

## RULE ANALYSIS

**Introduction:** THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS ADOPTED RULES

**Short Title:** Approved Continuing Education Programs

**Rule Numbers:** §295.8

**Statutory Authority:** Texas Pharmacy Act, Chapter 551-566 and 568-569, Occupations Code:

- (1) Section 551.002 specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; and
- (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act.

**Purpose:** The amendments, if adopted, allow pharmacists to receive continuing education credit for programs approved by other state boards of pharmacy.

**Background:** At the February 14, 2012, meeting, the Board discussed the awarding of continuing education credit for programs that are approved by other state boards of pharmacy. The Board directed staff to draft proposed language.

**The Board reviewed and voted to propose the amendments during the May 8, 2012, meeting. The proposed amendments were published in the June 22, 2012, issue of the *Texas Register* at 37 TexReg 4525.**

~~{(D) a recall if there is probable or confirmed harm to a patient.}~~

~~{(2) If the pharmacy identifies a suspicion of, probable, or confirmed harm to a patient, the pharmacy shall immediately notify and provide information as required by the board to the following:}~~

~~{(A) the Texas Department of State Health Services, Drugs and Medical Devices Group, if the preparation is distributed for office use; and}~~

~~{(B) the board.}~~

~~(4) [(3)] The board may require a pharmacy to initiate [institute] recall if there is potential for [probable] or confirmed harm to a patient.~~

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 June 7, 2012.

TRD-201202900

Gay Dodson, R.Ph.

Executive Director/Secretary

Texas State Board of Pharmacy

Earliest possible date of adoption: July 22, 2012

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



## CHAPTER 295. PHARMACISTS

### 22 TAC §295.5, §295.8

The Texas State Board of Pharmacy proposes amendments to §295.5, concerning Pharmacist License or Renewal Fees, and §295.8, concerning Continuing Education Requirements. The proposed amendments to §295.5, if adopted, will raise pharmacist license fees to generate additional revenue needed to make revenue projections. The proposed amendments to §295.8, if adopted, will allow pharmacists to receive continuing education credit for programs approved by other state boards of pharmacy.

Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year period the amendments to §295.8 are 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 the first five-year period the amendments to §295.5 are in effect, there will be no fiscal implications for state government as a result of enforcing or administering the amended rule as follows:

#### Revenue Increase

FY2013 = \$132,750

FY2014 = \$146,210

FY2015 = \$146,210

FY2016 = \$146,210

FY2017 = \$146,210

There are no anticipated fiscal implications for local government.

Ms. Dodson has determined that, for each year of the first five-year period the amendments to §295.8 will be in effect, the public benefit anticipated as a result of enforcing the rule will be to allow more opportunities for pharmacists to accumulate continuing education credit from programs approved by other state boards

of pharmacy. There is no fiscal impact for individuals, small or large businesses, or to other entities which are required to comply with this section.

Ms. Dodson has determined that, for each year of the first five-year period the amendments to §295.5 will be in effect, the public benefit anticipated as a result of enforcing the rule will be assuring that the Texas State Board of Pharmacy is adequately funded to carry out its mission. 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.

Economic cost to persons who are required to comply with the amended rule will be an increase of \$10 for an initial license and an increase of \$10 for the renewal of a license.

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., July 31, 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 these amendments: Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code.

#### *§295.5. Pharmacist License or Renewal Fees.*

- (a) (No change.)
- (b) Initial License Fee.

(1) The fee for the initial license shall be \$215 [\$200] for a two year registration and for processing the application and issuance of the pharmacist license as authorized by the Act, §554.006.

(2) In addition, the following fees shall be collected:

- (A) (No change.)
  - (B) \$5 [\$10] surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and
  - (C) (No change.)
- (3) (No change.)
- (c) Renewal Fee.

(1) The fee for biennial renewal of a pharmacist license shall be \$215 [\$200] for processing the application and issuance of the pharmacist license as authorized by the Act, §554.006.

(2) In addition, the following fees shall be collected:

- (A) (No change.)
  - (B) \$5 [\$10] surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and
  - (C) (No change.)
- (d) - (e) (No change.)

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

- (a) - (d) (No change.)
- (e) Approved Programs.

(1) - (11) (No change.)

(12) Pharmacists shall receive credit toward their continuing education requirements for programs or courses approved by other state boards of pharmacy as follows:

(A) Pharmacists shall receive credit for the number of hours for the program or course as specified by the other state board of pharmacy.

(B) Proof of attendance at a program or course approved by another state board of pharmacy shall be a certificate or other documentation that indicates:

(i) name of the participant;

(ii) title and date of the program;

(iii) name of the approved provider sponsoring or cosponsoring the program;

(iv) number of contact hours and/or CEUs awarded;

(v) a dated certifying signature of the provider; and

(vi) documentation that the program is approved by the other state board of pharmacy.

(13) [(42)] Upon demonstrated need the board may establish criteria to approve programs presented by non-ACPE approved providers.

(f) - (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 June 7, 2012.

TRD-201202901

Gay Dodson, R.Ph.

Executive Director/Secretary

Texas State Board of Pharmacy

Earliest possible date of adoption: July 22, 2012

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



## CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

### 22 TAC §297.4

The Texas State Board of Pharmacy proposes amendments to §297.4, concerning Fees. The proposed amendments to §297.4, if adopted, will raise pharmacy technician and pharmacy technician trainee fees to generate additional revenue needed to make revenue projections.

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

#### Revenue Increase

FY2013 = \$195,250

FY2014 = \$213,000

FY2015 = \$213,000

FY2016 = \$213,000

FY2017 = \$213,000

There are no anticipated fiscal implications for local government.

Ms. Dodson has determined that, for each year of the first five-year period the amendments to §297.4 will be in effect, the public benefit anticipated as a result of enforcing the rule will be assuring that the Texas State Board of Pharmacy is adequately funded to carry out its mission. 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.

Economic cost to persons who are required to comply with the amended rule will be an increase of \$10 for an initial/renewal registration for pharmacy technicians and an increase of \$5 for an initial/renewal registration for pharmacy technician trainees.

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., July 31, 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 these amendments: Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code.

#### §297.4. Fees.

(a) Pharmacy technician trainee. The fee for registration shall be \$47 [\$42] and is composed of the following fees:

(1) \$40 [\$35] for processing the application and issuance of the pharmacy technician trainee registration as authorized by the Act, §568.005;

(2) - (3) (No change.)

(b) Pharmacy technician.

(1) (No change.)

(2) Initial Registration Fee. The fee for initial registration shall be \$75 [\$65] for a two year registration and is composed of the following fees:

(A) \$68 [\$56] for processing the application and issuance of the pharmacy technician registration as authorized by the Act, §568.005;

(B) \$2 [\$4] surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and

(C) (No change.)

(3) Renewal Fee. The fee for biennial renewal of a pharmacy technician registration shall be \$72 [\$62] and is composed of the following:

(A) \$68 [\$56] for processing the application and issuance of the pharmacy technician registration as authorized by the Act, §568.005;

(B) \$2 [\$4] surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and

(C) (No change.)