

# **Texas Pharmacy Law Update**

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TSBP Compliance Program Officer**

**Austin Area Society of Health-System Pharmacists  
Annual Seminar  
October 26,2019**



**TEXAS STATE BOARD OF PHARMACY**

# Objectives

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- Provide recent changes in pharmacy laws and rules
- Provide information on the Texas Prescription Monitoring Program at the Board of Pharmacy
- Provide information to assist pharmacists and pharmacy technicians navigating through the TSBP website regarding laws and rules, informational videos, and educational programs offered by the Board



# Goals

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- Identify recent changes in Texas pharmacy rules;
- Review pharmacy-related bills passed by the 86<sup>th</sup> Texas Legislature;
- Discuss the Prescription Monitoring Program at the Board of Pharmacy
- Provide information on the videos and educational programs offered by the Board



# Board of Pharmacy Members

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# RECENTLY ADOPTED RULES



TEXAS STATE BOARD OF PHARMACY

# Board Rule §281.7

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- Effective: June 20, 2019
- The amendments update the grounds for disciplinary action against a pharmacist license after receipt of a warning notice from the board to reflect current board policies and procedures.



# Board Rule §283.6

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- Effective: June 20, 2019
- The amendments remove the requirement for pharmacist preceptors to publicly display their licenses and certificates.



# Board Rule §291.17

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- Effective: June 20, 2019
- The amendments clarify that the annual inventory of a Class C and Class C-S pharmacy shall include:
  - a count of all controlled substances located **in the pharmacy**; and
  - all controlled substances located **in other departments** of the institution.



# Board Rule §315.2

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- Effective: June 20, 2019
- The amendments remove the effective date from the short title and remove language pertaining to the validity of official prescription forms previously issued by the Texas Department of Public Safety.



# Board Rule §315.15

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- Effective: June 20, 2019
- The amendments clarify which pharmacist is responsible for the review of the Texas Prescription Monitoring Program database prior to dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol.



# Amendments Concerning Electronic Licensing Documentation

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- All effective: June 20, 2019
- The amendments to §283.4, §295.1, §295.5, and §297.4 reflect the board's new procedure of issuing electronic documentation of:
  - Pharmacist-intern documentation
  - Electronic renewal certificates (pharmacists and pharmacy technicians)



# Amendments Concerning Technicians Working Remotely

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- All effective: June 20, 2019
- The amendments to §291.32, §291.123, and §291.153 allow pharmacy technicians and pharmacy technician trainees to
  - perform data entry remotely in Class A pharmacies; and
  - Remotely access a Class A, C, E, or G pharmacy's database in order to process prescription medication drug orders.



# Amendments Concerning Theft or Loss Reports

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- All effective: June 20, 2019
- The amendments to §291.55, §291.75, §291.76, and §291.151 remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made.



# Board Rule §281.68

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- Effective: March 12, 2019
- The amendments 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.



# Board Rule §283.12

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- Effective: March 12, 2019
- The amendments allow a military service member, military veteran, or military spouse to place his or her pharmacist license on inactive status while not practicing pharmacy in Texas without paying a fee.



# Board Rule §291.33

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- Effective: March 12, 2019
- The amendments:
  - Clarify the pharmacist's patient counseling duties by expressly prohibiting a pharmacy's computer system from asking questions of the patient **intended to screen and/or limit interaction with the pharmacist**, and
  - Update the requirements for the use of automated devices and systems in Class A pharmacies to be consistent with the proposed updated definitions in §291.31 and changes in technology, and
  - Remove the provisions relating to automated storage and distribution devices from this section.



# Board Rule §291.35

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- Effective: March 12, 2019
- The amendments update the citation reference regarding the requirement for the use of official prescriptions for Schedule II controlled substances.



# Board Rule §291.75

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- Effective: March 12, 2019
- The amendments:
  - Update citation references regarding:
    - Outpatient records;
    - Outpatient prescription forms; and
    - Official prescriptions for CII controlled substances; and
  - Remove references to nalbuphine (e.g., Nubain) from electronic recordkeeping requirements for distribution and return of controlled substances



# Board Rule §291.121

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- Effective: March 12, 2019
- The amendments provide standards and requirements for the provision of remote pharmacy services using automated storage and delivery systems, including:
  - Definitions,
  - General requirements,
  - Operational standards, and
  - Records requirements.



# Board Rule §315.12

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- Effective: March 12, 2019
- The amendments correct a reference to the agency responsible for issuing a controlled substances registration number to the United States Drug Enforcement Administration (DEA).



# Board Rule §281.62

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- Effective: December 6, 2018
- The amendments update the factors which may merit an increase or decrease in the severity of disciplinary action imposed by the Board.



# Board Rule §281.65

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- Effective: December 6, 2018
- The amendments update the administrative penalties the Board may assess in certain disciplinary matters.
  - Violation fees with ranges were amended to a single specific fee amount.



# Board Rule §291.17

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- Effective: December 6, 2018
- The amendments clarify the requirements for taking inventories upon change of ownership and closure of pharmacies.



# Board Rule §291.28

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- Effective: December 6, 2018
- 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.
  - The pharmacy must respond no later than fifteen days; and
  - Provide the records in a mutually agreed upon format.



# Board Rule §291.34

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- **Effective: December 6, 2018**
- 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; and
  - Allow a pharmacist to dispense a quantity less than indicated on the original prescription at the request of the patient or patient's agent.



# Board Rule §291.74

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- Effective: December 6, 2018
- The amendments update the requirements for drug regimen review as authorized by §562.1011(i) of the Texas Pharmacy Act.
  - The amendments specify that drug regimen reviews must be performed on a schedule as dictated by average daily inpatient census; and
  - clarify the calculation of the average inpatient daily census.



# Board Rule 291.74 (cont.)

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- Average daily census  $\leq 10$ 
  - the pharmacist shall perform the drug review after a reasonable interval, but in no event may such interval exceed seven (7) days;
- Average daily census  $> 10$ 
  - the pharmacist shall perform the drug review after a reasonable interval, but in no event may such interval exceed 96 hours.



# Board Rule 291.74 (cont.)

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- The average daily inpatient census shall be calculated by hospitals annually:
  - immediately following the submission of the hospital's Medicare Cost Report, and
  - the number used shall be the average of the:
    - **inpatient daily census** in the report and
    - the **previous two reports** for a three year period.



# Board Rule §291.104

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- Effective: December 6, 2018
- 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.
  - Schedules II – V controlled substances dispensed by a Class E Pharmacy for a resident of Texas must electronically send the prescription information to TSBP's PMP **not later than the next business day after the prescription is dispensed.**



# Board Rule §291.129

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- Effective: December 6, 2018
- The amendments update the application requirements for Class A and Class C pharmacies to remove certain notarization requirements when submitting an application to provide satellite pharmacy services.



