

title (relating to Examinations) and subject to the applicable examination fees established under §273.4 of this title (relating to Optometry Fees). In addition, the candidate will be subject to a fee for issuance of a provisional license, as established under §273.4 of this title.

(B) [(2)] No provisional license can be issued until all application forms and fees are received in the board office and the application is approved.

(C) [(3)] A provisional license expires upon the earlier to occur of the passage of 180 days or notice by the board of the candidate's successful passage or failure of all examinations required by Chapter 271 of this title [(relating to Examinations)]. It shall be the responsibility of the candidate and sponsor to return the provisional license to the board office upon expiration.

(D) [(4)] The candidate's failure to sit for the first scheduled board examination following application for examination invalidates the provisional license unless in the discretion of the board sufficient and reasonable evidence regarding nonappearance exists.

(E) [(5)] Each candidate for provisional license shall receive only one nonrenewable license prior to the issuance of a therapeutic optometry license.

(5) [(e)] If at any time during the provisional licensure period it is determined that the holder of such provisional license has violated the Optometry Act or board rules, such provisional license will be subject to termination.

(b) License for spouse of a person serving on active duty as a member of the armed forces of the United States.

(1) Requirements for license:

(A) The applicant must be a spouse of a person serving on active duty based in the State of Texas as a member of the armed forces of the United States, and must furnish proof of such on board forms provided; and

(i) The applicant must be licensed in good standing as a therapeutic optometrist or the equivalent in another state, the District of Columbia, or a territory of the United States that has licensing requirements that are substantially equivalent to the requirements of the Texas Optometry Act, and must furnish proof of such licensure on board forms provided; or

(ii) The applicant must, within the five years preceding the application date, have held a license in this state that expired while the applicant lived in another state for at least six months.

(B) The applicant's license to practice optometry must not have been revoked or suspended by any jurisdiction. The applicant must furnish license verifications from each state in which the person is currently or previously licensed.

(2) Application.

(A) The applicant shall complete the application required under §271.5 of this title (relating to Licensure without Examination), including the submission of completed Federal Bureau of Investigation fingerprint cards provided by the board and a certified copy of the optometry school transcript.

(B) An application fee in the same amount as the application fee set out in §273.4 of this title must be submitted with the application.

(3) Jurisprudence Exam. Applicants receiving a license under this section must take and pass the Jurisprudence exam within 6 months of the issuance of the license.

(4) License and fees.

(A) A license issued under this section shall be a license to practice therapeutic optometry with the same obligations and duties required of that licensee and subject to the same disciplinary requirements for that license.

(B) The initial license fee and license renewal fees are the same as the active license fee set out in §273.4 of this title. The expiration date for the license is the same as an active license, and may be renewed under the same terms and conditions.

(5) Expiration of License. A license issued under this subsection expires and cannot be renewed:

(A) Six months after the date the applicant's spouse ceases to serve on active duty based in the State of Texas as a member of the armed forces of the United States. The licensee is required to report a change in the spouse's status immediately to the board;

(B) Immediately upon the failure of the licensee to obtain a passing score on the Jurisprudence exam within 6 months of the date of the issuance of the license; or

(C) Four years after the date the license is first issued if the license has not expired by that date.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 22, 2011.

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Chris Kloeris

Executive Director

Texas Optometry Board

Earliest possible date of adoption: January 8, 2012

For further information, please call: (512) 305-8502



PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §§283.2 - 283.4, 283.7 - 283.12

The Texas State Board of Pharmacy proposes amendments to §283.2 concerning Definitions, §283.3 concerning Educational and Age Requirements, §283.4 concerning Internship Requirements, §283.7 concerning Examination Requirements, §283.8 concerning Reciprocity Requirements, §283.9 concerning Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity, §283.10 concerning Requirements for Application for a Pharmacist License Which Has Expired, §283.11 concerning Examination Retake Requirements, and new §283.12 concerning Licenses for Military Spouses. The amendments to §§283.2, 283.3, 283.4, 283.7, 283.8, 283.9, 283.10, and 283.11 clarify and update the licensure requirements for pharmacists and add a definition and requirements for resident interns. The proposed new rule §283.12, if adopted, implements the provisions of Senate Bill 1733 passed by the 2011 Texas Legislature to allow for alternative procedures for registration as a pharmacy technician for military spouses.

Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year period the rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Dodson has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the rule will be to ensure that qualified individuals apply for a pharmacist license and applicants who are military spouses are allowed alternative procedures for licensure. Economic cost to persons who are required to comply with the new rule §283.12 will be the fee for licensure as outlined in §283.9 concerning Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity. The effect on large, small or micro-businesses (pharmacies) will be the same as the economic cost to an individual, if the pharmacy chooses to pay the fee for the individual.

Comments on the proposed amendments and new rule may be submitted to Allison Benz, R.Ph., M.S., Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600, Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., January 13, 2012.

The proposed amendments and new rule are proposed under §551.002 and §554.051 of the Texas Pharmacy Act (Chapters 551 - 566 and 568 - 569, Texas Occupations Code) and §55.004 of the Texas Occupations Code. The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act. The Board interprets §55.004 as authorizing the agency to adopt rules for the issuance of the license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States.

The statutes affected by the amendments and new rule: Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code and Chapter 55, Texas Occupations Code.

§283.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (4) (No change.)

(5) College/School of pharmacy--A college/school of pharmacy whose professional degree program has been accredited by ACPE and approved by the board.

~~{(5) BS in pharmacy--A Bachelor of Science degree in pharmacy.}~~

(6) - (8) (No change.)

(9) Extended-intern--An intern, registered with the board, who has:

(A) applied to the board for licensure by examination and has successfully passed the NAPLEX and Texas Pharmacy Jurisprudence Examination but lacks the required number of hours of internship for licensure; or

(B) applied to the board to take the NAPLEX and Texas Pharmacy Jurisprudence Examinations within six ~~{three}~~ calendar months after graduation and has either:

(i) graduated and received a professional degree from a college/school of pharmacy ~~{the professional degree program of which has been accredited by ACPE and approved by the board}~~; or

(ii) completed all of the requirements for graduation and for receipt of a professional degree from a college/school of pharmacy ~~{the professional degree program of which has been accredited by ACPE and approved by the board}~~; or

(C) applied to the board to take the NAPLEX and Texas Pharmacy Jurisprudence Examinations within six ~~{three}~~ calendar months after obtaining full certification from the Foreign Pharmacy Graduate Equivalency Commission; or

(D) applied to the Board for re-issuance of a pharmacist license which has been expired for more than two years but less than ten years and has successfully passed the Texas Pharmacy Jurisprudence Examination ~~{examination}~~, but lacks the required number of hours of internship or continuing education required for licensure; or

(E) been ordered by the Board to complete an internship.

(10) - (11) (No change.)

~~{(12) FPGEE--The Foreign Pharmacy Graduate Equivalency Examination, given by FPGEC.}~~

(12) ~~{(13)}~~ Healthcare Professional--An individual licensed as:

(A) a physician in Texas or another state; or

(B) a pharmacist in a state other than Texas but not licensed in Texas.

(13) ~~{(14)}~~ Healthcare Professional Preceptor--A health-care professional serving as an instructor for a Texas college/school-based internship program who is recognized by a Texas college/school of pharmacy to supervise and be responsible for the activities and functions of a student-intern or intern-trainee in the internship program.

(14) ~~{(15)}~~ Intern-trainee--A pharmacist intern, registered with the board, who is enrolled in the first year of the professional sequence of a Texas college/school of pharmacy and who may only work during times and in sites assigned by a Texas college/school of pharmacy.

(15) ~~{(16)}~~ Internship--A practical experience program that is approved by the board.

(16) ~~{(17)}~~ MPJE--Multistate Pharmacy Jurisprudence Examination.

(17) ~~{(18)}~~ NABP--The National Association of Boards of Pharmacy.

(18) ~~{(19)}~~ NAPLEX--The North American Pharmacy Licensing Examination, or its predecessor, the National Association of Boards of Pharmacy Licensing Examination.

~~{(20) Pharm D--A doctorate in pharmacy.}~~

(19) ~~{(21)}~~ Pharmaceutical care--The provision of drug therapy and other pharmaceutical services defined in the rules of the board and intended to assist in the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process.

(20) ~~{(22)}~~ Pharmacist-intern--An intern-trainee, a student-intern, or an extended-intern who is participating in a board approved internship program.

(21) ~~{(23)}~~ Pharmacist Preceptor--A pharmacist licensed in Texas to practice pharmacy who meets the requirements under board rules and is recognized by the board to supervise and be responsible

for the activities and functions of a pharmacist-intern in an internship program.

