



# Texas State Board of Pharmacy

## MEMORANDUM

**DATE:** August 4, 2021

**TO:** Board Members  
Staff  
Interested Parties

**FROM:** John Griffith  
Litigation Counsel

**SUBJECT:** Rules adopted and proposed at the August 3, 2021, Board Meeting

### ADOPTED RULES

#### CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

##### §283.4

The Texas State Board of Pharmacy adopts amendments to §283.4 concerning Internship Requirements. The amendments 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 adopts amendments to §291.6 concerning Pharmacy License Fees. The amendments increase pharmacy license fees based on expected expenses.

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

##### §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 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 adopts amendments to §291.121 concerning Remote Pharmacy Services. The amendments 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 adopts amendments to §291.151 concerning Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F). The amendments 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 adopts amendments to §295.5, concerning Pharmacist License or Renewal Fees. The amendments increase pharmacist license fees based on expected expenses.

## **CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES**

### **§297.4**

The Texas State Board of Pharmacy adopts amendments to §297.4, concerning Fees. The amendments increase pharmacy technician and pharmacy technician trainee registration fees based on expected expenses.

## **PROPOSED RULES**

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

### **§283.12**

The Texas State Board of Pharmacy proposes amendments to §283.12 concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, specify that a copy of a permanent change of station order may be used as proof of a military spouse's residency and add a new service branch to the definition of armed forces of the United States, in accordance with House Bill 139.

## CHAPTER 291. PHARMACIES

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

#### §291.34

The Texas State Board of Pharmacy proposes amendments to §291.34 concerning Records. The amendments, if adopted, clarify that a pharmacist may provide an emergency refill of insulin or insulin-related equipment or supplies under certain conditions, in accordance with House Bill 1935.

#### §291.36

The Texas State Board of Pharmacy proposes amendments to §291.36 concerning Pharmacies Compounding Sterile Preparations (Class A-S). The amendments, if adopted, create the designation of Class A-N for community pharmacies engaged in the compounding of certain non-sterile preparations and Class A-SN for community pharmacies engaged in the compounding of both sterile preparations and certain non-sterile preparations.

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

#### §291.77

The Texas State Board of Pharmacy proposes amendments to §291.77 concerning Pharmacies Compounding Sterile Preparations (Class C-S). The amendments, if adopted, create the designation of Class C-N for institutional or ASC pharmacies engaged in the compounding of certain non-sterile preparations and Class C-SN for institutional or ASC pharmacies engaged in the compounding of both sterile preparations and certain non-sterile preparations.

### SUBCHAPTER F. NON-RESIDENT PHARMACY (CLASS E)

#### §291.106

The Texas State Board of Pharmacy proposes amendments to §291.106 concerning Pharmacies Compounding Sterile Preparations (Class E-S). The amendments, if adopted, create the designation of Class E-N for non-resident pharmacies engaged in the compounding of certain non-sterile preparations and Class E-SN for non-resident pharmacies engaged in the compounding of both sterile preparations and certain non-sterile preparations.

### SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

#### §291.131

The Texas State Board of Pharmacy proposes amendments to §291.131 concerning Pharmacies Compounding Non-Sterile Preparations. The amendments, if adopted, add definitions of “cleaning” and “sanitizing”, update requirements for all personnel engaged in non-sterile compounding, add additional requirements for personnel engaged in certain types of non-sterile compounding, and update environmental and equipment requirements for non-sterile compounding.

**CHAPTER 297. PHARMACY TECHNICIANS AND PHAMACY TECHNICIAN TRAINEES**

**§297.10**

The Texas State Board of Pharmacy proposes amendments to §297.10 concerning Registration for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, specify that a copy of a permanent change of station order may be used as proof of a military spouse's residency and add a new service branch to the definition of armed forces of the United States, in accordance with House Bill 139.