# Board Rule §315.6

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- Effective: December 6, 2018
- 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.**



# 2019 Legislative Session Summary

86<sup>th</sup> Texas Legislature



**TEXAS STATE BOARD OF PHARMACY**

# 86<sup>th</sup> Texas Legislature

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- Session: January 8, 2019 – May 27, 2019
- Several pharmacy-related bills passed
- All bills became effective September 1, 2019, **unless otherwise noted.**



# House Bill 1 – General Appropriations Act

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- House Bill 1 includes the Texas State Board of Pharmacy operating budget for FY2020 through FY2021.



# House Bill 1518 – Relating to the regulation of the sale of dextromethorphan to minors.

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- House Bill 1518 prohibits a business from dispensing, distributing, or selling dextromethorphan to a customer under 18 years of age.
  - Purchase of dextromethorphan will now require photo ID.
  - This bill **does not** apply to the sale of any product dispensed or delivered by a pharmacist according to a valid prescription issued by a practitioner.



# House Bill 1849 – Relating to the possession and administration of epinephrine auto-injectors in day-care centers.

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- *Effective immediately.*
- House Bill 1849 authorizes a practitioner to prescribe epinephrine auto-injectors in the name of a daycare center. It also authorizes the auto-injectors to be dispensed by a pharmacist **without** requiring any identifying information relating to the user.



# **House Bill 1899 – Relating to the revocation or denial of certain health care professional licenses and the reporting of the grounds for revocation or denial.**

- TSBP shall immediately revoke a license on notification or deny an application for a pharmacist's license for an applicant who:
  - is required to register as a sex offender;
  - has been previously convicted of or placed on deferred adjudication community supervision for the commission of a felony offense involving the use or threat of force; or



# HB 1899 (continued)

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- has been previously convicted of or placed on deferred adjudication community supervision for sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual, or another similar state or federal law, committed when the applicant held a license in this state or another state, in the course of providing services to a patient.



# **House Bill 2059 – Relating to required human trafficking prevention training for health care practitioners and certain employees of health care facilities.**

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- House Bill 2059 requires that a health care practitioner, including a pharmacist and pharmacy technician, shall complete a training course approved by the Health and Human Services Commission on identifying and assisting victims of human trafficking as a condition for license renewal.
- This training course becomes a requirement beginning September 1, 2020.



# House Bill 2088 – Relating to providing information regarding safe disposal of controlled substance prescription drugs.

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- 🌐 House Bill 2088 requires that a pharmacist who dispenses a Schedule II drug shall provide written notice on the safe disposal of controlled substance prescriptions to patients unless the pharmacy is a take-back location **or** provides a no-cost method of destruction to the patient with the prescription beginning January 1, 2020.



# HB 2088 (Continued)

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- The board shall adopt rules to prescribe the form of the written notice on the safe disposal of controlled substance prescription drugs.
  - The notice must include information on locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.



# HB 2088 (Continued)

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- The notice, in lieu of listing those locations, may provide the address of an internet website specified by the Board that provides a searchable database of locations at which Schedule II controlled substance prescription drugs are accepted for safe disposal.
- The board may take disciplinary action against a person who fails to comply with the notice provision.



# House Bill 2174 – Relating to controlled substance prescriptions under the Texas Controlled Substances Act.

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- House Bill 2174 requires that **mandatory** electronic controlled substance (Schedules II through V) prescribing begins January 1, 2021. Emergency exceptions must meet requirements as outlined by Board rule. The bill also outlines terms under which a waiver can be issued.



# HB 2174 (Continued)

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- Waivers from electronic prescribing can be issued by the applicable licensing agency for a period of one year if certain conditions are met.
- The bill adds a continuing education requirement which requires pharmacists to complete **two hours** of professional education related to approved procedures of prescribing and monitoring controlled substances.
  - This continuing education must be obtained no later than September 1, 2021.



# HB 2174 (Continued)

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- The bill also introduces a **ten-day opioid prescription limit for acute pain**. No refills will be allowed.



# House Bill 2243 – Relating to the use of prescription asthma medicine on public and private school campuses.

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- *Effective immediately.*
- House Bill 2243 amends Section 38.211(f) of the Texas Education Code to allow a pharmacist to dispense asthma medicine to a school without requiring the name or any other identifying information relating to the user.



# **House Bill 2425 – Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.**

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- House Bill 2425 allows a physician to delegate to a pharmacist practicing in a federally qualified health center (FQHC) the implementation or modification of a patient's drug therapy under protocol, including the authority to sign a prescription drug order for dangerous drugs.



# House Bill 2847 – Relating to the licensing and regulation of certain occupations and activities.

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- House Bill 2847 allows for “zero reporting,” as follows:
  - It amends Section 481.075(i) of the Texas Controlled Substances Act to specify that if a pharmacy does not dispense any controlled substance prescriptions during a period of seven consecutive days, it must send a report to the Board indicating that the pharmacy **did not** dispense any controlled substance prescriptions during that period.
  - The only exception to zero reporting is if the pharmacy has obtained a waiver or permission to delay reporting to the Board.



# HB 2847 (Continued)

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- The bill amends Section 481.076(a)(5)(A) of the Texas Controlled Substances Act to allow a pharmacist-intern or a pharmacy technician trainee to access the PMP database when appropriate.



# HB 2847 (Continued)

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- The bill similarly amends Section 481.076(a)(6) to allow a practitioner to access the PMP database to inquire about the prescribing activity of an individual to whom the practitioner has delegated prescribing authority, i.e., a nurse practitioner, physician assistant, etc.



# **House Bill 3284 – Relating to prescribing and dispensing controlled substances under the Texas Controlled Substances Act.**

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- House Bill 3284 moves the Department of Public Safety Prescription Monitoring Program (PMP) Portal to the Texas State Board of Pharmacy.
  - Law enforcement must now provide to the Board a warrant, subpoena, or other court order compelling the disclosure of PMP data.



# HB 3284 (Continued)

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- The bill allows a health care facility certified by the federal Centers for Medicare and Medicaid Services to utilize the PMP.
- The bill allows a patient, a minor patient's parent, or a patient's legal guardian to request that patient's PMP record and a record of the practitioners and pharmacists that have accessed the record.



# HB 3284 (Continued)

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- The bill requires the Board to adopt an administrative penalty for unauthorized disclosure or use of PMP information.
- The bill creates criminal offenses related to unauthorized disclosure of PMP information, misrepresentation in requesting a patient's PMP record, and procurement of controlled substances through the use of fraudulent prescription forms.



# HB 3284 (Continued)

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- The bill changes the mandatory PMP look-up start date from **September 1, 2019** to **March 1, 2020**.



## **House Bill 3285 – Relating to programs and initiatives to prevent opioid addiction, misuse, and abuse in this state.**

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- House Bill 3285 requires prescribers or dispensers of opioids to annually attend at least one hour of continuing education covering best practices, alternative treatment options, and multi-modal approaches to pain management which may include physical therapy, psychotherapy, and other treatments. The continuing education requirement expires August 31, 2023.



