



## TEXAS

### State-Specific Controlled Substance Requirements

Updated May 31, 2023

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|----------------------------------|---|
| <b>Biennial Inventory (DEA):</b> | <p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. <a href="#">[21 CFR 1304.11]</a></p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your state biennial inventory.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p>   |
| <b>Annual Inventory (TX):</b>    | <p>An <u>annual inventory must be taken on May 1 of each year</u> or on the general physical inventory date. The inventory may be taken within 4 days of the specified inventory date and must include all controlled substances.</p> <p><a href="#">22 Tex. Admin. Code § 291.17</a></p>   |
| <b>CE:</b>                       | <p><u>Veterinarians</u>: Seventeen (17) hours of acceptable continuing education shall be required annually for renewal of all types of Texas veterinary licenses, except as provided in subsection (b) of this section. Veterinary licensees who successfully complete the Texas State Board Licensing Examination shall receive credit for 17 continuing education hours for their first renewal year following licensure.</p> <p><u>Vet Techs</u>: Ten (10) hours of acceptable continuing education shall be required annually for renewal of Texas veterinary technician licenses.</p> <p>A licensee shall earn the required hours of acceptable continuing education during the renewal year immediately preceding the licensee's application for license renewal. Should a licensee earn acceptable continuing education hours during the year in excess of the required hours, the licensee may carry over and apply the excess hours to the requirement for the next renewal year. Licensees may carry over excess hours to the following renewal year only, and may not carry over more hours than the licensee is required to earn in a renewal year.</p> <p><b>Texas veterinarians are required to complete two hours of opioid CE every two years on opioid abuse and controlled substance diversion, inventory and security under the terms of <a href="#">SB 1947</a>, which took effect in September 2019.</b></p> <p><a href="#">SECTION 573.64. Continuing Education Requirements</a></p> |
| <b>Compounding:</b>              | <p><u>Compounding</u> is any manipulation of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form.</p> <p>Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> </ul>  |



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- Creating a transdermal gel for a drug typically taken through other routes
- Mixing two solutions for instilling into the ear.

TX Compounding: (a) A veterinarian may only compound drugs for a specific animal or herd with which the veterinarian has established and maintained a valid veterinarian-client-patient relationship.

(b) A veterinarian may only prescribe, administer, or dispense compounded drugs to treat a specific occurrence of a disease or condition, which threatens the health of the animal or will cause suffering or death if left untreated, that the veterinarian has observed and diagnosed in the particular patient for whom the compounded drugs are intended. The amount of a drug that a veterinarian compounds or orders compounded for dispensing or office use must not exceed the established need for specific compounded drugs for patients with which the veterinarian has established and maintained a valid veterinarian-client-patient relationship.

(c) Labeling Requirements.

(1) All compounded drugs must bear the labeling information required under § 573.40 of this title (relating to Labeling of Medications Dispensed), as well as the following information:

- (A) date on which the drug was compounded;
- (B) name and strength of medically active ingredients;
- (C) identity of treated animals;
- (D) withdrawal/withholding times if needed; and
- (E) condition or disease to be treated.

(2) In addition to the information listed in paragraph (1) of this subsection, compounded drugs dispensed to the client must also state a date dispensed and an expiration date, which should not exceed the length of the prescribed treatment.

(d) Limitations on Compounded Products.

(1) A veterinarian shall not compound or order a drug compounded if there is a FDA approved, commercially available animal or human drug that, when used as labeled or in an extra-label fashion in its available dosage form and concentration, will appropriately treat the patient.

(2) A veterinarian shall only compound or order compounded products with FDA-approved commercially available animal or human drugs as the active ingredients.

(3) A veterinarian shall not promote and/or distribute compounded drugs that are essentially similar to FDA-approved products.

(4) A veterinarian must ensure the safety and efficacy of a compounded drug, including but not limited to avoiding known drug incompatibilities and inappropriate combinations, and must use a pharmacist to perform drug compounding when the complexity of the compounding exceeds the veterinarian's knowledge, skill, facilities, or available equipment.

A veterinarian shall not advertise, promote, display, resell, or in any other way market prepared compounded drugs.

(A veterinarian shall not offer compounded drugs to other state licensed veterinarians, pharmacists or other commercial entities for resale.

