



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

February 19, 2015

I. CURRENT ISSUES.

A. Legislative Issues

1. Appropriation Request – Total request for an increase in the current TSBP budget is for 1,170,343 over the biennium. A hearing before the House Appropriations Subcommittee on Articles VI, VII, and VIII on Thursday, February 19, 2015 and before the Senate Finance Committee on Wednesday, February 25. 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
 - \$283,540 to allow the agency to give 4% merit increases to eligible staff. The last merit increases were in 2009.
 - \$144,576 to cover 0.05% of staff retirement contributions and 1% of health coverage for staff that 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.
 - \$178,717 to replace aged equipment and to fund new equipment and purchase 3 new vehicles for field staff.
 - \$129,176 to hire one additional staff (1 – Network Specialist) Note: this amount includes salary and set-up (equipment, furniture, etc).
 - \$29,544 to pay the lump sum termination payout due to the current ED on retirement.
2. Other Legislation – TSBP is working with Senator Schwertner on the following legislation:
 - SB 195 – Moves the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy and eliminates the controlled substance registration program;
 - SB 460 -- Makes non-substantive “clean-up” amendments to the Texas Pharmacy Act; and
 - HB751/SB542 – amends the Pharmacy Act to allow substitution of biosimilar products.

II. WITHDRAWN RULES (February 3, 2013 Meeting)

Amendments to §291.133 Concerning Pharmacies Compounding Sterile Preparations – The Board voted to withdraw the proposed changes published in the December 26, 2014 issue of the Texas Register. The comments received regarding these proposed rules will be incorporated and the rules will be re-proposed for consideration at the May 2015 meeting of the Board.

III. ADOPTED RULES (February 3, 2015 Meeting – The rules will become effective in late February 2015)

- A. Amendments to §281.8 Concerning Grounds for Discipline for a Pharmacy License** – The amendment adds failure to reimburse the board for expenses relating to an inspection of a non-resident pharmacy as grounds for discipline of a pharmacy’s license.
- B. Amendments to §291.1 Concerning Pharmacy License Application** – The amendments update the requirements for a pharmacy license application to:
 1. include copies of the owners’ or managing officers drivers’ licenses;
 2. require an approved credit application showing credit worthiness;
 3. require the entities business filing structure;
 4. require a current certificate of good standing from the state where the entity is located;

5. remove items no longer required for a pharmacy license application; and
6. eliminate the requirements for pharmacies owned by management companies.

C. Amendments to §291.3 Concerning Notifications – The amendments:

1. update the requirements for notification of a pharmacy's managing officers to require copies of the managing officers drivers' licenses, state issued photo identification, or passport;
2. clarify the requirements for a change of ownership;
3. eliminate the references to pharmacies owned by management companies; and
4. add class A-S and C-S pharmacies to the change of pharmacist-in-charge notification requirements.

D. Amendments to §§295.1 and 297.9 Concerning Change of Name for Pharmacists and Pharmacy Technicians – The amendments eliminates the requirement for:

1. pharmacists and pharmacy technicians to return their renewal certificate when requesting a change of name; and
2. pharmacy technicians to post their registration certificates at the pharmacy where they are working.

E. Amendments to §§303.1 and 303.2 Concerning Drug Destruction – The amendments update the rules to be consistent with DEA requirements.

III. PROPOSED RULES (February 3, 2015 Meeting)

A. Amendments to §291.133 Concerning Pharmacies Compounding Sterile Preparations – The amendments, if adopted will update the rules for pharmacies compounding sterile preparations including comments made to the previous proposed rules considered at the February meeting.

B. Amendments to §§291.104 and 291.106 Concerning Class E Pharmacies – The amendments, if adopted, will:

1. clarify the requirements for Class E pharmacies; and
2. update the patient counseling and prescription transfer requirements to be consistent with other sections.

C. Amendments to §295.6 Concerning Emergency Temporary Pharmacist License – The amendments, if adopted, implement provisions of HB 746 regarding volunteer registry for health care professionals.

D. New Rule §297.11 Concerning Emergency Temporary Pharmacy Technician Registration – The amendments, if adopted, allow for emergency temporary pharmacy technician registration during a natural disaster.

E. Amendments to §295.9 Concerning Inactive License Continuing Education Requirements – The amendments, if adopted, specify the requirements for the activation of an inactive license to include one hour of continuing education credit related to Texas pharmacy laws/rules.

F. Amendments to §297.3 Concerning Criminal History Background Checks for Pharmacy Technician Renewal Applications – The amendments, if adopted, require a criminal history background check, including fingerprints, for a pharmacy technician renewal application.