# House Bill 3496 – Relating to financial investor disclosure and surety bond requirements for certain pharmacies.

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- *Effective January 1, 2020.*
- House Bill 3496 requires that in order to qualify for a pharmacy license, excluding pharmacy classes B and C, an applicant must fill out a sworn disclosure statement, with the exception of publicly traded companies or pharmacies wholly owned by a retail grocery store chain. The application must also include notice that a surety bond may be required.



# HB 3496 (Continued)

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- The bill amends Section 565.002(a) of the Texas Pharmacy Act to specify that the Board may discipline an applicant or the holder of a pharmacy license if the Board finds that the applicant or the license holder engaged in fraud, deceit, or misrepresentation as defined by Board rule in dispensing drugs for nontherapeutic purposes.



# HB 3496 (Continued)

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- The bill adds a new Section 565.0591 to the Texas Pharmacy Act. The Texas State Board of Pharmacy shall notify a pharmacy that has ceased to operate for a period of 30 days or more that the license will be revoked for a violation of Section 565.002(a)(7) of the Texas Pharmacy Act and inform the license holder of the right to a hearing to contest the revocation.



# House Bill 4260 – Relating to the possession and administration of an epinephrine auto-injector by certain entities.

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- House Bill 4260 allows a pharmacist to dispense an epinephrine auto-injector to the following entities without requiring the name or any other identifying information relating to the user:
  - an amusement park, a childcare-facility, a day camp, a youth camp, a university or college, a restaurant, a sports venue, a youth center, or other entity designated by the Health and Human Services Commission Executive Commissioner.



# Senate Bill 37 – Relating to the abolition of student loan default or breach of a student loan repayment or scholarship contract as a ground for nonrenewal of professional license.

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- *Effective immediately.*
- Senate Bill 37 **repeals** Section 57.491 of the Education Code. This eliminates state agencies' authority to deny, revoke, suspend, or fail to renew a professional license due to the licensee or applicant being in default on a student loan.
- Any pending disciplinary actions falling under these provisions are to be terminated.



# Senate Bill 500 – Supplemental Budget

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- *Effective immediately.*
- Senate Bill 500 appropriates funds to the Board of Pharmacy for Statewide Integration of the Prescription Monitoring Program with NarxCare and Clinical Alerts
  - The Board must obligate all funds within 24 months.



# Senate Bill 670 – Relating to Medicaid telemedicine and telehealth services.

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- Senate Bill 670 allows a telepharmacy to be located at a federally qualified health center (FQHC) in a community in which a Class A or Class C pharmacy is located.



# Senate Bill 683 – Relating to the licensing and regulation of pharmacists and pharmacies.

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- **NOTE:** *Many of the provisions of Senate Bill 683 are similar to those in House Bill 2847.*
- Senate Bill 683 allows for “zero reporting.”
- The bill amends Section 481.076(a)(5)(A) of the Texas Controlled Substances Act to allow a pharmacist-intern or a pharmacy technician trainee, acting at the direction of a pharmacist, who is inquiring about a recent Schedule II, III, IV or V prescription history of a particular patient of the pharmacist, to access the PMP database when appropriate.



# SB 683 (Continued)

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- The bill adds a new Section 565.0591 to the Texas Pharmacy Act. The new provision specifies that on discovery by the Board that a pharmacy licensed under Chapter 560 has ceased to operate for a period of 30 days or longer, the Board shall notify the pharmacy that the license will be revoked.



## **Senate Bill 752 – Relating to liability of volunteer health care providers and health care institutions for care, assistance, or advice provided in relation to a disaster.**

- Senate Bill 752 requires that, except in the case of reckless conduct or intentional misconduct, a volunteer health care provider is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice **if**:
  - the care, assistance, or advice is provided in relation to an incident that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment; and
  - is within the scope of the provider's practice under the laws of this state.



## **Senate Bill 1056 – Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient’s drug therapy.**

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- Senate Bill 1056 clarifies that a physician may delegate the implementation or modification of a patient’s drug therapy to a pharmacist under a protocol if the delegation follows a diagnosis, initial patient assessment, and drug therapy order by the physician; and the pharmacist maintains a copy of the protocol for inspection until at least the seventh anniversary of the expiration date of the protocol.



## **Senate Bill 1200 – Relating to the authority of certain military spouses to engage in a business or occupation in this state.**

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- Senate Bill 1200 adds a new Section 55.0041 to the Texas Occupations Code to authorize a military spouse to engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas.



# SB 1200 (Continued)

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- The bill requires the military spouse to complete certain requirements before engaging in the practice of the business or occupation.



# Senate Bill 1217 – Relating to the consideration of certain arrests in determining an applicant's eligibility for an occupational license.

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- *Effective immediately.*
- Senate Bill 1217 prohibits licensing boards from considering an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision in determining an applicant's eligibility for an occupational license.



# Senate Bill 1564 – Relating to access to medication-assisted treatment for opioid use disorder under Medicaid.

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- *Effective immediately.*
- Senate Bill 1564 adds a provision that a prescriber or dispenser is not subject to the requirements of Section 481.0764(a) of the Texas Controlled Substances Act regarding PMP look-up requirements before prescribing or dispensing opioids, benzodiazepines, barbiturates or carisoprodol if a patient is noted to be diagnosed with sickle cell disease.



## **Senate Bill 1827 – Relating to the emergency administration of an epinephrine auto-injector by law enforcement agencies and peace officers.**

- Senate Bill 1827 requires that a pharmacist may dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information relating to the user.



# Texas Prescription Monitoring Program



**TEXAS STATE BOARD OF PHARMACY**

# PMP AWARe

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**Go to the PMP Website:**

[texas.pmpaware.net](http://texas.pmpaware.net)

**OR**

**Go to the TSBP Website:**

[www.pharmacy.texas.gov](http://www.pharmacy.texas.gov)





# TEXAS STATE BOARD OF PHARMACY

- HOME
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- PHARMACISTS ▾
- INTERNS ▾
- PHARMACIES ▾
- PHARMACY TECHNICIANS ▾
- ABOUT TSBP ▾
- CONTACT ▾

## Categories

- Pharmacy Laws / Rules
- TSBP Educational Programs
- Training/Informational Videos
- License Renewals
- Change of Address / Employment
- Open Records Requests
- Complaint Process

[New Pharmacist-In-Charge Requirements For Class E Pharmacies -- Effective 9-1-16](#)

### Pharmacists



#### Pharmacists

- [Apply for License](#)
- [Renew License](#)
- [Forms](#)

### Interns



#### Interns

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### Pharmacies



#### Pharmacies

- [Apply for License](#)
- [Update License](#)

### Technicians



#### Technicians

- [Apply for License](#)
- [FAQs](#)
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[The Texas State Board of Pharmacy](#) is the state agency responsible for the licensing/registration of Texas pharmacists, pharmacy technicians, and pharmacies; for establishing regulations for pharmacy practice; and for disciplining licensees and registrants. Look here for information about the Board's [mission](#), [Compact with Texans](#), [policies and guidelines](#), [members](#), [staff](#), [public information reports](#), [statutes](#), [meeting agendas](#), [calendar of events](#) and more.