(22) Resident intern--An individual who:

(A) has graduated from a college/school of pharmacy;
and

(B) is completing a residency program in the state of Texas accredited by the American Society of Health-System Pharmacists.

(23) [(24)] Preceptor--A pharmacist preceptor or a health-care professional preceptor.

(24) [(25)] Professional degree--A bachelor of science degree [baecalaureate] in pharmacy [(BS)] or a doctorate of pharmacy [(Pharm D)] degree.

(25) [(26)] State--One of the 50 United States of America, the District of Columbia, and Puerto Rico.

(26) [(27)] Student-intern--A pharmacist-intern, registered with the board who is enrolled in the professional sequence of a college/school of pharmacy, has completed the first professional year and obtained a minimum of 30 credit hours of work towards a professional degree in pharmacy, and is participating in a board-approved internship program.

(27) [(28)] Texas Pharmacy Jurisprudence Examination [Exam or Texas Drug and Pharmacy Jurisprudence Examination]--A licensing exam developed or approved by the Board which evaluates an applicant's knowledge of the drug and pharmacy requirements to practice pharmacy legally in the state of Texas.

§283.3. *Educational and Age Requirements.*

An applicant for licensure as a pharmacist shall be of good moral character, provide satisfactory evidence that the age of 18 years has been obtained and shall meet one of the following requirements:

(1) have graduated and received a professional degree from a college of pharmacy [~~the professional degree program of which has been accredited by ACPE and meets the requirements of the board~~]; or

(2) have graduated from a foreign college of pharmacy and obtained full certification from the FPGEC.

§283.4. *Internship Requirements.*

(a) (No change.)

(b) Hours requirement.

(1) The board requires 1,500 hours of internship for licensure. These hours may be obtained through one or more of the following methods:

(A) in a board approved student internship program, as specified in subsection (c) of this section;

(B) in a board-approved extended-internship program as specified in subsection (d) of this section; and/or

(C) graduation from a college/school of pharmacy after July 1, 2007. Persons graduating from such programs shall be credited 1,500 hours or the number of hours actually obtained and reported by the college; and/or

(D) [(C)] [~~through~~] internship hours approved and certified to the board by another state board of pharmacy.

(2) Pharmacist-interns participating in an internship may be credited no more than 50 hours per week of internship experience.

(3) Internship hours may be used for the purpose of licensure for no longer than two years from the date the internship is completed.

(c) College-/School-Based Internship Programs.

(1) Internship experience acquired by student-interns.

(A) An individual may be designated a student-intern provided he/she:

(i) submits an application to the board that includes the following information:

(I) name;

(II) addresses, phone numbers, date [dates] of birth, and social security number [~~numbers~~]; however, if an individual is unable to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number along with documentation indicating why the individual is unable to obtain a social security number;

(III) college of pharmacy and expected graduation date; and

(IV) any other information requested on the application.

(ii) is enrolled in the professional sequence of a college/school of pharmacy [~~whose professional degree program has been accredited by ACPE and approved by the board~~];

(iii) has successfully completed the first professional year and obtained a minimum of 30 credit hours of work towards a professional degree in pharmacy; and

(iv) has met all requirements necessary [~~in order~~] for the board to access the criminal history records information, including submitting fingerprint information and being responsible for all associated costs.

(B) The terms of the student internship shall be as follows.

(i) The student internship shall be gained concurrent with college attendance, which may include:

(I) partial semester breaks such as spring breaks;

(II) between semester breaks; and

(III) whole semester breaks provided the student-intern attended the college/school in the immediate preceding semester and is scheduled with the college/school to attend in the immediate subsequent semester.

(ii) The student internship shall be obtained in pharmacies licensed by the board, federal government pharmacies, or in a board-approved program.

(iii) The student internship shall be in the presence of and under the supervision of a healthcare professional preceptor or a pharmacist preceptor.

(C) None of the internship hours acquired outside of a school-based program may be substituted for any of the hours required in a [Texas] college/school of pharmacy internship program.

(2) Expiration date for student-intern designation.

