substitutable dosage strength, and essentially a copy of commercially available product.

J. §291.153 Concerning Central Prescription Drug or medication Order Processing Pharmacy (Class G)
The amendments, if adopted, provide standards for the provision of medication therapy management services in Class G pharmacies.

K. §315.12 Concerning Schedule III through V Prescription Forms
The amendments, if adopted, clarify that the United States Drug Enforcement Administration issues controlled substance registration numbers.