## Updates, News & Notices

- [Avoid Losing Your Medicaid Pharmacy Enrollment and Payments](#)
- [Recognizing Nontherapeutic Dispensing](#)

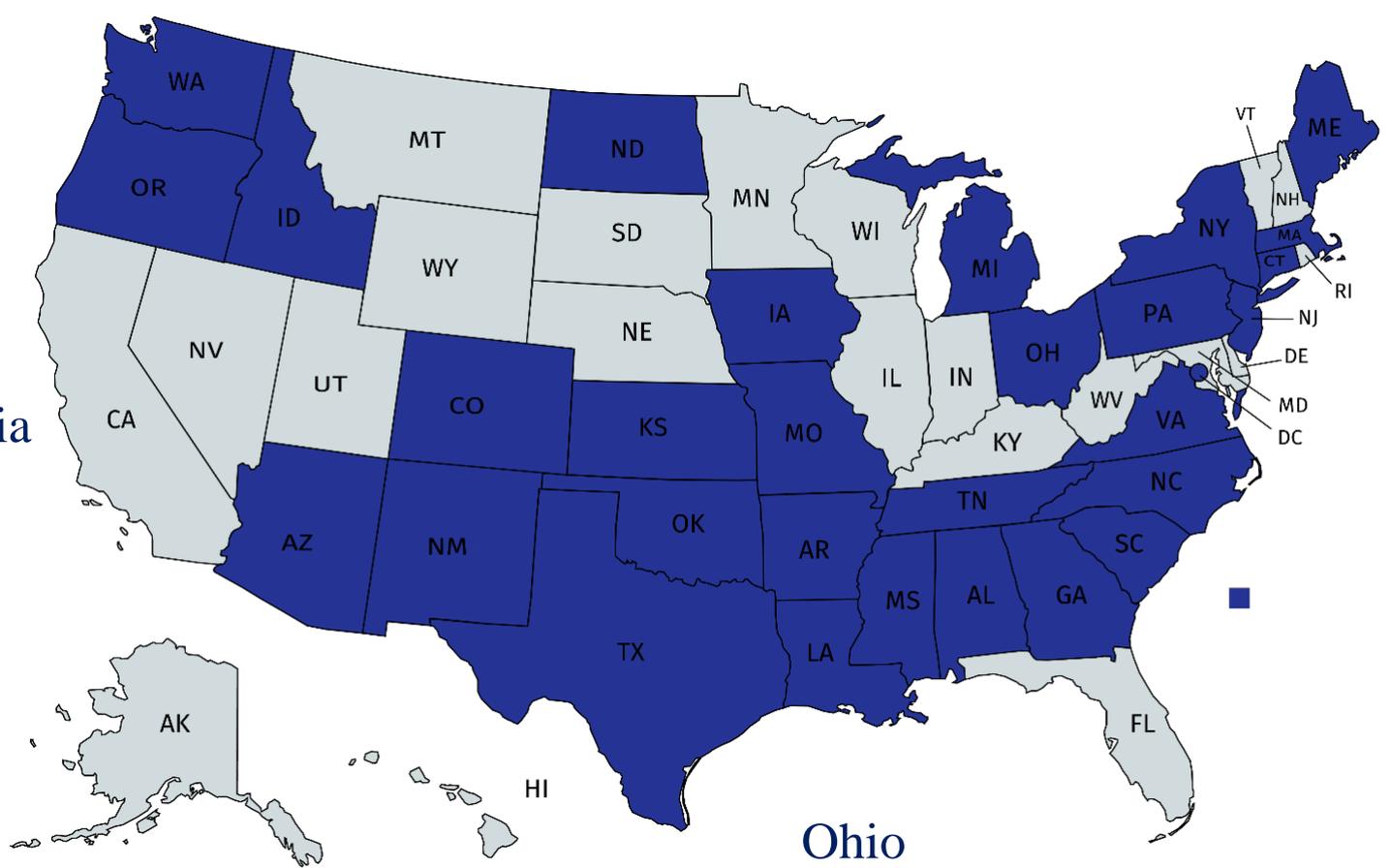
VERIFICATIONS  
CHECK LICENSE STATUS

TEXAS PMP  
PRESCRIPTION MONITORING PROGRAM

CONSUMERS  
PUBLIC RESOURCES

LOGIN  
ACCESS MY ACCOUNT

Alabama  
 Arizona  
 Arkansas  
 Colorado  
 Connecticut  
 Delaware  
 District of Columbia  
 Georgia  
 Idaho  
 Iowa  
 Kansas  
 Louisiana  
 Maine  
 Massachusetts  
 Minnesota  
 Mississippi  
 Montana  
 New Mexico  
 Military Health Services  
 New York  
 North Carolina  
 North Dakota



Ohio  
 Oklahoma  
 Oregon  
 Pennsylvania  
 Puerto Rico  
 South Carolina  
 Tennessee  
 Virginia  
 Washington

# Pharmacists Busted for Prying into Prince's Medical Records

Three pharmacists were caught trying to access the deceased star's records just days after his death.



## Doctor disciplined for looking up Vegas shooter drug records

By [The Associated Press](#)

Posted 6:34PM on Thursday 6th September 2018 ( 1 month ago )

LAS VEGAS (AP) — A doctor was disciplined by Nevada state pharmacy regulators after they found he improperly accessed prescription records of the dead gunman in last October's mass shooting in Las Vegas, his lawyer said Thursday.

Dr. Ivan Goldsmith could have lost of his ability to prescribe medications, but attorney E. Brent Bryson said he was instead ordered to pay a \$10,000 fine; \$16,000 in attorney fees and costs, and serve one year of probation.

"Dr. Goldsmith is pleased that he still has his licenses and is able to serve the medical needs of the community while he winds down his clinical practice here in Las Vegas," Bryson said.

Pharmacy Board attorney Brett Kandt could not immediately be reached for comment.

Bryson said Goldsmith invoked his Fifth Amendment constitutional right not to testify against himself at his disciplinary hearing on Wednesday in Reno.

Goldsmith, who was not gunman Stephen Paddock's doctor, was found to have violated the federal Health Insurance Portability and Accountability Act, the patient privacy law known as HIPAA, by accessing a password-protected pharmacy database to look up Paddock's prescription profile.

Goldsmith was also found disclosed to the Las Vegas Review-Journal that Paddock had been prescribed diazepam, an anti-anxiety drug better known as Valium, the panel found.

Bryson noted that Goldsmith did not admit wrongdoing. The attorney declined to say whether Goldsmith, a weight loss specialist, accessed Paddock's records.