(A) The student-internship expires:

(i) if the student-intern voluntarily or involuntarily ceases enrollment, including suspension, in a college/school of phar-

macy [whose professional degree program has been accredited by ACPE and approved by the board];

(ii) the student-intern fails either the NAPLEX or [and/or] Texas Pharmacy Jurisprudence Examinations specified in this section; or

(iii) the student-intern fails to take either the NAPLEX or [and/or] Texas Pharmacy Jurisprudence Examinations or both within six [three] calendar months after graduation.

(B) The executive director of the board, in his/her discretion may extend the term of the student internship if administration of the NAPLEX or Texas Pharmacy Jurisprudence Examinations is suspended or delayed.

(3) Texas colleges/schools of pharmacy internship programs.

~~[(A) The board shall review for approval Texas colleges/schools of pharmacy internship programs of each fiscal year. The purpose of the board review will be to determine if such internship programs demonstrate that the competency objectives listed in subsection (a) of this section are being met by each student-intern completing the internship. The board reserves the right to set conditions relating to the approval of such programs.]~~

~~[(B) The Texas colleges/schools of pharmacy shall determine that each student-intern completing the college/school internship program demonstrates through assessment the competency objectives listed in subsection (a) of this section.]~~

~~[(C) Internship experience shall be gained under a preceptor.]~~

~~[(D) All internship experience shall be approved by the board and shall occur in sites and under conditions which teach one or more of the competency objectives listed in subsection (a) of this section.]~~

~~[(E) Prior to taking the licensure examination any applicant participating in a Texas college/school-based internship shall complete the requirements of such internship.]~~

~~[(A) [(F)] Intern-trainees and student-interns completing a board-approved Texas college/school-based structured internship shall be credited the number of hours actually obtained and reported by the college. No credit shall be awarded for didactic experience.~~

~~[(B) [(G)] No more than 600 hours of the required 1,500 hours may be obtained under a healthcare professional preceptor except when a pharmacist-intern is working in a federal government pharmacy.~~

~~[(C) [(H)] Individuals enrolled in the professional sequence of a Texas college/school of pharmacy [whose professional degree program has been accredited by ACPE and approved by the board] may be designated as a intern-trainee provided he/she:~~

~~(i) submits an application to the board that includes the following information:~~

~~(I) name;~~

~~(II) addresses, phone numbers, date [dates] of birth, and social security number [numbers]; however, if an individual is unable to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number along with documentation indicating why the individual is unable to obtain a social security number;~~

~~(III) college of pharmacy and expected graduation date; and~~

~~(IV) any other information requested on the application.~~

~~(ii) is enrolled in the professional sequence of a college/school of pharmacy [whose professional degree program has been accredited by ACPE and approved by the board]; and~~

~~(iii) has met all requirements necessary [in order] for the board to access the criminal history records information, including submitting fingerprint information and being responsible for all associated costs. Such internship shall remain in effect during the time the intern-trainee is enrolled in the first year of the professional sequence and shall expire upon completion of the first year of the professional sequence or upon separation from the professional sequence.~~

~~(d) Extended-internship program.~~

~~(1) A person may be designated an extended-intern provided he/she has met one of the following requirements:~~

~~(A) passed NAPLEX and the Texas Pharmacy Jurisprudence Examinations [Examination] but lacks the required number of internship hours for licensure;~~

~~(B) applied to the board to take the NAPLEX and Texas Jurisprudence Examinations within six [three] calendar months after graduation and has:~~

~~(i) graduated and received a professional degree from a college/school of pharmacy [the professional degree program of which has been accredited by ACPE and approved by the board]; or~~

~~(ii) completed all of the requirements for graduation and receipt of a professional degree from a college/school of pharmacy; [the professional degree program of which has been accredited by ACPE and approved by the board; or]~~

~~(C) applied to the board to take the NAPLEX and Texas Jurisprudence Examinations within six [three] calendar months after obtaining full certification from the Foreign Pharmacy Graduate Equivalency Commission;~~

~~(D) applied to the board for re-issuance of a pharmacist license which has expired for more than two years but less than ten years and has successfully passed the Texas Pharmacy Jurisprudence Examination [pharmacy jurisprudence examination], but lacks the required number of hours of internship or continuing education required for licensure; [or]~~

~~[(E) is a resident in a residency program accredited by the American Society of Health-System Pharmacists in the state of Texas; or~~

~~[(F) [(E)] been ordered by the Board to complete an internship.~~

~~(2) In addition to meeting one of the requirements in paragraph (1) of this subsection, an applicant for an extended-internship must:~~

~~(A) submit an application to the board that includes the following information:~~

~~(i) name;~~

~~(ii) addresses, phone numbers, date [dates] of birth, and social security number [numbers]; however, if an individual is unable to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number~~

along with documentation indicating why the individual is unable to obtain a social security number;

(iii) any other information requested on the application; and

(B) meet all requirements necessary ~~[in order]~~ for the board to access the criminal history records information, including submitting fingerprint information and being responsible for all associated costs.