[22 Tex. Admin. Code § 573.44](#)



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| <b>Dispensing:</b>          | <p>(a) A veterinarian shall affix labels to all unlabeled containers containing any medication dispensed and to all factory labeled containers that contain prescription (legend) drugs and/or controlled substances dispensed. The label must be affixed to the immediate container and include:</p> <ol style="list-style-type: none"> <li>(1) the veterinarian's name, address, and telephone number (including area code);</li> <li>(2) date of delivery or dispensing;</li> <li>(3) patient/client name (and address if drug is a controlled substance);</li> <li>(4) species of the animal;</li> <li>(5) name, strength, and quantity of the drug dispensed;</li> <li>(6) directions for use; and</li> <li>(7) cautionary statements as required by law, i.e. not for human consumption, poisonous, withdrawal periods, etc.</li> </ol> <p>(b) If the immediate container is too small to be labeled, the small container shall be enclosed within another container large enough to be labeled.</p> <p><a href="#">22 Tex. Admin. Code § 573.40</a></p> |
| <b>Diversion Reporting:</b> | <p>A theft or loss of a significant amount of controlled substances and all dosage forms containing nalbuphine (e.g., Nubain®) must be reported <u>immediately upon discovery</u> of the theft or loss. The following procedures should be followed.</p> <ol style="list-style-type: none"> <li>(1) Complete a DEA form 106 as directed and make four (4) copies.</li> <li>(2) Distribute the copies as follows:<br/>Original and One (1) copy — mail to DEA Divisional Office<br/>Dallas Divisional Office (For Texas zip codes other than Houston)</li> </ol> <p>One (1) copy — mail to TSBP at:<br/>Texas State Board of Pharmacy<br/>George H. W. Bush State Office Building 1801 Congress Avenue<br/>Suite 13.100<br/>Austin, Texas 78701-1319</p> <p>One (1) copy — retain in files for 2 years<br/><a href="https://www.pharmacy.texas.gov/files_pdf/rule-book/reporting-theft-and-loss.pdf">https://www.pharmacy.texas.gov/files_pdf/rule-book/reporting-theft-and-loss.pdf</a></p>  |
| <b>Euthanasia:</b>          | <p>Euthanasia may be performed by a non-veterinarian only under the immediate supervision of a veterinarian (<a href="#">22 TAC § 573.10(g)</a>).</p>  |
| <b>Ownership:</b>           | <p>Texas laws are inconclusive regarding whether or not non-veterinarians can own a veterinary practice.</p>   |
| <b>Texas PMP Reporting:</b> | <p>Texas <b>veterinarians are specifically exempted</b> from mandatory use of the Texas PMP.<br/><a href="#">Exemption Info</a></p> <p>Texas defines "<u>practitioner</u>" as a veterinarian or an employee or agent of the practitioner, acting at the direction of the practitioner, and who is inquiring about a recent Schedule II – V prescription history for a particular patient of the practitioner, may obtain PMP information.</p> <p>To comply with <a href="#">H.B. 2561</a> the Board of Pharmacy requires the Board of Veterinary Medical Examiners (TBVME) to provide the e-mail address for each veterinarian licensed in Texas. TBVME provides the e-mail address under "Business e-mail" as the primary email address. The Board of Pharmacy will then automatically create a PMP account and email the information to the business email address on file.</p> <p><a href="https://www.veterinary.texas.gov/PMP.php">https://www.veterinary.texas.gov/PMP.php</a></p>   |