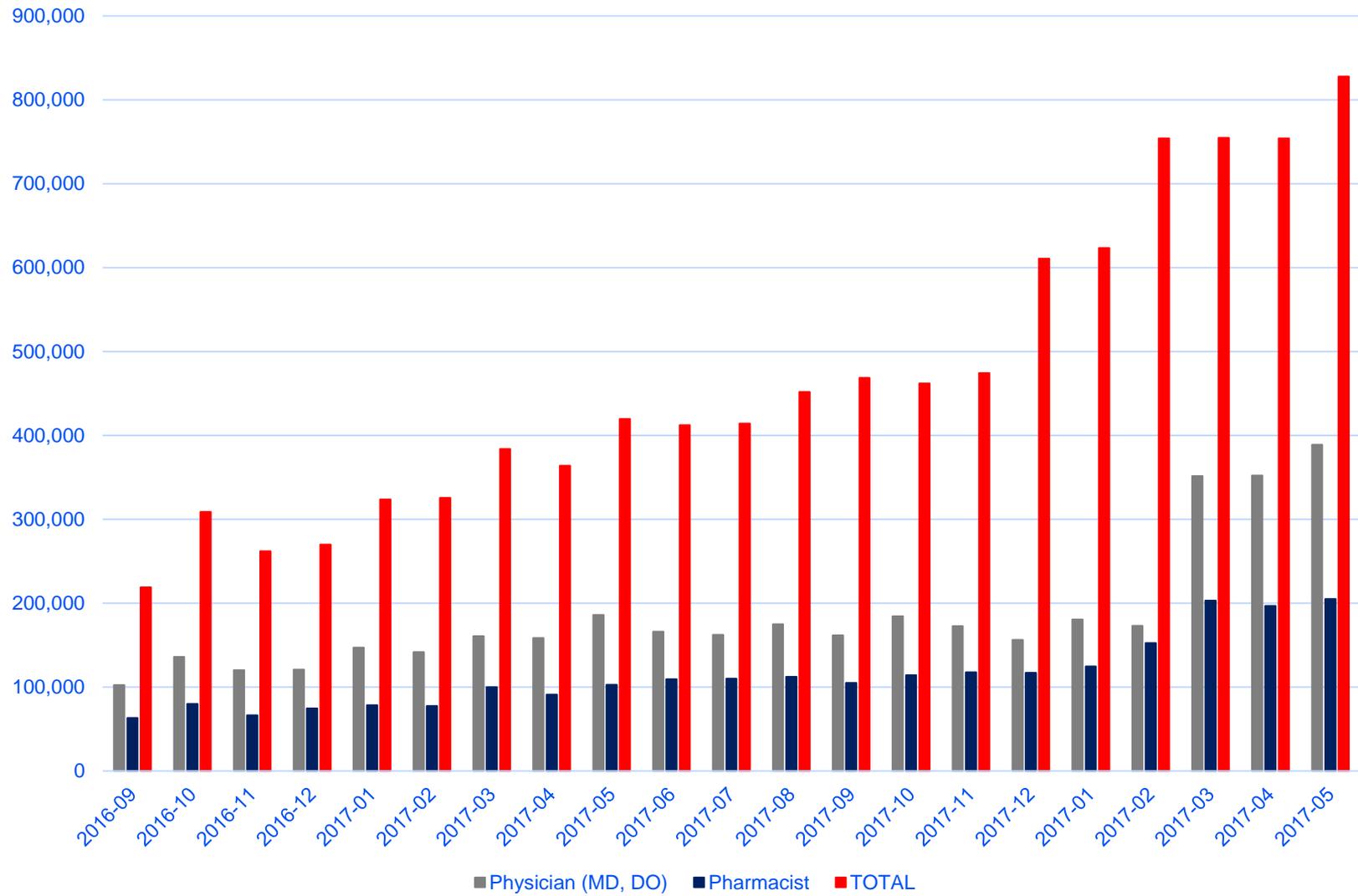
Two other medical practitioners received letters of reprimand for trying unsuccessfully to access the records after the Review-Journal story was published last Oct. 3.

Bryson said Goldsmith has moved to Florida, where he is licensed to practice medicine, and now works with a relative in the finance business.

<http://accesswdun.com/article/2018/9/710244>

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# Number of Searches per Month



# Threshold Alerts

## ▼ ⚠ Suspected Prescriber/Pharmacy Shopper

🕒 08/31/2017

Please note that this person has received controlled substances prescriptions written by **10** prescribers and had them filled at **6** pharmacies during the past **3** months. This equals or exceeds the threshold of **5** prescribers and **5** pharmacies and while there may be a valid reason for this, it also may be indicative of the practice of prescriber and pharmacy shopping.

The information in the PMP database and reports generated from the information may contain errors resulting from the information submitted by dispensers. The Texas State Board of Pharmacy recommends independent verification of the patient prescription information with pharmacies and prescribers when prudent or necessary. The data available from other state Prescription Monitoring Programs is based on the data submitted by the dispensers in the specific state in accordance with their state's reporting requirements.

