



# Texas State Board of Pharmacy

## MEMORANDUM

**DATE:** February 23, 2023

**TO:** Board Members  
Staff  
Interested Parties

**FROM:** John Griffith  
Litigation Counsel

**SUBJECT:** Rules adopted and proposed at the February 7, 2023 Board Meeting

### ADOPTED RULES

#### CHAPTER 291. PHARMACIES

##### 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 clarify that a pharmacist must verify the completeness and reconciliation of the perpetual inventory of controlled substances for an ASC pharmacy.

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

###### §291.104

The Texas State Board of Pharmacy adopts amendments to §291.104 concerning Non-Resident Pharmacy (Class E) Operational Standards. The amendments correct a drafting error by adding an omitted word.

#### CHAPTER 303. DESTRUCTION OF DRUGS

###### §303.1

The Texas State Board of Pharmacy adopts amendments to §303.1 concerning Destruction of Dispensed Drugs. The amendments remove the inventory requirements for destruction using a waste disposal service of dangerous drugs dispensed in health care facilities or institutions and clarify dangerous drugs may be comingled with controlled substances in a shared container prior to destruction as allowed by federal laws and regulations.

## CHAPTER 315. CONTROLLED SUBSTANCES

### §315.6

The Texas State Board of Pharmacy adopts amendments to §315.6 concerning Pharmacy Responsibility – Electronic Reporting. The amendments specify that a pharmacy must report the data elements indicated as required by the board's Data Submission Guide for Dispensers.

## PROPOSED RULES

## CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

### §283.2

The Texas State Board of Pharmacy proposes amendments to §283.2 concerning Definitions. The amendments, if adopted, remove the requirement that a residency program be accredited by the American Society of Health System Pharmacists for a resident to be eligible for designation as an extended-intern.

### §283.4

The Texas State Board of Pharmacy proposes amendments to §283.4 concerning Internship Requirements. The amendments, if adopted, remove the requirement that a residency program be accredited by the American Society of Health System Pharmacists for a resident to be eligible for designation as an extended-intern and specify that a pharmacist-intern registration expires due to failing the NAPLEX or Texas Pharmacy Jurisprudence Examination only if the intern fails either exam more than once.

## CHAPTER 291. PHARMACIES

### SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

#### §291.121

The Texas State Board of Pharmacy proposes amendments to §291.121 concerning Remote Pharmacy Services. The amendments, if adopted, allow remote pharmacy services to be provided using an automated pharmacy system to be provided at healthcare facilities regulated under Chapters 464 and 577, Health and Safety Code.

## CHAPTER 295. PHARMACISTS

### §295.8

The Texas State Board of Pharmacy proposes amendments to §295.8 concerning Continuing Education Requirements. The amendments, if adopted, clarify the requirements for obtaining continuing education in approved procedures of prescribing and monitoring controlled substances and correct grammatical errors.

**RULE REVIEW**

The Texas State Board of Pharmacy adopted the review of Chapter 291 concerning Pharmacies (All Classes of Pharmacies) (§§291.1 – 291.11, 291.14 – 291.19, 291.22 – 291.24, 291.27 – 291.29).

The Texas State Board of Pharmacy adopted the review of Chapter 291 concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91 – 291.94).