

(iii) initials or identification code of the pharmacy technician or pharmacy technician trainee performing data entry of the prescription, if applicable;

(iv) quantity dispensed, if different from the quantity prescribed;

(v) date of dispensing, if different from the date of issuance; and

(vi) brand name or manufacturer of the drug product actually dispensed, if the drug was prescribed by generic name or if a drug product other than the one prescribed was dispensed pursuant to the provisions of the Act, Chapters 562 and 563.]; and]

~~[(vii) for each new prescription the initials or identification code of the pharmacist responsible for providing counseling.]~~

(7) - (9) (No change.)

(c) - (j) (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 November 28, 2011.

TRD-201105198

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 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

22 TAC §297.10

The Texas State Board of Pharmacy proposes new §297.10, concerning Registration for Military Spouses. The proposed new rule, 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 ensure that applicants who are military spouses are allowed alternative procedures for registration. Economic cost to persons who are required to comply with the new rule will be the fee for registration as outlined in §297.4 concerning fees for pharmacy technician trainees and pharmacy technicians. 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 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 new rule is 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 new rule: Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code and Chapter 55, Texas Occupations Code.

§297.10. Registration for Military Spouses.

For the purpose of §55.004, Occupations Code, an applicant for a pharmacy technician registration 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 registering as a pharmacy technician.

(1) An applicant who holds a current registration as a pharmacy technician issued by another state shall meet the requirements for registration as a pharmacy technician trainee as specified in §297.3 of this chapter (relating to Registration Requirements).

(2) An applicant who held a pharmacy technician registration in Texas that expired within the five years preceding the application date and the registration expired while the applicant lived in another state for at least six months who meets the following requirements may be granted a pharmacy technician registration. The applicant:

(A) shall complete the Texas application for registration 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 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;

(C) shall pay the registration fee set out in §297.4 of this title;

(D) shall meet all necessary requirements in order for the board to access the criminal history records information, including submitting fingerprint information and such criminal history check does not reveal any charge or conviction for a crime that §281.64 of

this title (relating to Sanctions for Criminal Offenses) indicates a sanction of denial, revocation, or suspension; and

(E) is not required to have a current PTCB certificate.

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.

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Gay Dodson, R.Ph.

Executive Director/Secretary

Texas State Board of Pharmacy

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



PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

The Texas State Board of Examiners of Professional Counselors (board) proposes amendments to §§681.2, 681.14, 681.15, 681.41, 681.46, 681.72, 681.81, 681.91, 681.93, 681.112, and 681.125, and new §681.172, concerning the licensing and regulation of professional counselors.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 681.2, 681.14, 681.15, 681.41, 681.46, 681.72, 681.81, 681.91, 681.93, 681.112, and 681.125 have been reviewed and the board has determined that the reasons for adopting the sections continue to exist in that rules concerning the licensing and regulation of professional counselors are still needed; however, the rules will be amended and proposed with revisions as described in this preamble. The proposed revisions ensure that the rules reflect current legal, policy, and operational considerations; improve draftsmanship; and make the rules more accessible, understandable, and usable, to the extent possible.

SECTION-BY-SECTION SUMMARY

The definition of "art therapy intern" in §681.2(5) is deleted for clarity as an LPC-Intern cannot hold the art therapy designation. Paragraphs (6) - (14) of the section are renumbered to reflect the deletion of paragraph (5).

Section 681.14(a)(1) is amended to collect a fee of \$90 for application and intern license, and a fee for \$100 for a two-year initial license which replaced the \$95 fee which included the \$90 application fee plus the \$5 Texas Online fee. This is not an increase in fees because the fees are being collected up front instead of the rest at the time the license is upgraded to full licensure. Subsection (a)(2) concerning examination fees is deleted as obsolete as determined by the board, as the fee has not been assessed by the board since 2005. Subsection (a)(3) is deleted as obsolete, as the temporary license extension fee has not been collected in

a number of years, and requires renumbering of the remaining paragraphs of the subsection. The deletion of subsection (c) will align the section with §681.15 concerning the reimbursement of licensing fees.

Section 681.15(b) - (d) is deleted as some fees might be refunded, depending on the circumstance.

Section 681.41(aa) is added to require a licensee to obtain a copy of the divorce decree and current custody agreement before counseling a minor and subsection (bb) is renumbered accordingly.

Section 681.46(c) is amended to add a time limit on when an address or name change must be received in the board office.

Section 681.72(d) is amended to show that the supervisor is responsible for submitting the supervisor agreement form for any new site or intern change. New subsection (e) further clarifies supervision hour approval and this requires renumbering of subsections (f) and (g).

Section 681.81(g) is added to limit the time between earning a degree and when application must occur unless applying by reciprocity from another state.

Section 681.91 is amended to remove references to supervised experience gained prior to 1994 in subsection (b); new subsection (k) restates the requirement for the supervisor to submit the supervisor agreement form to the board office for changes or additional supervisees or sites; and new subsection (l) restates that a new supervisor agreement form must be submitted for each new supervisor or site before supervision begins. Subsection (m) is renumbered due to the addition of new subsections (k) and (l).

Section 681.93(c)(1) is amended to limit the number of years a supervision course is accepted prior to application of the supervisor status. Subsection (d) is amended to require the supervisor to maintain a more detailed log of supervision.

Section 681.112 is amended for clarity regarding the required exams for licensure.

Section 681.125(e) is amended to include the ethics requirement for licensees returning to active status; subsection (g) is amended to require a new supervision course for LPC-Supervisors who have gone on inactive status for more than two years; and new subsection (i) limits the number of years an LPC-Intern can be on inactive status.

New 681.172 outlines the due process for licensees in violation of an Agreed Order.

FISCAL NOTE

Bobbe Alexander, Executive Director, has determined that for each year of the first five years the sections are in effect, there will be no fiscal implications to state or local governments as a result of enforcing or administering the sections as proposed. There will be no decrease in general revenue each year of the first five years the sections are in effect.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Alexander has also determined that there will be no economic costs to small businesses or micro-businesses. It was determined by interpretation of the rules that these entities will not be required to alter their business practices to comply with the sections as proposed. The rules relate to individuals who are licensed as professional counselors.