### PATIENT'S COUNTS

Prescribers: 10

Pharmacies: 6

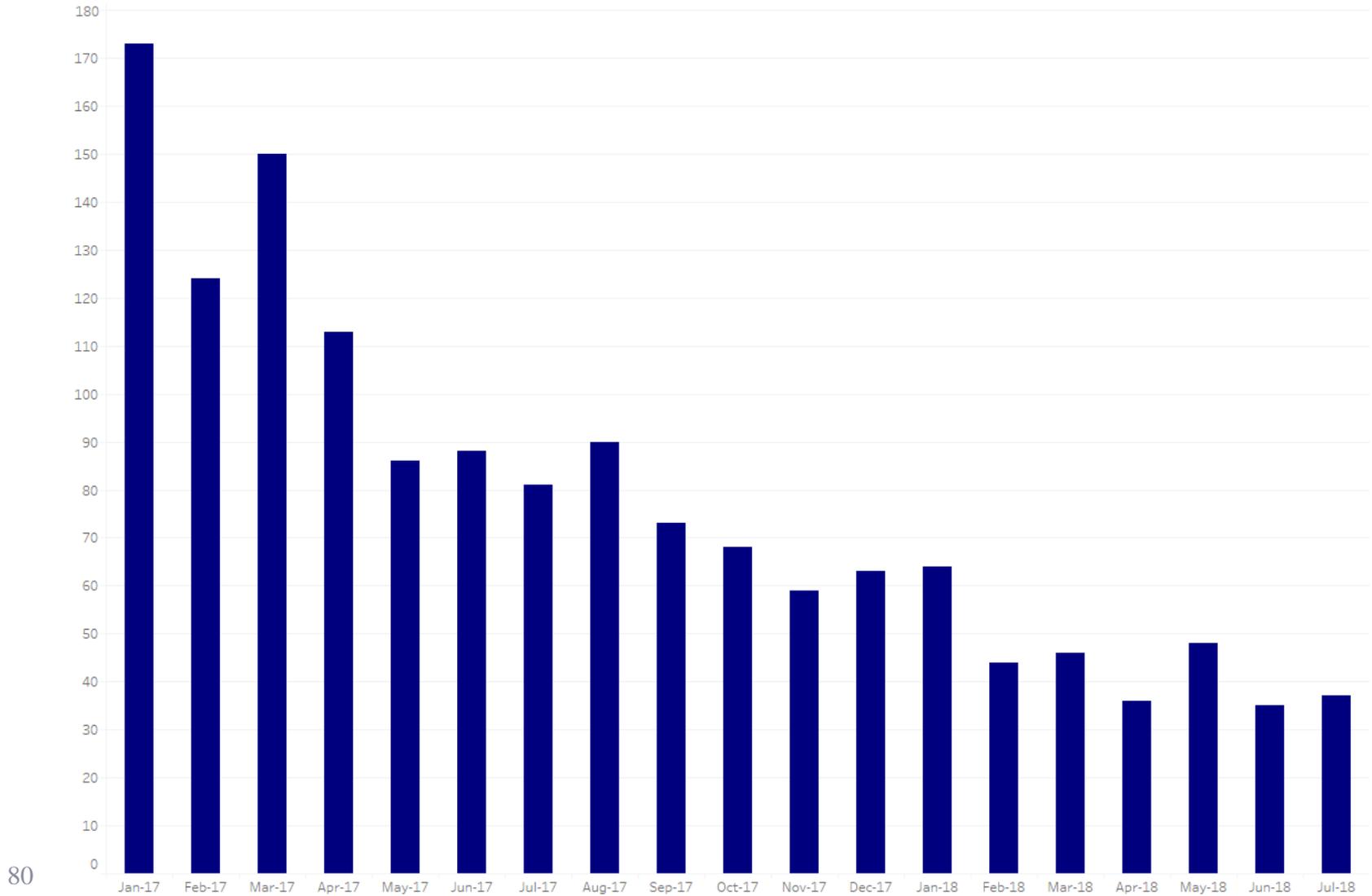
Time Frame: 3 Months

### ALERT THRESHOLDS

Prescribers: 5

Pharmacies: 5

# Threshold Notifications (5-5-5)



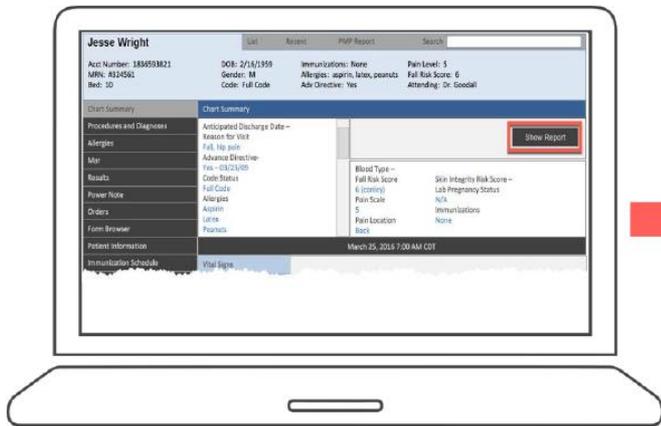
# Enhancing the Prescription Monitoring Program

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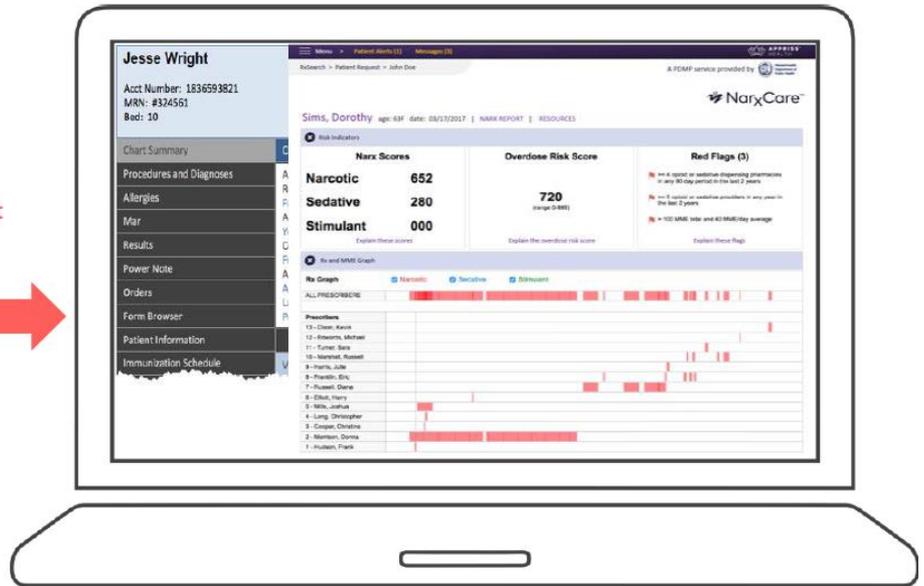
- SB 500 appropriated funds for:
  - Statewide system integration
  - NarxCare
  - Clinical Alerts
- HB 2174 requires mandatory e-prescribing beginning January 1, 2021.



# Statewide Integration



CLICK  
Show Report  
button



# NarxCare is also available within PMP AWARE

- Provides full access to state of the art tools and assessments regardless of integration status
- Sets the stage for incremental data addition (determined by the State)
  - i.e. non-fatal overdose, drug court participation, naloxone administration data

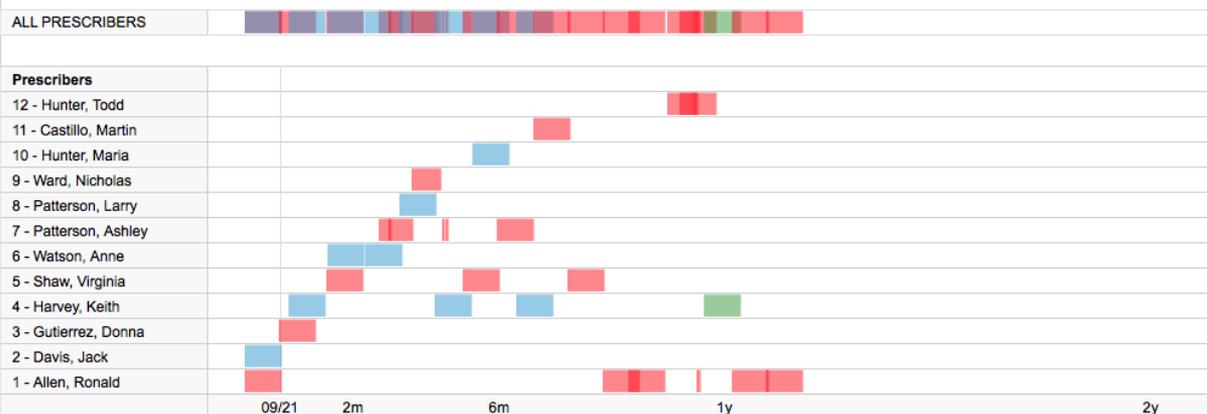
Green, Frances age: 55F date: 1/19/2017 | [NARX REPORT](#) | [RESOURCES](#)