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| <b>Power of Attorney Notarization:</b>                | <p>Power of attorney documents must be notarized in Texas.<br/> <a href="https://kretzerfirm.com/power-of-attorney-in-texas-everything-you-need-to-know/">https://kretzerfirm.com/power-of-attorney-in-texas-everything-you-need-to-know/</a></p>   |
| <b>Prescribing:</b>                                   | <p><a href="#">RULE §573.41 Use of Prescription Drugs</a></p> <p>(a) It is unprofessional conduct for a licensed veterinarian to prescribe, administer, dispense, deliver, or order delivered any prescription drug without first having established a veterinarian-client-patient relationship and determined that such prescription drug is therapeutically indicated for the health and/or well-being of the animal(s). Prescription drugs include all controlled substances in Schedules I - V and legend drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.</p> <p>(b) It shall be unprofessional conduct and a violation of the rules of professional conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give, or deliver to or for any person prescription drugs that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a) of this section.</p> <p>(c) A licensed veterinarian prescribing, administering, dispensing, delivering, or ordering delivered any prescription drug must comply with the laws, including all rules, of both the United States and the State of Texas, including but not limited to Chapter 483 of the Texas Health and Safety Code.</p> <p>There is no requirement in Texas law for a veterinarian to write prescriptions. Veterinarians are among the few professionals that maintain their own drug and medication inventories.</p> <p><a href="https://www.veterinary.texas.gov/faq.php">https://www.veterinary.texas.gov/faq.php</a></p> |
| <b>Recordkeeping:</b>                                 | <p>Texas law requires patient records to be kept for <b>five years</b> from the date of last treatment on-site in a readily retrievable manner for inspection.</p>  |
| <b>Texas Veterinary Medical Professional License:</b> | <p>Texas law requires veterinary practitioners working with controlled substances to have a valid DEA registration and Veterinary Medical Professional License from the Texas State Board of Veterinary Medical Examiners.</p> <p>Renew <u>annually</u><br/> <a href="#">License renewals info</a></p>  |
| <b>State CS License:</b>                              | <p>Texas <u>does not</u> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Texas.</p>  |
| <b>State Scheduled CS's:</b>                          | <p>N/A</p>  |
| <b>Supervision:</b>                                   | <p>"<u>Direct supervision</u>" means supervision of a person by a responsible veterinarian who is physically present on the premises.</p> <p>"<u>Immediate Supervision</u>" means a licensee required to immediately supervise a person must be within audible and visual range of both the animal patient and the person under supervision (22 TAC § 573.80(9)).</p> <p><u>Non-DVM Supervision Requirements</u>: A veterinarian can delegate veterinary duties to non-veterinarian employees "with appropriate supervision and after establishing a veterinarian-client-patient relationship" (22 TAC § 573.10(a)).</p> <p><a href="#">List of delegation of veterinary care and treatment duties to non-veterinarian employees</a></p>  |



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| <b>Telemedicine:</b> | The VCPR cannot be established or maintained solely by telephone or other electronic means. <a href="#">Sec. 801.351</a>   |
| <b>VCPR:</b>         | <p>Before offering or practicing veterinary medicine, a veterinarian must establish a valid veterinarian-client-patient relationship (VCPR).</p> <p>Texas law prohibits a veterinarian from forming a VCPR solely by telephonic or electronic means. <b>To form a VCPR with a dog, cat, or any animal that trains or competes individually, the veterinarian must perform an in-person examination.</b> (<a href="#">Section 801.351, Occupations Code, and Board Rule 573.20(b) for the full list of requirements to form a valid VCPR</a>).</p> <p>A person may not practice veterinary medicine unless a veterinarian-client-patient relationship exists. A VCPR exists if the veterinarian [among other requirements,] possesses sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition...A veterinarian possesses sufficient knowledge of the animal for [the preceding purposes] if the veterinarian has recently seen, or is personally acquainted with, the keeping and care of the animal by...examining the animal [or other circumstances, if an animal is in a herd]. (V.T.C.A., Occupations Code § 801.351 (a) and (b))</p> |

### Information and Resources

**FEDERAL:**

Drug Enforcement Administration, Dallas Division  
 10160 Technology Boulevard, East  
 Dallas, TX 75220  
 Phone: (214) 366-6900

Drug Enforcement Administration, Houston Division  
 1433 W Loop, Suite 600  
 Houston, TX 77027  
 Phone: (713) 693-3000

Drug Enforcement Administration, San Antonio District Office (For central and western Texas)  
 10127Morocco, Suite 200  
 San Antonio, Texas 78216

Federal Law: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)  
 Controlled Substances Act: [21 USC 801 – 904](#)  
 Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)  
 NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)  
 Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>



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**STATE:**

Texas Veterinary Licensing Board website: <https://www.veterinary.texas.gov/>

Texas Pharmacy Board website: <https://www.pharmacy.texas.gov/>

Texas Law: <https://www.pharmacy.texas.gov/controlledsubstances.asp>