(3) The terms of the extended-internship shall be as follows.

(A) The extended-internship shall be board-approved and gained in a pharmacy licensed by the board, or a federal government pharmacy participating in a board-approved internship program.

(B) The extended-internship shall be in the presence of and under the direct supervision of a pharmacist preceptor.

(4) The extended internship remains in effect for two years. However, the internship expires immediately upon:

(A) the failure of the extended-intern to take the NAPLEX and Texas Pharmacy Jurisprudence Examinations within six ~~[three]~~ calendar months after graduation or ~~[Foreign Pharmacy Graduate Equivalency Commission (FPGEC)]~~ certification; ~~[or]~~

(B) the failure of the extended-intern to pass the NAPLEX and Texas Pharmacy Jurisprudence Examinations specified in this section; ~~[or]~~

(C) upon termination of the residency program; or

(D) obtaining a Texas pharmacist license.

(5) The executive director of the board, in his/her discretion may extend the term of the extended internship if administration of the NAPLEX and/or Texas Pharmacy Jurisprudence Examinations is suspended or delayed.

(6) An applicant for licensure who has completed less than 500 hours of internship at the time of application shall complete the remainder of the 1,500 hours of internship and have the preceptor certify that the applicant has met the objectives listed in subsection (a) of this section.

(e) - (g) (No change.)

§283.7. Examination Requirements.

Each applicant for licensure by examination shall pass the Texas Pharmacy Jurisprudence Examination and the NAPLEX. The examination requirements shall be as follows:

(1) Prior to taking the required examination, the applicant shall:

(A) meet the educational and age requirements as set forth in §283.3 of this title (relating to Educational and Age Requirements);

(B) meet all requirements necessary in order for the Board to access the criminal history record information, including submitting fingerprint information and being responsible for all associated costs; and

(C) submit an application to the board that includes the following information:

(i) name;

(ii) addresses, phone numbers, date ~~[dates]~~ of birth, and social security number ~~[numbers]~~; however, if an individual is un-

able to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number along with documentation indicating why the individual is unable to obtain a social security number; and

(iii) any other information requested on the application.

(2) - (9) (No change.)

§283.8. Reciprocity Requirements.

(a) (No change.)

(b) A reciprocity applicant originally licensed after January 1, 1978, and who has graduated and received a professional degree from a college of pharmacy ~~[whose professional degree program has been approved by ACPE and approved by the board]~~, shall show proof such applicant has ~~[~~

~~[+] passed the NAPLEX or equivalent examination based on criteria no less stringent than the criteria in force in Texas. ~~[; or]~~~~

~~[(2) been continually engaged in the practice of pharmacy for a period of two years immediately preceding the application for reciprocal licensure and has obtained sufficient continuing education credits required to maintain a license to practice pharmacy in the state that originally licensed such pharmacist; or]~~

~~[(3) been licensed to practice pharmacy for a period of two years immediately preceding the application for reciprocal licensure and has obtained sufficient continuing education credits required to maintain a license to practice pharmacy in the state that originally licensed such pharmacist.]~~

(c) - (d) (No change.)

§283.9. Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity.

(a) (No change.)

(b) If an applicant fails an examination or is required to take an examination by the Board, the application fee is \$52 for each examination the applicant is required to take. ~~[fees for one examination are as stated in subsection (a) of this section.]~~

(c) - (e) (No change.)

§283.10. Requirements for Application for a Pharmacist License Which Has Expired.

(a) - (e) (No change.)