**Risk Indicators**

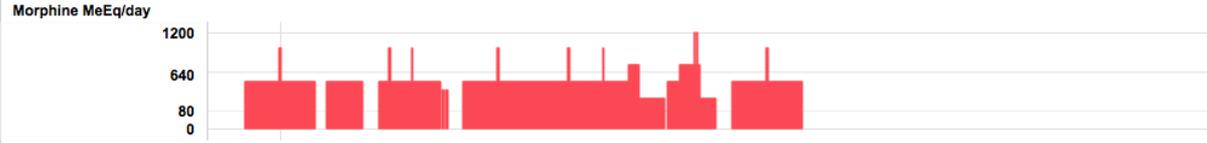
Narx Scores		Overdose Risk Score	Red Flags (3)
<b>Narcotic</b>	<b>652</b>	<b>620</b> (range 0-999)	<b>&gt;= 4</b> opioid or sedative dispensing pharmacies in any 90 day period in the last 2 years
<b>Sedative</b>	<b>601</b>		<b>&gt;= 5</b> opioid or sedative providers in any year in the last 2 years
<b>Stimulant</b>	<b>020</b>		<b>&gt; 100</b> MME total and 40 MME/day average
<a href="#">Explain these scores</a>		<a href="#">Explain the overdose risk score</a>	<a href="#">Explain these red flags</a>

**Graphs**

**Rx Graph**  Narcotic  Sedative  Stimulant



**Morphine MeEq/day**



Per CDC guidance, the conversion factors and associated daily morphine milligram equivalents for drugs prescribed as part of medication-assisted treatment for opioid use disorder should not be used to benchmark against dosage thresholds meant for opioids prescribed for pain.

**Rx Data**

# Learn More

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 PMP Statewide Integration and NarxCare information now on our website:

- Login: <https://texas.pmpaware.net/login>
- Statewide Integration: <https://www.pharmacy.texas.gov/PMP/PMPIntegration.asp>
- NarxCare: <https://www.pharmacy.texas.gov/PMP/Narxcare.asp>



# Clinical Alerts

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- Prescriber and Dispenser Thresholds
- Opioid and Benzodiazepine Threshold
- Opioid Consecutive Days Threshold
- Daily Active MME Threshold



# Benefits of E-Prescribing

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- HB 2174 requires mandatory e-prescribing beginning January 1, 2021.
  - Adds safety and security
  - Improves patient care and outcome
  - Reduces errors



# Potential Forged Paper Prescriptions in 2017

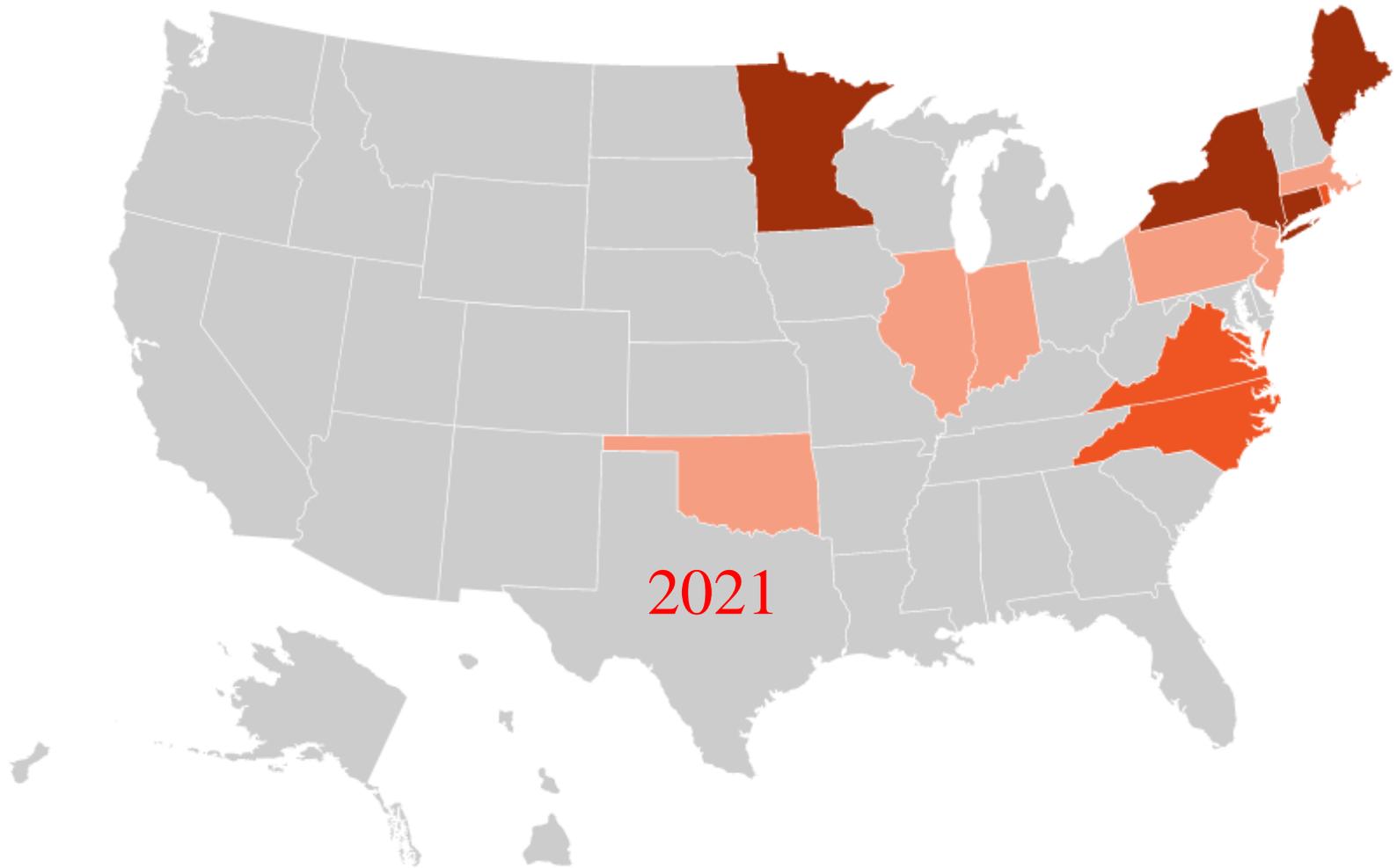
---

- Data from self-reported drug abusers suggest that between 3% and 9% of diverted opioid prescriptions are tied to forged prescriptions.
- If those statistics hold true across the state of Texas, that would mean that between 304,786 - 914,359 prescriptions were potentially forged prescriptions.



