

TITLE 22. EXAMINING BOARDS
Part 15. Texas State Board of Pharmacy
Chapter 291. Pharmacies
Subchapter A. All Classes of Pharmacies

22 TAC §291.6

The Texas State Board of Pharmacy proposes repeal of §291.6 concerning Pharmacy Licensing Fees and simultaneously proposes new §291.6 concerning Pharmacy Licensing Fees. The new rule, if adopted, will increase the initial licensing fee by \$5 and the renewal fee by \$2 to fund the Office of Patient Protection as authorized by H.B. 2985 passed by the 78th Texas Legislature.

Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year period the rule is in effect, there will be fiscal implications for state government as a result of enforcing or administering the rule as follows:

	FY2004	FY2005	FY2006	FY2007	FY2008
Revenue	\$5,736	\$9,246	\$9,246	\$9,246	\$9,246
Expenditures	\$5,736	\$9,246	\$9,246	\$9,246	\$9,246
Net Effect	\$0	\$0	\$0	\$0	\$0

There are no anticipated fiscal implications for local government.

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 the establishment of a system for the registration of pharmacy technicians. The fiscal impact on large, small or micro-businesses (pharmacies) will be an additional \$5.00 fee for a new pharmacy license issued and an additional \$2.00 biennial fee for the renewal of a pharmacy license, for the purpose of funding the Office of Patient Protection.

A public hearing to receive comments on the proposed new rule will be held at 9:00 a.m. on Tuesday, November 18, 2003, at the Health Professions Council Board Room, 333 Guadalupe Street, Tower II, Room 2-225, Austin, Texas 78701. Persons planning to present comments to the Board are asked to provide a written copy of their comments prior to the hearing or bring 20 copies to the hearing. Written comments on the new rule may be submitted to Allison Benz, R.Ph., M.S., Director of Professional Services, 333 Guadalupe Street, Suite 3-600, Austin, Texas, 78701-3943, FAX: 512/305-8082, E-mail: allison.benz@tsbp.state.tx.us. Comments must be received by 5 p.m., November 12, 2003.

22 TAC §291.6

The repeal is proposed under Sections 554.051, 554.006, and 564.051 of Texas Pharmacy Act, Chapter 551-566, Occupations Code, Section 2054.053, Government Code, and Section 101.307, Occupations Code. The Board interprets Section 554.051 as authorizing the agency to adopt rules for the proper administration and enforcement of the Act. The Board interprets Section 554.006 as authorizing the agency to establish reasonable fees sufficient to cover the costs of administering the Texas Pharmacy Act. The Board interprets Section 564.051 as authorizing the Board to add a surcharge to fund a program to aid impaired pharmacists and pharmacy students. The Board interprets Section 2054.053 as authorizing the agency to add a surcharge to fund TexasOnline. The Board interprets Section 101.307 as authorizing the agency to add a surcharge to fund the Office of Patient Protection.

The statutes affected by the repeal: Chapters 551-566 and 568-569, Texas Occupations Code.

291.6. Licensing Fees.

The agency hereby certifies that the proposed repeal has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

22 TAC §291.6

The new rule is proposed under Sections 554.051, 554.006, and 564.051 of Texas Pharmacy Act, Chapter 551-566, Occupations Code, Section 2054.053, Government Code, and Section 101.307, Occupations Code. The Board interprets Section 554.051 as authorizing the agency to adopt rules for the proper administration and enforcement of the Act. The Board interprets Section 554.006 as authorizing the agency to establish reasonable fees sufficient to cover the costs of administering the Texas Pharmacy Act. The Board interprets Section 564.051 as authorizing the Board to add a surcharge to fund a program to aid impaired pharmacists and pharmacy students. The Board interprets Section 2054.053 as authorizing the agency to add a surcharge to fund TexasOnline. The Board interprets Section 101.307 as authorizing the agency to add a surcharge to fund the Office of Patient Protection.

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

The agency hereby certifies that the proposed new rule has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

§291.6 Pharmacy License Fees

(a) Initial License Fee.

(1) The fee for the an initial license shall be \$368 for a two year registration and is composed of the following:

(A) \$341 for processing the application and issuance of the pharmacy license as authorized by the Act §554.006;

(B) \$12 surcharge to fund a program to aid impaired pharmacists and pharmacy students as authorized by the Act §564.051; and

(C) \$10 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and

(D) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101, Subchapter G, Occupations Code.

(2) New pharmacy licenses shall be assigned an expiration date and initial registration fee shall be prorated based on the assigned expiration date.

(b) *Biennial License Renewal.* The Texas State Board of Pharmacy shall require biennial renewal of all pharmacy licenses provided under the Act §561.002.

(c) *Renewal Fee.* The fee for biennial renewal of a pharmacy license shall be \$365 and is composed of the following:

(1) \$341 for processing the application and issuance of the pharmacy license as authorized by the Act §554.006;

(2) \$12 surcharge to fund a program to aid impaired pharmacists and pharmacy students as authorized by the Act §564.051;

(3) \$10 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and

(4) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101, Subchapter G, Occupations Code.

(d) *Duplicate or Amended Certificates.* The fee for issuance of an amended pharmacy license renewal certificate shall be \$20.