(f) Persons practicing pharmacy in another state. Beginning January 1, 2002, the board may issue a license to a person who was licensed as a pharmacist in Texas, moved to another state, is licensed in the other state, and has been engaged in the practice of pharmacy in the other state for the two years preceding the application if the person meets the following requirements:

(1) makes application for licensure to the board on a form prescribed by the board;

(2) submits to the board certification that the applicant:

(A) is licensed as a pharmacist in another state and that such license is in good standing;

(B) has been continuously employed as a pharmacist in that state for the two years preceding the application; and

(C) has completed a minimum of 30 contact hours of approved continuing education during the preceding two license years;

(3) passes the Texas Pharmacy Jurisprudence Examination ~~[pharmacy jurisprudence examination]~~ with a grade of 75 (the passing

grade may be used for the purpose of licensure for a period of two years from the date of passing the examination); and

(4) pays to the board the examination fee set out in §283.9 of this title (relating to Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity).

(g) Persons not practicing pharmacy. Beginning January 1, 2002, the board may issue a license to a person who was licensed as a pharmacist in this state, but has not practiced pharmacy for the two years preceding application for licensure under the following conditions.

(1) The person's Texas pharmacist license has been expired for less than 10 years, the person shall:

(A) make application for licensure to the board on a form prescribed by the board;

(B) pass the Texas Pharmacy Jurisprudence Examination [~~pharmacy jurisprudence examination~~] with a grade of 75 (the passing grade may be used for the purpose of licensure for a period of two years from the date of passing the examination);

(C) pay the examination fee set out in §283.9 of this title; and

(D) complete approved continuing education and/or board-approved internship requirements according to the following schedule:

(i) if the Texas pharmacist license has been expired for more than one year but less than two years, the applicant shall complete 15 contact hours of approved continuing education;

(ii) if the Texas pharmacist license has been expired for more than two years but less than three years, the applicant shall complete 30 contact hours of approved continuing education;

(iii) if the Texas pharmacist license has been expired for more than three years but less than four years, the applicant shall complete 45 contact hours of approved continuing education;

(iv) if the Texas pharmacist license has been expired for more than four years but less than five years, the applicant shall complete 45 contact hours of approved continuing education and 500 hours of internship in a board-approved internship program;

(v) if the Texas pharmacist license has been expired for more than five years but less than six years, the applicant shall complete 45 contact hours of approved continuing education and 700 hours of internship in a board-approved internship program;

(vi) if the Texas pharmacist license has been expired for more than six years but less than seven years, the applicant shall complete 45 contact hours of approved continuing education and 900 hours of internship in a board-approved internship program;

(vii) if the Texas pharmacist license has been expired for more than seven years but less than eight years, the applicant shall complete 45 contact hours of approved continuing education and 1,100 hours of internship in a board-approved internship program;

(viii) if the Texas pharmacist license has been expired for more than eight years but less than nine years, the applicant shall complete 45 contact hours of approved continuing education and 1,300 hours of internship in a board-approved internship program; and

(ix) if the Texas pharmacist license has been expired for more than nine years but less than 10 years, the applicant shall complete 45 contact hours of approved continuing education and 1,500 hours of internship in a board-approved internship program.

(2) Any hours of approved continuing education earned within two years prior to the applicant successfully passing the Texas Pharmacy Jurisprudence Examination [~~pharmacy jurisprudence examination~~] may be applied towards the continuing education requirement.

(3) Any hours worked as a licensed pharmacist in another state during the two years prior to the applicant successfully passing the Texas Pharmacy Jurisprudence Examination [~~pharmacy jurisprudence examination~~] may be applied towards the internship requirement.

(4) All requirements for licensure shall be completed within two years from the date the applicant successfully passes the Texas Pharmacy Jurisprudence Examination [~~pharmacy jurisprudence examination~~].

(5) If the person's Texas pharmacist license has been expired for 10 years or more, the applicant shall apply for licensure by examination as specified in §283.7 of this title and §283.4 of this title (relating to Internship Requirements).

§283.11. Examination Retake Requirements.

(a) - (b) (No change.)

(c) Examination Retake Committee. The board shall appoint one representative from each Texas college/school of pharmacy and one current board member to serve on the Examination Retake Committee. The Examination Retake Committee shall:

(1) - (5) (No change.)

(d) (No change.)

§283.12. Licenses for Military Spouses.

(a) For the purpose of §55.004, Occupations Code, an applicant for a pharmacist's license who is the spouse of a person serving on active duty as a member of the armed forces of the United States may complete the following procedures for licensing as a pharmacist.