# E-Prescribing map

- Required - Deadline Past
- Required - Deadline in future
- Legislation Pending
- No Requirement



# Information on Laws, Rules, Videos and Educational Programs





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#### Pharmacies

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The [Texas State Board of Pharmacy](#) is the state agency responsible for the licensing/registration of Texas pharmacists, pharmacy technicians, and pharmacies; for establishing regulations for pharmacy practice; and for disciplining licensees and registrants. Look here for information about the Board's [mission](#), [Compact with Texans](#), [policies and guidelines](#), [members](#), [staff](#), [public information reports](#), [statutes](#), [meeting agendas](#), [calendar of events](#) and more.

### Updates, News & Notices

- [Telemedicine Frequently Asked Questions](#)
- [TSBP Rules - Frequently Asked Questions](#)
- [Texas joins NABP InterConnect Announcement](#)
- [New Pharmacist-In-Charge Requirements For Class E Pharmacies -- Effective 9-1-16](#)
- [Military Service Members, Veterans, and Spouses](#)
- [Texas State Board of Pharmacy Fees Effective October 1, 2019](#)

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[Pharmacy Rules](#) - The Texas Pharmacy Rules are located in Chapters 281-315 of the [Texas Administrative Code](#).

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Order the Texas Pharmacy Laws and Regulations through: [LexisNexis](#) or call: 1-800-533-1637.

Pharmacies operating in Texas are required to maintain a copy of the laws and rules governing the practice of pharmacy in hard copy or electronic format. Please note that the electronic version must be accessible to pharmacy personnel at all times.

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## Texas Pharmacy Rules

The Texas Pharmacy Rules are located in Chapters 281-315 of the [Texas Administrative Code](#).  
Click [here](#) for a PDF version of the **Texas Pharmacy Rules (current as of June 2019)**.

Chapter 281. [Administrative Practice and Procedures](#)

Subchapter A. [General Provisions](#)

Subchapter B. [General Procedures in a Contested Case](#)

Subchapter C. [Disciplinary Guidelines](#)

Chapter 283. [Licensing Requirements for Pharmacists](#)

Chapter 291. [Pharmacies](#)

Subchapter A. [All Classes of Pharmacies](#)

Subchapter B. [Community Pharmacy \(Class A\)](#)

Subchapter C. [Nuclear Pharmacy \(Class B\)](#)

Subchapter D. [Institutional Pharmacy \(Class C\)](#)

Subchapter E. [Clinic Pharmacy \(Class D\)](#)

Subchapter F. [Non-Resident Pharmacy \(Class E\)](#)

Subchapter G. [Services Provided By Pharmacies](#)

Subchapter H. [Other Classes of Pharmacy](#)

Chapter 295. [Pharmacists](#)

Chapter 297. [Pharmacy Technicians and Pharmacy Technician Trainees](#)

Chapter 303. [Destruction of Drugs](#)

Chapter 305. [Educational Requirements](#)

Chapter 309. [Substitution of Drug Products](#)

Chapter 311. [Code of Conduct](#)

Chapter 315. [Controlled Substances](#)





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## Rule Changes

The Texas State Board of Pharmacy submits all proposed and adopted rule changes to the *Texas Register*, a weekly publication that serves as the notice bulletin of state agency rulemaking. The *Texas Register* contains emergency, proposed, and adopted rules; notices of withdrawn and repealed rules; notices of rule review and other information submitted by state agencies for publication. The *Texas Register* is maintained by the Office of the Secretary of State and can be viewed here: <http://www.sos.state.tx.us/texreg/index.shtml>.

[Recent proposed rule changes](#)

[Recent adopted rule changes](#)

[Rule review plan](#)

Those who would like to submit written comments on proposed rules published in the *Texas Register* for review by the Board should send them by mail to:

Megan G. Holloway, Assistant General Counsel

Texas State Board of Pharmacy

333 Guadalupe Street, Suite 3-500

Austin, TX 78701

**Typically, the deadline for submitting written comments before a Board meeting is five business days.** In addition to written public comments received after rule publication in the *Texas Register*, there is always opportunity for public comment at Board meetings when proposed rules are presented to the Board for possible adoption.

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## Informational Videos

TSBP develops various informational videos to educate pharmacists, pharmacy technicians, other healthcare professionals, and the general public about the practice of pharmacy in Texas. TSBP also creates and updates videos regarding processes such as application tutorials, how to submit an open records request, and much more. View videos by topic below.

### Application Tutorials

- [Pharmacist Licensure by Exam](#)
- [Student-Pharmacist Intern Application](#)
- [Initial Pharmacy Technician Application](#)
- [Technician Trainee Application](#)
- [Upgrade from Technician Trainee to Pharmacy Technician Application](#)

### Change of Address and Employment Tutorials

- [Change of Address](#)
- [Change of Employment](#)

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- [Frequently Asked Questions](#)
- [How To Request Common Records](#)
- [How To Request Uncommon/Complex Records](#)

### Texas Prescription Monitoring Program (PMP)

- [How To Create an Account](#)

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## Pill Mill Series

- [Part I: Introduction](#)
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- [Part III: Processing](#)
- [Part VI: Pick-Up and Miscellaneous Flags](#)

## General Information

- [TSBP Mission Statement](#)
- [Pharmacists as Immunizers](#)
- [Red Flags \(Anti-Diversion Industry Working Group \(ADIWG\)/TSBP Collaboration\)](#)





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## TSBP Continuing Education (CE) Opportunities

The Texas State Board of Pharmacy offers monthly webinars and online CE programs for pharmacists and pharmacy technicians practicing and/or maintaining a license in Texas. CE programs hosted by TSBP cover a variety of topics that will count toward CE requirements, including Texas-specific law, opioid abuse, and compounding.



Visit our [Catalog Page](#) for upcoming CE courses.

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The Texas State Board of Pharmacy offers the following Continuing Education Activities which are listed below. Please click the links below for more information.

## Online Courses

- [Opioids: The Rising Abuse Epidemic](#)
- [Texas State Board of Pharmacy Laws and Rules Update](#)

## Webinars

- [Laws & Rules Update 10/10/2019](#)
- [Laws & Rules Update 11/13/2019](#)
- [Laws & Rules Update 12/03/2019](#)
- [Prescription Monitoring Program 10/15/2019](#)

## Workshops

Currently, there are no workshops scheduled.

We can email you your [activity history](#) as of Sept 1st, 2014.

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# Assessment Question

---

- Mandatory Prescription Monitoring Program (PMP) look-up before dispensing opioids, benzodiazepines, barbiturates, and carisoprodol begins 03-01-2020.  
  
(a) True  
(b) False



# Assessment Question

---

- Mandatory e-prescribing begins 01-01-2021, unless the prescriber has a waiver.  
  
(a) True  
(b) False



# Assessment Question

---

• Inappropriately accessing the PMP data may result in disciplinary action.

(a) True

(b) False



Thank you!

