

# TEXAS STATE BOARD OF PHARMACY

## CHAPTER 295. PHARMACISTS

### 22 TAC §295.8

The Texas State Board of Pharmacy proposes amendments to §295.8, concerning Continuing Education Requirements. The amendments, if adopted, clarify the procedures for pharmacists who have been licensed for 50 years wanting to return to the practice of pharmacy.

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 only qualified individuals are licensed to practice pharmacy. 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) 305-8082. Comments must be received by 5:00 p.m., October 30, 2008.

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 rule: Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code.

#### *§295.8. Continuing Education Requirements.*

(a) - (c) (No change.)

(d) Reporting Requirements.

(1) - (2) (No change.)

(3) Extension of time for reporting. A pharmacist who has had a physical disability, illness, or other extenuating circumstances which prohibits the pharmacist from obtaining continuing education credit during the preceding license period may be granted an extension of time to complete the continued education requirement. The following is applicable for this extension. ~~[The board may grant an extension of time for a pharmacist to comply with the continuing education requirements. Such extension may be granted for good cause as follows:]~~

~~[(A) A pharmacist who has had a physical disability, illness, or other extenuating circumstances which prohibits the pharmacist from obtaining continuing education credit during the preceding license period may be granted an extension of time to complete the continued education requirement. The following is applicable for this extension.]~~

~~(A) [(i)]~~ The pharmacist shall submit a petition to the board with his/her license renewal application which contains:

~~(i) [(i)]~~ the name, address, and license number of the pharmacist;

~~(ii) [(ii)]~~ statement of the reason for the request for extension which includes the dates the pharmacist was incapacitated; and

~~(iii) [(iii)]~~ if the reason for the request for extension is health related, a statement from the attending physician(s) treating the pharmacist which includes the nature of the physical disability or illness and the dates the pharmacist was incapacitated.

~~(B) [(ii)]~~ After review and approval of the petition, a pharmacist may be granted an extension of time to comply with the continuing education requirement which shall not exceed one license renewal period.

~~(C) [(iii)]~~ An extension of time to complete continuing education credit does not relieve a pharmacist from the continuing education requirement during the current license period.

~~(D) [(iv)]~~ If a petition for extension to the reporting period for continuing education is denied, the pharmacist shall:

~~(i) [(i)]~~ have 60 days to complete and report completion of the required continuing education requirements; and

~~(ii) [(ii)]~~ be subject to the requirements of paragraph (2) of this subsection relating to failure to report completion of the required continuing education if the required continuing education is not completed and reported within the required 60-day time period.

~~[(B) Pharmacists who have been licensed for 50 years are subject to the following.]~~

~~[(i) Pharmacists who are actively practicing pharmacy shall complete the continuing education requirements in order to renew their license.]~~

~~[(ii) Pharmacists who are not actively practicing pharmacy shall be granted an indefinite extension to the reporting requirement for continuing education provided the pharmacists submit a completed renewal application for each license period which states that they are not practicing pharmacy. Upon submission of the completed renewal application, the pharmacist shall be issued a renewal certificate which states that pharmacist is inactive.]~~

~~[(iii) Pharmacists who wish to return to the practice after being granted an extension to the continuing education requirements as specified in clause (ii) of this subparagraph must:]~~

~~[(1) notify the board of their intent to actively practice pharmacy;]~~

~~[(II) pay the licensing fee as specified in §295.5 of this title (relating to Pharmacist License or Renewal Fees); and]~~

~~[(III) submit documentation of completion of the required number of continuing education hours for each license period they have been granted an extension up to a maximum of 45 contact hours (4.5 CEUs).]~~

~~[(C) During a granted extension period, a pharmacist license shall be renewed and the pharmacist may practice pharmacy.]~~

(4) Exemptions from reporting requirements.

(A) All pharmacists licensed in Texas shall be exempt from the continuing education requirements during their initial license period.

(B) Pharmacists who have been licensed for 50 years are subject to the following.

(i) Pharmacists who are actively practicing pharmacy shall complete the continuing education requirements in order to renew their license.

(ii) Pharmacists who are not actively practicing pharmacy shall be granted an exemption to the reporting requirements for continuing education provided the pharmacists submit a completed renewal application for each license period which states that they are not practicing pharmacy. Upon submission of the completed renewal application, the pharmacist shall be issued a renewal certificate which states that pharmacist is inactive.

(iii) Pharmacists who wish to return to the practice of pharmacy after being exempted from the continuing education requirements as specified in clause (ii) of this subparagraph must:

(I) notify the board of their intent to actively practice pharmacy;

(II) pay the licensing fee as specified in §295.5 of this title (relating to Pharmacist License or Renewal Fees); and

(III) provide copies of completion certificates from approved continuing education programs as specified in subsection (e) of this section for 30 hours. Approved continuing education earned within two years prior to the licensee applying for the return to active status may be applied toward the continuing education requirement for reactivation of the license but may not be counted toward subsequent renewal of the license.

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

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 September 8, 2008.

TRD-200804803

Gay Dodson, R.Ph.

Executive Director/Secretary

Texas State Board of Pharmacy

Earliest possible date of adoption: October 19, 2008

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