(1) Requirements for licensing by reciprocity. An applicant for licensing by reciprocity who meets all of the following requirements may be granted a temporary license as specified in subsection (b) of this section prior to completing the NABP application for pharmacist license by reciprocity, and taking and passing the Texas Pharmacy Jurisprudence Examination. The applicant shall:

(A) complete the Texas application for pharmacist license by reciprocity that includes the following:

(i) name;

(ii) addresses, phone numbers, date of birth, and social security number; however, if an individual is unable to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number along with documentation indicating why the individual is unable to obtain a social security number; and

(iii) any other information requested on the application;

(B) meet the educational and age requirements as set forth in §283.3 of this title (relating to Educational and Age Requirements);

(C) present to the board proof of initial licensing by examination and proof that any current licenses and any other licenses granted to the applicant by any other state have not been suspended, revoked, canceled, surrendered, or otherwise restricted for any reason;

(D) meet all requirements necessary for the board to access the criminal history records information, including submitting fingerprint information and such criminal history check does not reveal

any disposition for a crime that board rule §281.64 of this title (relating to Sanctions for Criminal Offenses) indicates a sanction of denial, revocation, or suspension;

(E) pay the licensing fee set out in §283.9 of this title (relating to Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity); and

(F) provide documentation that the applicant is the spouse of a member of the armed forces of the United States to include:

- (i) marriage certificate; and
- (ii) military identification indicating that the:
 - (I) applicant is a military dependent; and
 - (II) applicant's spouse is on active duty status.

(2) Requirements for an applicant whose Texas pharmacist's license has expired. An applicant whose Texas pharmacist's license has expired within five years preceding the application date and while the applicant lived in another state for at least six months:

(A) shall complete the Texas application for licensing that includes the following:

- (i) name;
- (ii) addresses, phone numbers, date of birth, and social security number; however, if an individual is unable to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number along with documentation indicating why the individual is unable to obtain a social security number; and

(iii) any other information requested on the application;

(B) shall provide documentation that the applicant is the spouse of a person serving on active duty as a member of the armed forces of the United States to include:

- (i) marriage certificate; and
- (ii) military identification;

(C) shall pay the renewal fee specified in §295.5 of this title (relating to Pharmacist License Renewal Fees);

(D) shall complete approved continuing education requirements according to the following schedule:

(i) if the Texas pharmacist license has been expired for more than one year but less than two years, the applicant shall complete 15 contact hours of approved continuing education;

(ii) if the Texas pharmacist license has been expired for more than two years but less than three years, the applicant shall complete 30 contact hours of approved continuing education; or

(iii) if the Texas pharmacist license has been expired for more than three years but less than five years, the applicant shall complete 45 contact hours of approved continuing education; and

(E) is not required to take the Texas Pharmacy Jurisprudence Examination.

(b) A temporary license issued under this section is valid for no more than six months and may be extended, if disciplinary action is pending, or upon request, as otherwise determined reasonably necessary by the executive director of the board.

(c) A temporary license issued under this section expires within six months of issuance if the individual fails to pass the Texas

Pharmacy Jurisprudence Examination within six months or fails to take the Texas Pharmacy Jurisprudence Examination within six months.

(d) An individual may not serve as pharmacist-in-charge of a pharmacy with a temporary license issued under this section.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 28, 2011.

TRD-201105197

Gay Dodson, R.Ph.

Executive Director/Secretary

Texas State Board of Pharmacy

Earliest possible date of adoption: January 8, 2012

For further information, please call: (512) 305-8028



CHAPTER 291. PHARMACIES

SUBCHAPTER B. COMMUNITY PHARMACY

(CLASS A)

22 TAC §291.34

The Texas State Board of Pharmacy proposes amendments to §291.34, concerning Records. The proposed amendments, if adopted, implement the provisions of Senate Bill 594 passed by the 2011 Texas Legislature to allow the electronic transmission of Schedule II controlled substance prescription orders and update recordkeeping requirements with regard to documenting patient counseling.

Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year period the rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Dodson has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the rule will ensure that Schedule II controlled substance prescription orders transmitted electronically to the pharmacy are dispensed in compliance with state and federal requirements and the requirements for documenting patient counseling are consistent with other sections of the rules. There is no fiscal impact for individuals, small or large businesses, or to other entities which are required to comply with this section.

Comments on the proposed amendments may be submitted to Allison Benz, R.Ph., M.S., Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600, Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., January 13, 2012.

The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act (Chapters 551 - 566 and 568 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this amendment: Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code.